



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Local Review Body

A Meeting of the **Local Review Body** of North Ayrshire Council will be held in the **Council Chambers, Ground Floor, Cunninghame House, Irvine, KA12 8EE** on **Wednesday, 19 June 2019** at **14:15** to consider the undernoted business.

1 Declarations of Interest

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

2 Minutes

The accuracy of the Minutes of the meeting of the Local Review Body held on 22 May 2019 will be confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

3 Notice of Review: 18/1034/PP – Site to West of Pirogue, Whiting Bay, Isle of Arran

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

4 Urgent Items

Any other items which the Chair considers to be urgent.

Local Review Body Sederunt

Tom Marshall (Chair)
Timothy Billings (Vice-Chair)
Robert Barr
Ian Clarkson
Robert Foster
Christina Larsen
Shaun Macaulay
Ellen McMaster
Ronnie McNicol
Donald Reid

Chair:

Apologies:

Attending:

**Local Review Body
22 May 2019**

Agenda Item 2

Irvine, 22 May 2019 - At a Meeting of the Local Review Body of North Ayrshire Council at 2.30 p.m.

Present

Tom Marshall, Timothy Billings, Robert Barr, Ian Clarkson, Robert Foster, Christina Larsen, Shaun Macaulay, Ellen McMaster, Ronnie McNicol.

In Attendance

A. Hume, Planning Adviser to the LRB (Economy and Communities); A. Craig, Legal Adviser to the LRB (Legal Services); and E. Gray, Committee Services Officer (Chief Executive's Service).

Chair

Councillor Marshall in the Chair.

Apologies for Absence

None.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors.

2. Minutes

The Minutes of the special meeting of the Local Review Body held on 24 April 2019 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Notice of Review: 18/00992/PP – Kirkton Caravan Park, Golf Road, Millport, Isle of Cumbrae, KA28 0HB

Submitted a report by the Head of Service (Democratic Services) on a Notice of Review submitted by the applicant in respect of an application for planning permission refused by officers under delegated powers for the variation of Condition 1 of Planning Permission CH/87/746/S to allow the land to be used to store touring caravans between 1 November and 28/29 February at Kirkton Caravan Park, Golf Road, Millport.

The Notice of Review documentation, Planning Officer's Report of Handling, Planning decision notice, location plan, further representations by interested parties and the applicant's response to the further representations were provided as appendices to the report.

The Planning Adviser to the Local Review Body summarised the Notice of Review for the applicant and the Report of Handling for the appointed officer. Photographs and plans of the site were displayed. The Planning Adviser referred to the applicant's request for a site visit.

The Local Review Body unanimously agreed that enough information had been provided to determine the review request without a site visit.

Members asked questions and were provided with further information on condition 1 of planning permission CH/87/746/S and the reasons why this was included. Members also discussed the touring caravans which would be stored on the site and whether these were essentially being used as static caravans and the state of repair of a boundary fence at the site.

Councillor Foster, seconded by Councillor McMaster, moved that the Local Review Body uphold the decision taken by the Planning Officer to refuse the application for planning permission. There being no amendment the motion was declared carried.

Accordingly, the Local Review Body agreed to uphold the Planning Officer's decision to refuse planning permission on the following grounds:

1. That the proposed development would be contrary to criterion (a) and (b) of the General Policy and part (d) of TOU1 in the adopted North Ayrshire Council Local Development Plan, on the grounds that the year-round use would have a negative impact on the visual amenity of the area, with the loss of a visual buffer between residential properties and the larger caravan park beyond. The year-round use would also impact on the amenity of nearby residential properties by virtue of proximity to residential windows, and disturbance from traffic movements.

The Meeting ended at 2:55 p.m.

NORTH AYRSHIRE COUNCIL

19 June 2019

Local Review Body

Title: Notice of Review: 18/1034/PP – Site to West of Pirogue, Whiting Bay, Isle of Arran

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

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

1. Executive Summary

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

2. Background

- 2.1 A Notice of Review was submitted in respect of Planning Application 18/01034/PP – Conversion of a redundant agricultural building to form a dwelling-house at a site to the West of Pirogue, Whiting Bay, Isle of 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;
 - Appendix 4 - Planning Decision Notice;
 - Appendix 5 - Further representations from interested parties; 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.

Human Resources

4.2 None.

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.

Environmental and Sustainability

4.5 None.

Key Priorities

4.6 None.

Community Benefits

4.7 None.

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 these are attached at Appendix 5 to the report.

5.2 The applicant has had an opportunity to respond to the further representations and their response is set out in Appendix 6 to the report.

Andrew A Fraser
Head of Democratic Services

For further information please contact **Euan Gray, Committee Services Officer**, on **01294 324130**.

Background Papers

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Cunninghame House Friars Croft Irvine KA12 8EE Tel: 01294 324 319 Fax: 01294 324 372 Email: eplanning@north-ayrshire.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 100161717-001

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: John Lamb Architect

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

First Name: * John Building Name:

Last Name: * Lamb 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="Other"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text" value="Mr & Mrs"/>	Building Name: <input type="text" value=""/>
First Name: *	<input type="text" value="M ke and June"/>	Building Number: <input type="text" value=""/>
Last Name: *	<input type="text" value="Taylor"/>	Address 1 (Street): * <input type="text" value=""/>
Company/Organisation	<input type="text" value=""/>	Address 2: <input type="text" value=""/>
Telephone Number: *	<input type="text" value=""/>	Town/City: * <input type="text" value=""/>
Extension Number:	<input type="text" value=""/>	Country: * <input type="text" value=""/>
Mobile Number:	<input type="text" value=""/>	Postcode: * <input type="text" value=""/>
Fax Number:	<input type="text" value=""/>	
Email Address: *	<input type="text" value=""/>	

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=""/>
Address 2:	<input type="text" value=""/>
Address 3:	<input type="text" value=""/>
Address 4:	<input type="text" value=""/>
Address 5:	<input type="text" value=""/>
Town/City/Settlement:	<input type="text" value=""/>
Post Code:	<input type="text" value=""/>

Please identify/describe the location of the site or sites

Site to West of Pirogue, Whiting Bay, Isle of Arran

Northing	<input type="text" value=""/>	Easting	<input type="text" value=""/>
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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)

Conversion of Redundant Agricultural Building to Form Dwelling-house

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.

A review is sought on the grounds set out in the attached Notice of Review Document

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)

Notice of Review Planning Proposal Drawing Design Statement Original Planning Application Planning Decision Notice

Application Details

Please provide details of the application and decision.

What is the application reference number? *

18/01034/PP

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

20/11/2018

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

21/01/2019

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

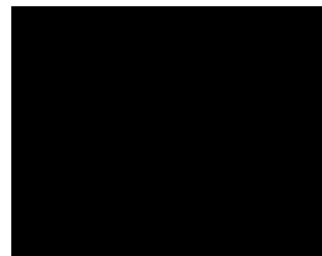
I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr John Lamb

Declaration Date: 18/04/2019

Notice for Review of Decision
by North Ayrshire Council
to Refuse Planning Permission for the Conversion
of a Redundant Agricultural Building
to the West of Pirogue, Whiting Bay, Isle of Arran
(Application No. N.18/01034/PP)

JOHN LAMB
Architect 



The following are the grounds for requesting a review of the decision by North Ayrshire Council, taken on the 21st of January, 2019, to refuse an application by [REDACTED], for planning permission to convert a redundant agricultural building at the Site to the West of Pirogue, Whiting Bay, Isle of Arran (application no. N.18/01034/PP)

REASONS FOR REFUSAL

The reasons for refusal were as follows:

1. That the proposed development would be contrary to criterion (a), (b) and (f) of policy ENV3 of the North Ayrshire Council Local Development Plan as: (a) the existing building is not in an acceptable location or of appropriate scale and character for conversion to a dwellinghouse; (b) the building does not possess sufficient architectural or historic interest to make a significant positive contribution to the visual amenity of the rural landscape; and (f) the proposals do not take cognisance of the Rural Design Guidance.
2. That the proposed development would be contrary to criteria (a) and (c) of the General Policy of the North Ayrshire Council Local Development Plan as: (a) the proposed siting does not have regard to the visual effects of the development on the surrounding landscape; and (c) the development would have a significant adverse impact on the landscape character of the area.

LOCAL PLAN POLICY

The relevant policies in the North Ayrshire Adopted Local Development Plan are ENV3 (clauses a, b and f) and the General Policy (clauses a and c). These are as follows:

POLICY ENV3

(a)

The building must be suitable for the proposed use, in an acceptable location and of an appropriate scale and character.

(b)

The property must have substantial residual fabric (as advised in Supporting Information Paper 8) and be capable of reuse.

(f)

The proposals take cognisance of the Council's Rural Design Guidance.

Supporting Information Paper 8 (referred to in clause (b) states:

Criterion (b) of the policy requires that the existing building has substantial residual fabric and is capable of re-use. The principle behind the policy is to provide opportunities for residential development and to utilise rural buildings for the architectural and historic interest and the contribution they make on visual impact in the landscape. Applications are judged on how far this aim is achieved. It is not intended that there should be substantial rebuilding, radical alteration or excessive extension which would obliterate the character of the existing building. To have substantial residual fabric suitable for conversion, rehabilitation or replacement an existing building must have its front elevation intact to wallhead height with all other external walls largely intact to a similar level, and have the capacity for the new use while maintaining the form scale and character of the original building.

It is not the objective to be totally prescriptive and the policy is open to an element of interpretation within the principle of ensuring that the form, scale and character of the existing building is maintained.

The Council's Rural Design Guidance refers to the siting of single houses in the context of new properties, which is not relevant to this application. It refers to character, again in the context of new houses.

However, an example of an appropriate use of timber cladding bears a marked resemblance to the proposals with a simple pitched roof, rectangular plan form and timber cladding. The use of natural stone is also deemed appropriate.

GENERAL POLICY

(a)

Siting, Design and External Appearance:

- Siting of development should have regard to the relationship of the development to existing buildings and the visual effects of the development on the surrounding area and landscape.
- Design should have regard to existing townscape and consideration should be given to size, scale, form, massing, height, and density.
- External appearance should have regard to the locality in terms of style, fenestration, materials and colours.
- Development will require to incorporate the principles of 'Designing Streets' and 'Designing Places'.
- The particularly unique setting of North Ayrshire's rural, coastal, neighbourhood and town centre areas, and those with similar characteristics, necessitates that all development proposals reflect specific design principles unique to these areas. Coastal, Rural, Neighbourhood and Town Centre Design Guidance (four separate documents) are Supplementary Guidance to the Plan and contain further details.
- Consideration should be given to proper planning of the area and the avoidance of piecemeal and backland development.
- Design should have regard to the need to reduce carbon emissions within new buildings.

(c)

Landscape Character: In the case of development on edge of settlement sites, substantial structure planting will generally be required to ensure an appropriate boundary between town and country is provided. Such proposals should include native tree planting, retain natural features where possible and make provision for future maintenance. Development should seek to protect the landscape character from insensitive development and the Ayrshire Landscape Character Assessment shall be used to assist assessment of significant proposals.

GROUNDINGS FOR REVIEW

The reasons for refusal are:

1. The existing building is not in an acceptable location.
2. The existing building is not of an appropriate scale and character for conversion to a dwelling-house.
3. The building does not possess sufficient architectural or historic interest to make a significant positive contribution to the visual amenity of the rural landscape.
4. The proposals do not take cognizance of the Rural Design Guidance.
5. The proposed siting does not have regard to the visual effects of the development on the surrounding landscape.
6. The development would have a significant adverse impact on the landscape character of the area.

Addressing each of these reasons in turn in the context of the Adopted Local Development Plan, the applicant rejects these reasons for refusal on the following grounds:

1 LOCATION & SITING

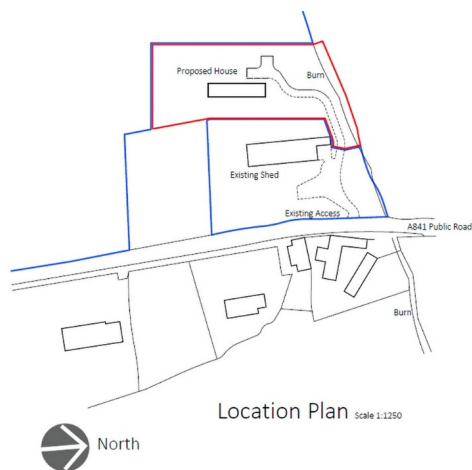
In February, 2007, planning permission was granted for the existing building (ref. 07/0000/09). The building, with its current size, shape and finishes was therefore deemed to be appropriate at that time and not to have any adverse impact on the visual amenity of the surrounding area or the character of the landscape. As the building will remain the same size and shape with only renewal of finishes and the introduction of some windows, there are no grounds on which to claim that its location is now inappropriate.

On what basis is a location considered to be acceptable? There are no logistical or practical reasons why the location is unacceptable as access and servicing are all easily possible. If acceptability is determined by the building's surroundings and relationship to views and other buildings, then, the existing building is part of a cluster of buildings on either side of the A841 public road to the South of Whiting Bay. It sits behind a large metal clad barn in an elevated position, but not high enough to break the skyline.

The application site sits back from the road in an elevated position. Just some 300 metres to the North are two houses similarly set back from the road and on elevated positions on the hillside, an almost identical location to the application site in terms of relationship to the road and the landscape.



View from the public road. The application site is the building to the left of the large green shed.



The application site, outlined in red and the nearby buildings.



3 Houses to the North of the application site set back from the road and in elevated positions.

The proposal is for the conversion of an existing building, not a new one, and therefore the location is established. The building exists lawfully and, if appropriately maintained, will continue to occupy the site for many years to come. Its location and contribution to the landscape is therefore established and will not change.

Given that the building already exists in its current location and the proposed re-cladding would not require planning permission (Farm Diversification and Planning Permission in Scotland: Guidance, published in 2003 by The Scottish Government), the existing building could therefore remain in situ, with its proposed appearance, remaining part of the landscape in which it sits and to which it contributes to the character.

In terms of the General Policy the proposal will have no impact whatsoever on the existing buildings and will have no visual effect on the surrounding area and landscape as it will simply maintain the status quo.

The Rural Design Guidance covers siting but this is in the context of new buildings and is not relevant to this application.

Therefore, as the building proposed for conversion is in a similar location to other houses nearby and already occupies a position in the landscape lawfully, its location must be acceptable as it is no different to others which are acceptable.

The applicants therefore reject this reason for refusal.

2 SCALE & CHARACTER OF THE BUILDING

Scale and character of a building are two separate issues. The scale relates to the size and proportions of the building while the character relates to its overall architectural appearance, shape, features, style and materials.

With regard to the scale of the building, it is single storey and of a size which can accommodate a three bedroomed house of modest proportions. The existing building is of an appropriate scale for the proposed use as clearly demonstrated in the submitted plans and elevations. (Floor Plan shown in appendix i) The scale is therefore appropriate.

The question of what is an appropriate character is a more subjective one. The only yardstick by which this can be measured is what has been considered appropriate in other examples.

In his Report on Handling, the Case Officer has discounted a number of similar examples given in the Design Statement submitted with the application because they are located in England and Wales and are “therefore not material considerations”. Presumably this view is based on England and Wales having different planning legislation. However numerous examples exist in Scotland, which have been approved by other planning authorities and which are subject to the same legislation. It should be recognized that what is being judged is the character of the building and whether it is appropriate in a rural setting and, in this context, new buildings of a similar type are equally relevant. In fact it can be argued that new builds of a simple agricultural character make a stronger case for the proposal as their design has not been constrained by any existing buildings and their form has still been deemed appropriate by the planning authorities in question.

The following illustrations show just some relevant examples of buildings deemed to be of an appropriate character in rural locations in Scotland.



Converted Sheep shed, Aberdeen-shire



Proposed Conversion



Eastpark House, Ross-shire



Proposed Conversion



Private House, Aberdeen-shire



Proposed Conversion



Private House, Isle of Skye



Proposed Conversion



Tin House, Isle of Skye



Proposed Conversion



Ritchie House, Isle of Skye

These examples clearly demonstrate that low single storey buildings, often with timber cladding and in some cases metal roof finishes, with simple rectangular plan forms, are deemed to be appropriate in many parts of Scotland in rural locations. The end product of the proposed conversion, shown above, beside these examples, is very similar and is therefore equally appropriate.

The second reason for refusal is therefore refuted because the proposed conversion is of a similar scale and character to numerous examples of houses in rural locations in Scotland which have been deemed appropriate.

3 ARCHITECTURAL OR HISTORIC INTEREST

Policy ENV3 permits the conversion of redundant agricultural buildings. By their very nature, these buildings are of no particular architectural significance, being mostly simple utilitarian buildings whose design is based on purely functional requirements with little or no architectural input. There is a popular misconception that the policy is aimed at the conversion of stone barns. However, there is nothing in the policy which stipulates this and in recent years planning permission has been granted for the conversion of two old barns in Torbeg, Blackwaterfoot part of which were of concrete block construction and for the conversion of a former brick built piggery in Corriegills, Brodick.



Former barn at Torbeg, Blackwaterfoot granted planning permission for conversion



Former piggery at Corriegills granted planning permission for conversion

It therefore follows that Policy ENV3 applies to any permanent structure. The Case Officer in his Report on Handling confirms that the building to which this application relates is a building to which Policy ENV3 applies. However, neither of the examples above possess any “architectural or historic interest to make a significant positive contribution to the visual amenity of the rural landscape”. Nonetheless they were deemed suitable for conversion by North Ayrshire Council.

If the question is how WILL the proposed conversion possess sufficient architectural interest to make a significant positive contribution to the visual amenity of the rural landscape, then the answer must be self-evident comparing the existing building with the proposed conversion.



The building as it exists



The proposed conversion



The current building from the road



The proposed conversion from the road.

The existing building is unattractive, largely because of its cosmetically delapidated appearance while the proposed conversion is a clean contemporary architectural solution which will enhance the visual amenity of the rural landscape.

The applicants therefore maintain that the building possesses as much architectural or historic interest to make a significant positive contribution to the visual amenity of the rural landscape as other buildings which have been granted planning permission for conversion in the past by North Ayrshire Council on Arran. Furthermore, they maintain that the proposed conversion will make a significant positive contribution, enhancing the visual amenity of the area and landscape.

4 RURAL DESIGN GUIDANCE

In its opening paragraph, the Council's Rural Design Guidance states "This Design Guidance is for NEW smaller developments of between one and four NEW homes in the North Ayrshire countryside - (designated as Rural areas in the Local Plan.) Although NEW housing can be accommodated in existing larger settlements there is a demand for smaller developments of NEW homes in the countryside. This guidance aims to ensure that NEW development does not detrimentally affect its setting and is appropriate in terms of design, scale, siting and character. This guidance aims to promote development which compliments North Ayrshire's rural, landscape character; reconciling the requirements of a modern lifestyle with the principles underpinning traditional rural development while promoting "distinctive", good quality, contemporary design proposals."

It is therefore clear that the Rural design Guidance applies to new developments and its relevance in this case is doubtful. However, the Rural Design Guidance refers to Siting, Planting & Boundaries, Access & Parking and Character.

On Siting, the Guidance relates to the siting of new houses. Nonetheless, the existing building's relationship with the neighbouring barn, its natural surroundings of trees and shrubs, and the proposal's design maximising shelter by retaining its low form and the location of the entrance away from public view, are all consistent with the Design Guidance.

On Planting & Boundaries, the existing planting will remain, softening the views of the proposal from the road and rooting it in its surroundings. The shrubs to the East will provide an element of screening consistent with the Design Guidance.

On Access & Parking, the proposal makes use of an existing track, with parking located out of sight on the West side of the building. This is in accordance with the Rural Design Guidance.

On Character, the building is existing and not new build. However, the use of materials and the detailing of the proposal, utilizing timber cladding and stone, are in accordance with the Design Guidance and retain a form very similar to the examples of contemporary design in the Guidance.

Therefore, insofar as the Rural Design Guidance is relevant, the applicants maintain that proposals are consistent with its provisions and the reason for refusal is invalid.

5 PROPOSED SITING

This reason for refusal has largely been addressed in the foregoing Reasons for Review. Nonetheless, the building is where it is and it will remain in situ for years to come making its contribution to the rural landscape. The proposal's visual effect on the surrounding landscape will be to retain the existing shape and size of the existing building which will have no impact on the surrounding landscape. However, the contemporary architectural solution represented by the proposals will have a positive effect on the surrounding landscape, bringing new life to an otherwise unattractive building, renewing and tidying up this run-down corner of the local surroundings.

Consequently, the applicants maintain that the siting of the proposal is irrelevant as the proposal relates to an existing building whose siting already exists. The only visual changes will be cosmetic and these will have a positive visual effect on the surrounding landscape. They therefore refute this reason for refusal.

6 LANDSCAPE CHARACTER

This reason has also largely been addressed above. However, the applicants stress that retention of an existing structure will simply maintain the status quo and have no adverse impact on the landscape character of the area.

The visual changes proposed are re-cladding the walls in timber, the existing cladding is timber, and re-cladding the roof in zinc, the existing roof being corrugated asbestos. In addition, out of view from the public road and neighbouring properties, it is also proposed to introduce some stone cladding, which is considered appropriate in the Council's Rural Design Guidance, and the introduction of more fenestration. The size and shape of the building will remain unchanged. In other words, from the public road and neighbouring properties, the proposal will look no different from the existing building, other than the replacement of external finishes with the same or equivalent materials and some additional windows and, from all other viewpoints, the only change will be the introduction of some natural stone cladding and increased fenestration. Its impact on the landscape will be no different from its existing impact, apart from being an overall visual improvement to an existing building.

7 HOUSING OPPORTUNITY

A further reason for wishing the decision to be reviewed is that the proposals represent an opportunity to bring an existing building back into use, providing a relatively low cost home on the edge of the village of Whiting Bay and at the same time improving the visual amenity of this part of the rural landscape.

CONCLUSION

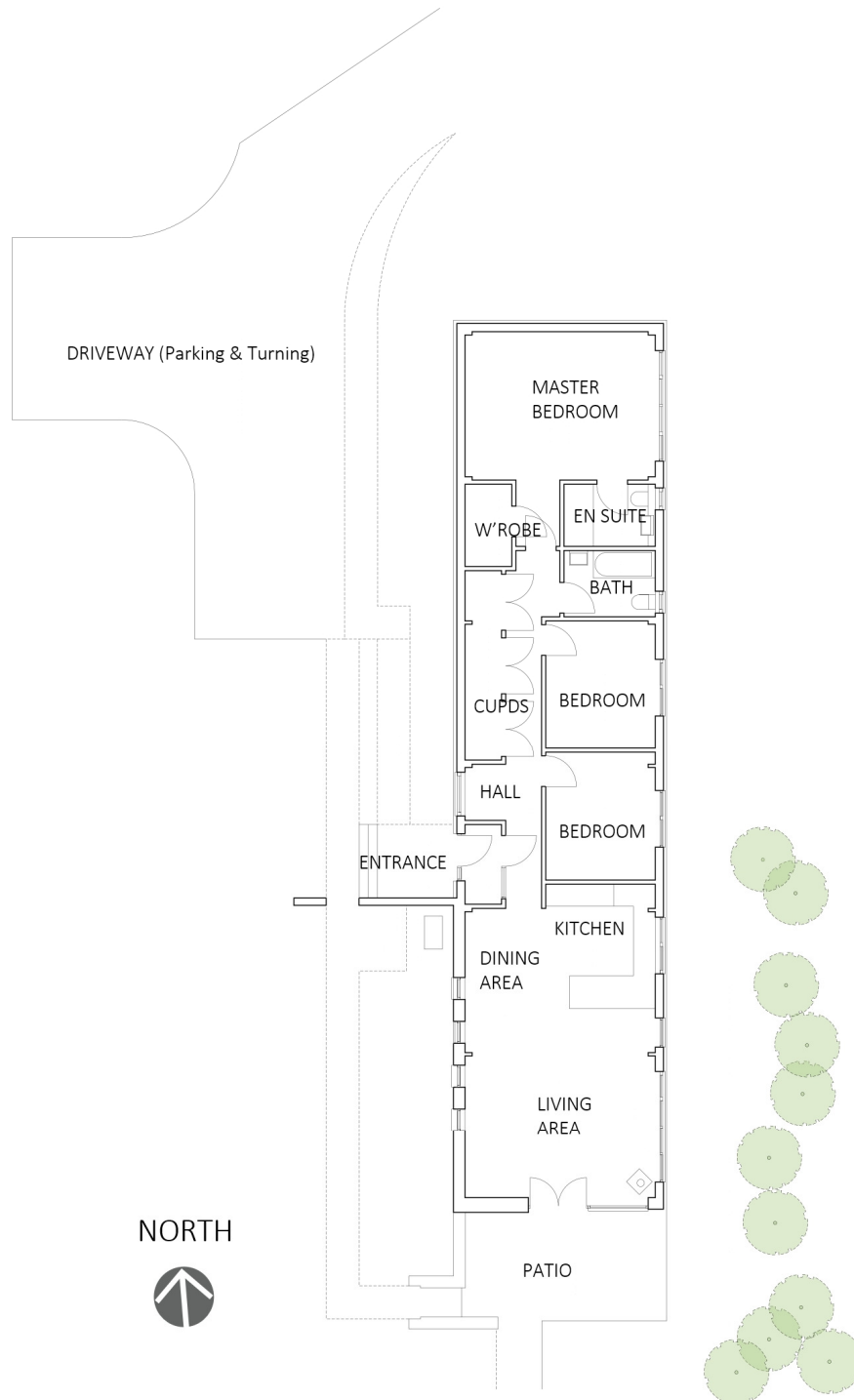
The applicants wish the decision of North Ayrshire Council to refuse planning permission for the proposal to be reviewed on the grounds that the Reasons for Refusal are either invalid or irrelevant.

They argue that, for the reasons set out above, and contrary to the reasons given by the planning authority;

- 1 The existing building IS in an acceptable location, being on the edge of an established cluster of buildings and having a relationship with the landscape identical to existing properties in the near vicinity. The existing building has already been deemed to be in an acceptable location in planning permission 07/00009.
- 2 The existing building IS of an appropriate scale and character for conversion to a dwelling-house, having been shown to be of a suitable size for a modest 3 bedroomed house and having a character similar to other conversions and new-build houses in rural locations elsewhere in Scotland and examples shown in the Council's Rural Design Guidance.
- 3 The building possesses as much architectural or historic interest as others on Arran which have been granted planning permission for conversion to make a significant positive contribution to the visual amenity of the rural landscape. The proposals will, by rejuvenating the existing building, make a significant positive contribution.
- 4 The Council's Rural Design Guidance clearly states that it relates to new developments and is therefore irrelevant to this application. Nonetheless, so far as the Guidance is appropriate to existing buildings, the proposals comply with it.
- 5 The building already exists in its current location and so the "proposed siting" will have no effect on the surrounding landscape. However, as a result of the rejuvenation and contemporary architectural treatment of the building, any visual effects of the development on the surrounding landscape will be positive.
- 6 As the existing shape and size of the building will be retained, the development will have no impact on the landscape character of the area.
- 7 The proposals represent an opportunity to provide a relatively low cost home and make a positive contribution towards the problem of affordable housing on Arran.
- 8 The building is in its current position and will remain unchanged in size or shape. Therefore, the only change, and therefore the impact on the visual amenity of the surrounding rural landscape and the character of that landscape will be the renewal of the timber cladding, replacement of the corrugated asbestos roofing with zinc and the additional windows. This will only be an improvement.

The applicants therefore respectfully request that the Council's decision to refuse the application be reviewed and that planning permission be granted.

PROPOSED FLOOR PLAN (not to scale)

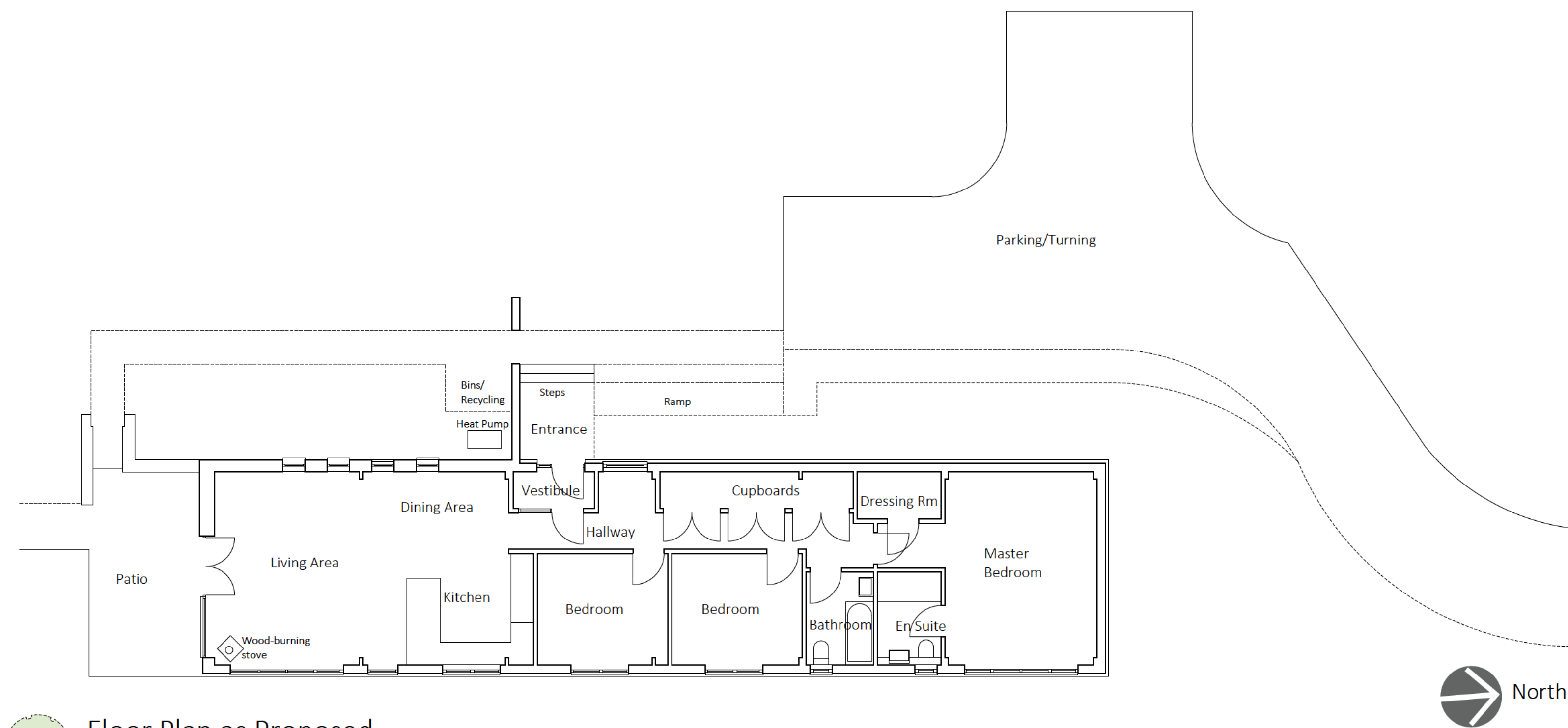


NORTH



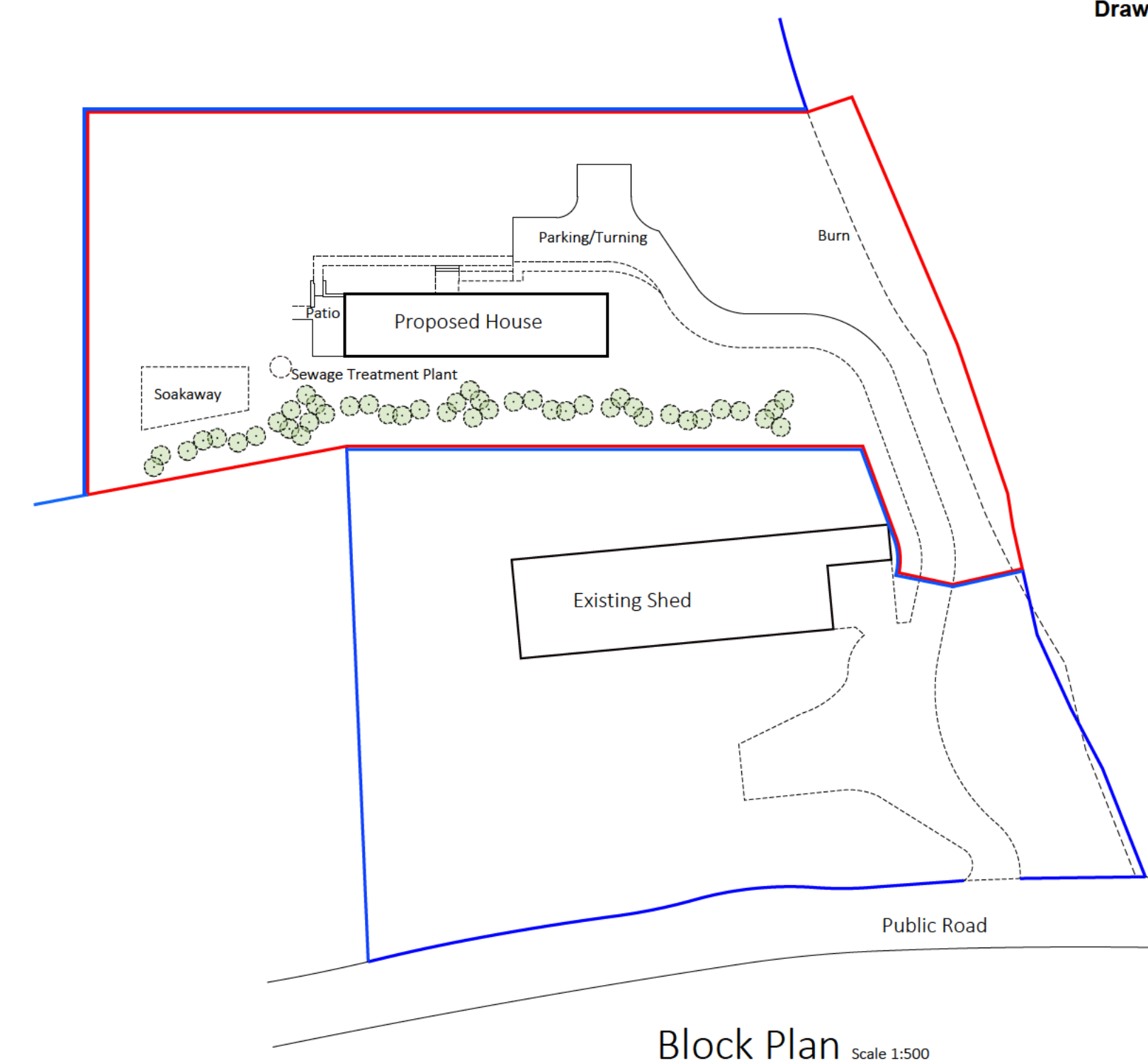
FLOOR PLAN AS PROPOSED

(Not to Scale)



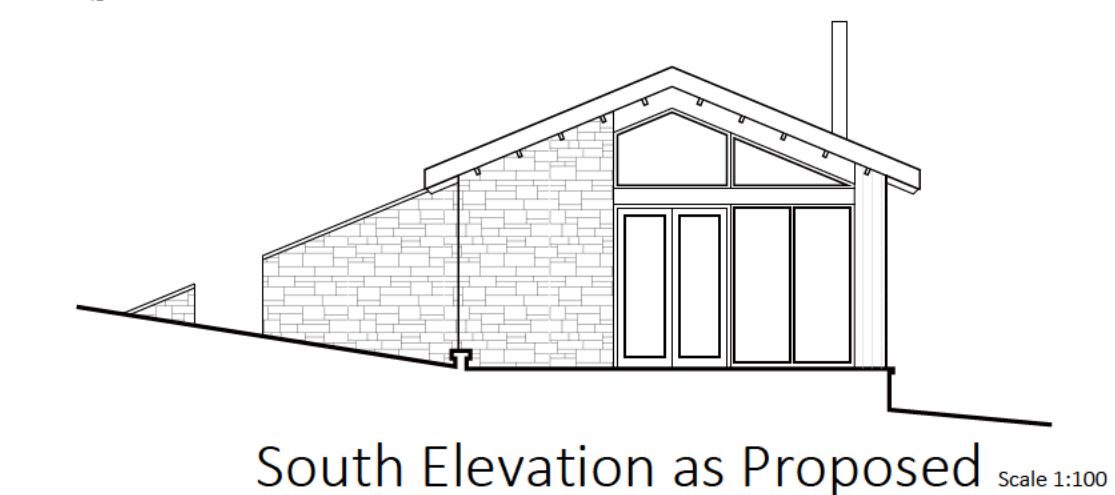
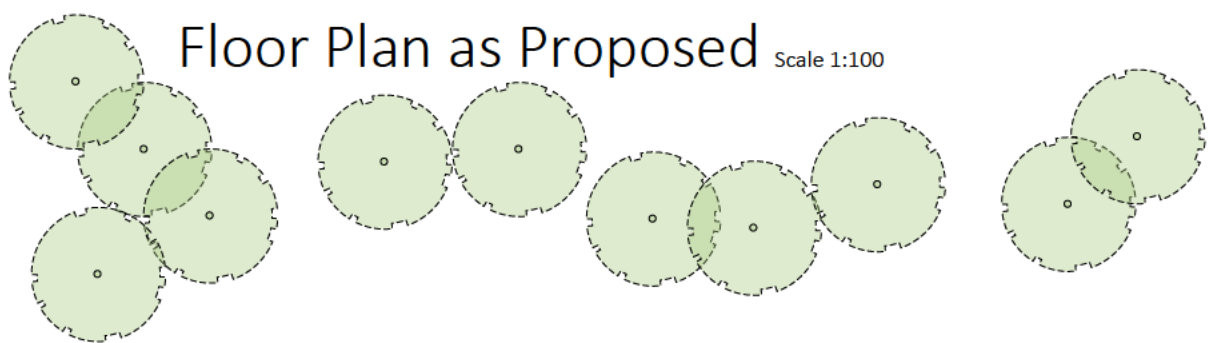
Floor Plan as Proposed

Scale 1:100



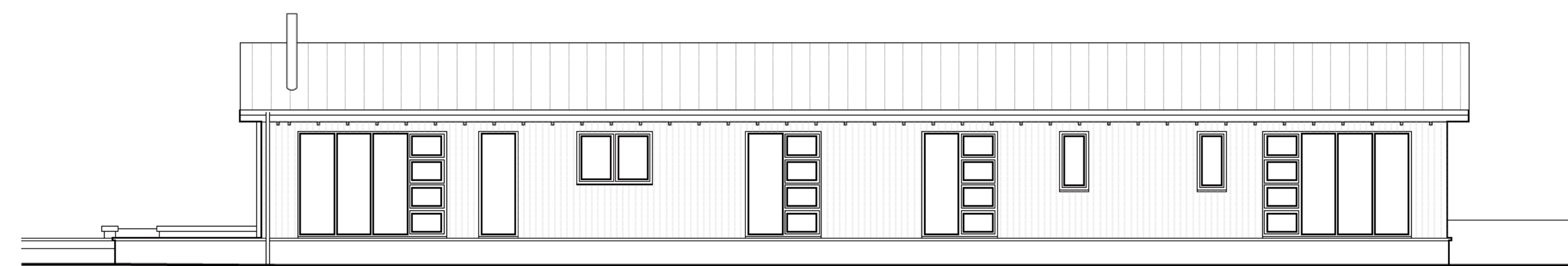
Block Plan

Scale 1:500



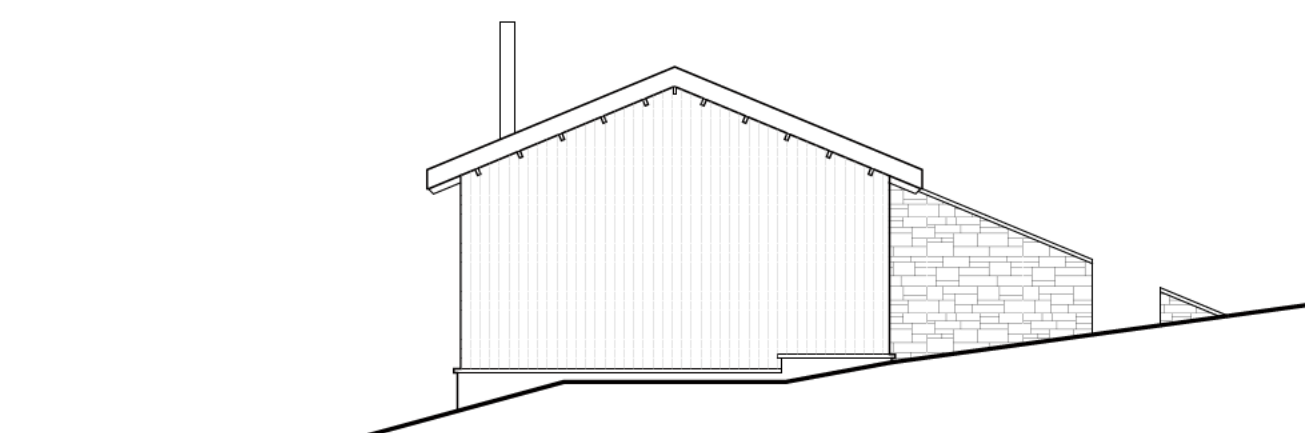
South Elevation as Proposed

Scale 1:100



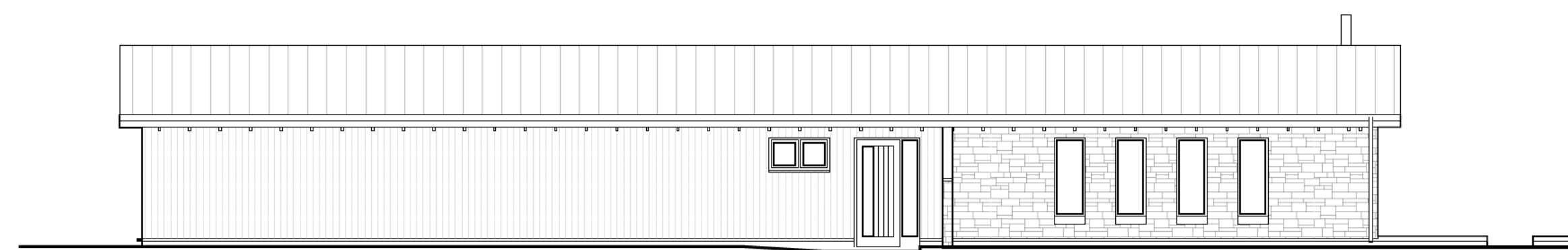
East Elevation as Proposed

Scale 1:100



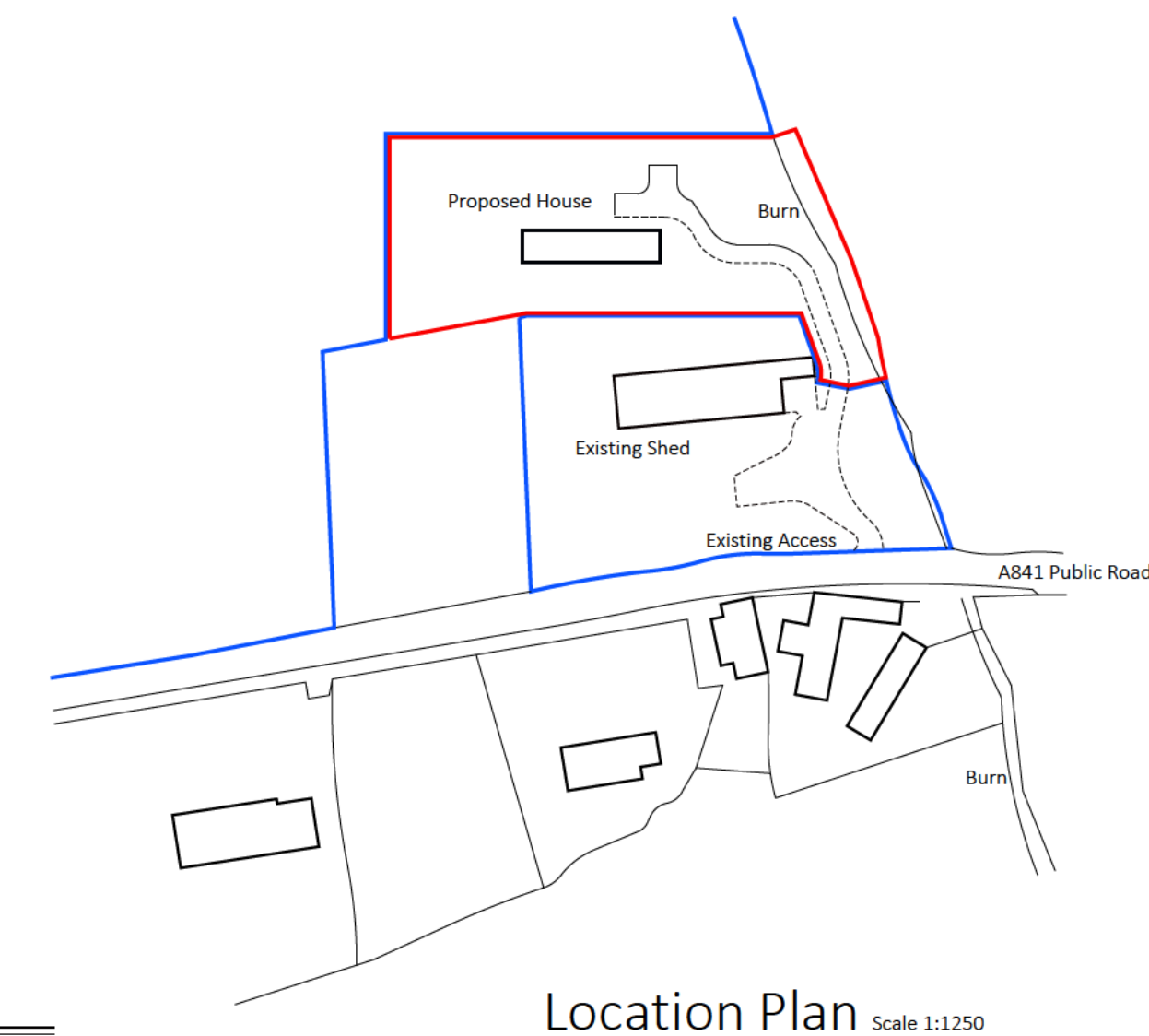
North Elevation as Proposed

Scale 1:100



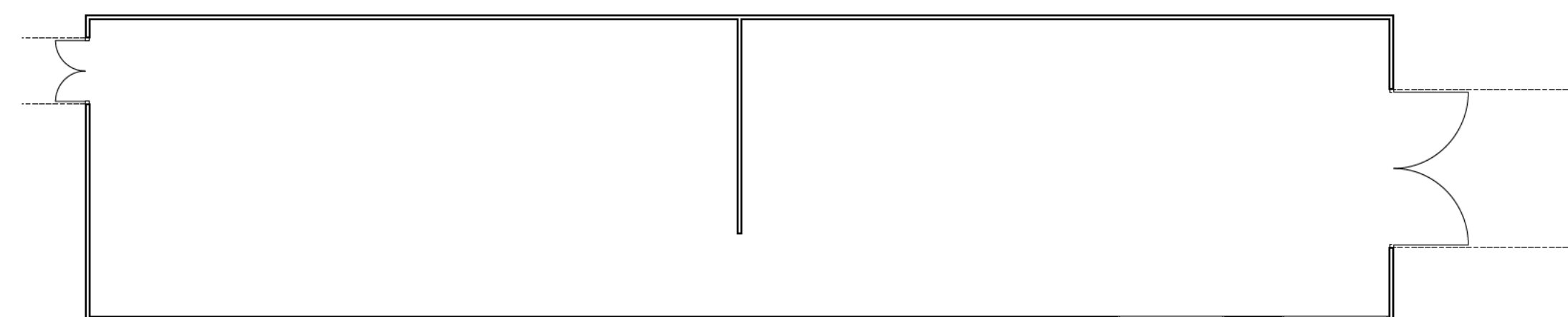
West Elevation as Proposed

Scale 1:100



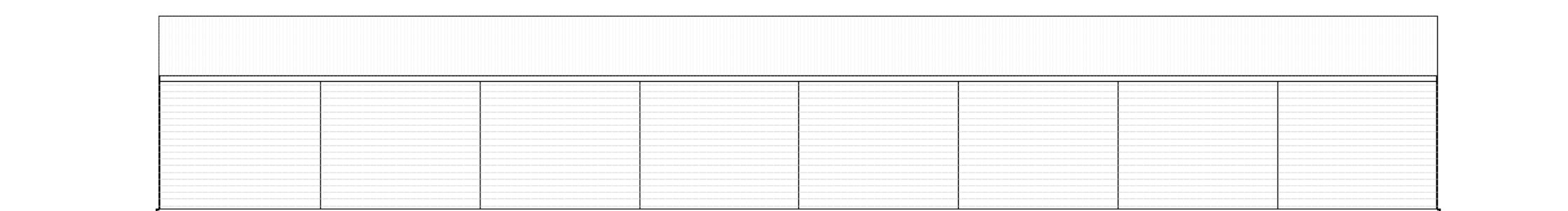
Location Plan

Scale 1:1250



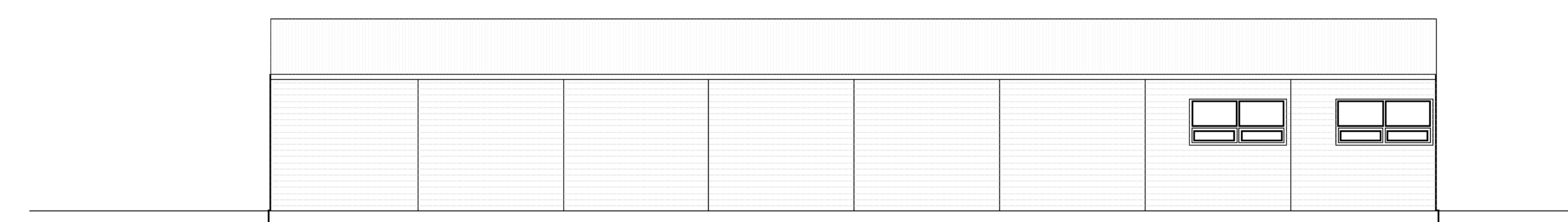
Floor Plan as Existing

Scale 1:100



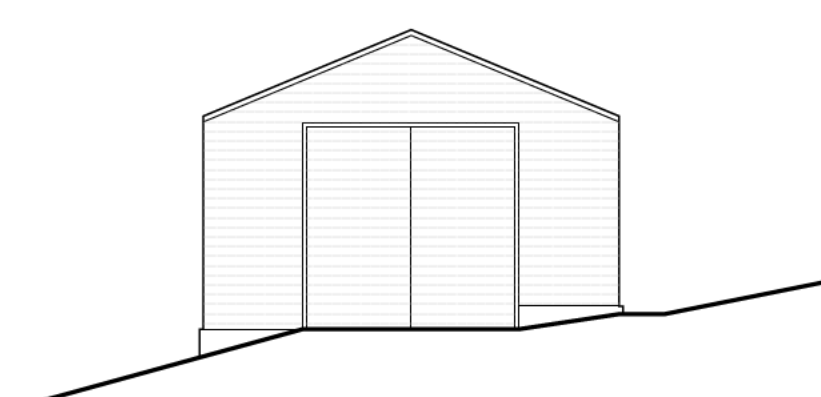
West Elevation as Existing

Scale 1:100



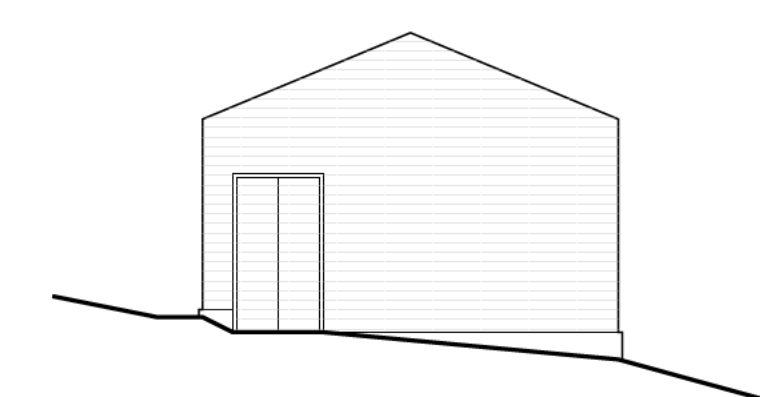
East Elevation as Existing

Scale 1:100



North Elevation as Existing

Scale 1:100



South Elevation as Existing

Scale 1:100

PROPOSED FINISHES

ROOF:
AnthraZinc cladding - colour anthracite grey
Aluminium fascias and bargeboards - colour anthracite grey
Exposed timber rafters - colour anthracite grey

WALLS:
Larch timber cladding - colour natural
Random stone walling - colour grey

WINDOWS & DOORS:
Timber frames - colour anthracite grey

PAVING:
Stone paving slabs - colour light grey
Concrete copings - colour mid grey
Concrete paviors to driveway - colour grey
Gravel to parking area - colour grey multi

FENCES:
Timber post and wire

JOHN LAMB
Architect

70 Woodside Drive
Waterfoot
Glasgow
G76 0HD

0141 644 2777
info@johnlambarchitect.com
www.johnlambarchitect.com

PROJECT Conversion of Redundant Agricultural Building to form Dwelling-house

LOCATION Dippenhead Farm, Whiting Bay, Isle of Arran

TITLE Planning Proposals

DATE November 2018

SCALE As Shown

DRAWING No.

REVISION

18.09.01



Cunninghame House Friars Croft Irvine KA12 8EE Tel: 01294 324 319 Fax: 01294 324 372 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 100144193-001

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)

Conversion of redundant agricultural building to form dwelling-house

Is this a temporary permission? *

☐ Yes ☒ No

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

☐ Yes ☒ No

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

☒ No ☐ Yes – Started ☐ Yes - Completed

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	John Lamb Architect		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	John	Building Name:	
Last Name: *	Lamb	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? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Mr & Mrs	Building Name:	■
First Name: *	M ke and June	Building Number:	
Last Name: *	Taylor	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

Northing

624302

Easting

204831

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)

While Policy ENV3 allows the conversion of redundant agricultural buildings, and the proposed conversion utilises a building with sufficient fabric intact, it was not felt that the building was of sufficient architectural or historic interest to qualify as a building suitable for conversion.

Title:

Mr

Other title:

First Name:

Neil

Last Name:

McAteer

Correspondence Reference
Number:

18/00734/PREAPP

Date (dd/mm/yyyy):

18/10/2018

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:

2647.00

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)

Redundant agricultural building

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: *

Drainage will be to a Biodisc sewage treatment plant with the outfall taken to a soakaway

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

☐ 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? *

☒ 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 ☒ 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 ☒ No ☐ Don't Know

Trees

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

☐ Yes ☒ 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)? *

☒ Yes ☐ No

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

Area of hardstanding for waste and recycling bins

Residential Units Including Conversion

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

☒ Yes ☐ No

How many units do you propose in total? *	<div style="border: 1px solid black; width: 50px; height: 20px; margin: 0 auto; display: flex; align-items: center; justify-content: center;">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.
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All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? * ☐ Yes ☒ No

Schedule 3 Development

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 ☒ 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.

Planning Service Employee/Elected Member Interest

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 ☒ No

Certificates and Notices

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 ☐ No

Is any of the land part of an agricultural holding? * ☐ Yes ☒ No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) 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.

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

Signed: John Lamb

On behalf of: Mr & Mrs Mike and June Taylor

Date: 20/11/2018

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

Declaration Date: 20/11/2018

Payment Details

Online payment: 490660

Payment date: 20/11/2018 12:11:00

Created: 20/11/2018 12:11

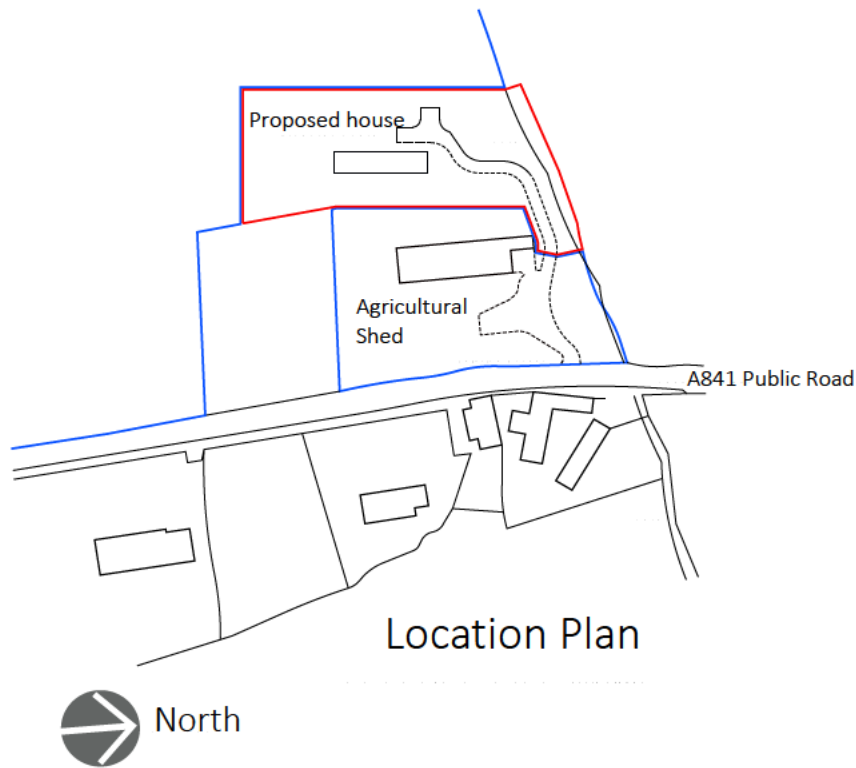
Proposed Conversion of Redundant Agricultural Building to Form Dwelling-house at Dippenhead Farm, Whiting Bay, Isle of Arran

SUPPORTING STATEMENT



JOHN LAMB
Architect





This is a Statement in support of an application for detailed planning permission by Mr & Mrs Taylor, of Low Arvie, Corsock, Dumfries and Galloway, for the conversion of a redundant agricultural building to form a dwelling-house.

The redundant building is a former chicken shed and is located to the West of the A841 at Dippenhead, near Whiting Bay on the Isle of Arran. The building sits in an elevated position above a large metal clad agricultural shed and is accessed by a track leading from an existing access from the public road.

There are a number of houses to the east of the site on the opposite side of the public road and planning permission has also recently been granted for a new detached house immediately to the South-East of the chicken shed.

The design brief is to utilise the existing building in creating a contemporary three bedroomed home, taking full advantage of the panoramic views over the Firth of Clyde, and using sustainable materials and renewable energy technology to minimise the building's carbon footprint, bedding the building into the surrounding landscape and transforming an otherwise run down brownfield site in the countryside into a positive contribution to the amenity of the area.



The former chicken shed sits in an elevated position above and behind a large agricultural shed to the West of the public road



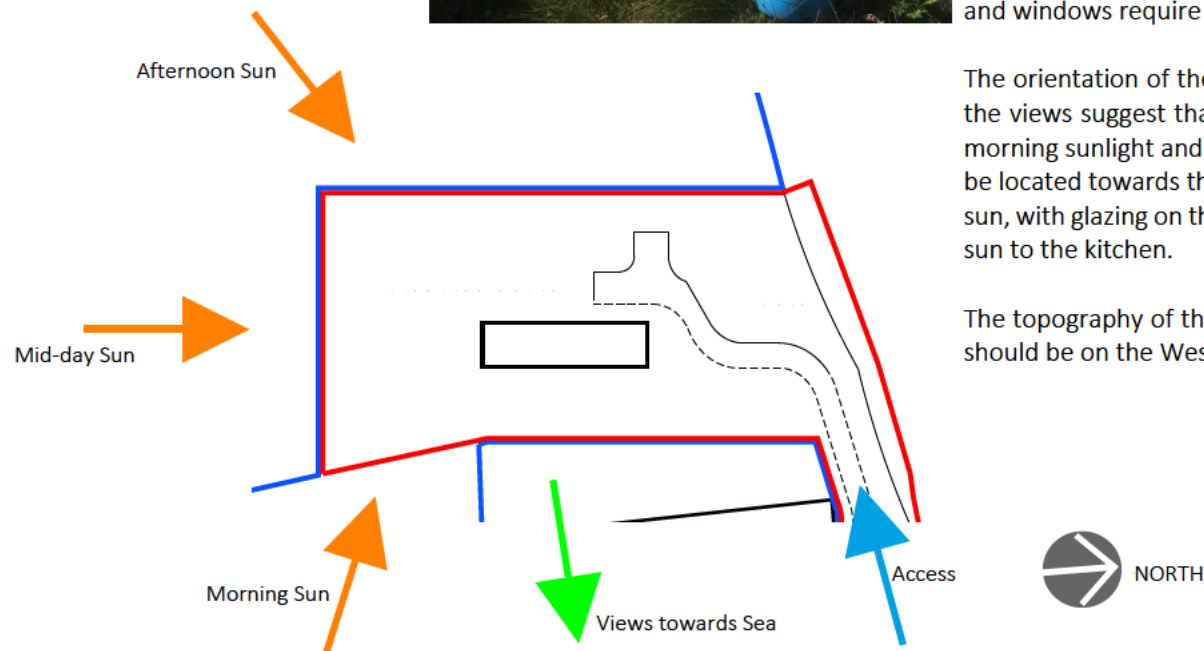
The existing building is a single storey timber framed and timber clad structure with a corrugated asbestos roof. It runs in a North-South direction with panoramic views over the Firth of Clyde to the East and views over countryside in all other directions.

Access is currently via an existing track which will require to be re-aligned to reduce the gradient and turning radii, as well as being appropriately surfaced.

The building is structurally sound although some of the shutters and windows require repair and maintenance.

The orientation of the building, with regard to direct sunlight and the views suggest that the bedrooms should face East, attracting morning sunlight and enjoying sea views. The public rooms should be located towards the South end to catch mid-day and afternoon sun, with glazing on the East wall to provide sea views and morning sun to the kitchen.

The topography of the site dictates that the parking and entrance should be on the West of the building.



The building occupies a “brownfield” site as defined by Planning Aid for Scotland as “a site which has previously developed or used for some purpose which has ceased” and as defined in the Scottish Government’s Scottish Planning Policy, 2014, as “land which has previously been developed. The term may cover vacant or derelict land, land occupied by redundant or unused buildings”

While there is no specific guidance on the use of brownfield sites in rural locations in national planning policy with regard to housing, it is acknowledged that the re-use of such sites enhances an area’s environmental quality and that proposals to bring vacant or derelict land back into productive use for development or to create more attractive environments should be supported.

The Policy in the North Ayrshire Adopted Local Plan which applies to this proposal is POLICY ENV 3: CONVERSION, REHABILITATION OR REPLACEMENT OF EXISTING BUILDINGS IN THE COUNTRYSIDE, which states:

Proposals for conversion, rehabilitation or replacement of existing buildings in the countryside shall accord with the LDP subject to meeting the following criteria:

- (a) the building must be suitable for the proposed use, in an acceptable location and of an appropriate scale and character; AND*
- (b) the property must have substantial residual fabric (as advised in Supporting Information Paper 8) and be capable of reuse; AND*
- (c) any new additional extension must not dominate the original building; AND*
- (d) the property must be capable of being satisfactorily serviced; AND*
- (e) there should be adequate curtilage to provide private garden ground, access and parking; AND*
- (f) the proposals take cognisance of the Council’s Rural Design Guidance.*

In response to a pre-application enquiry regarding the proposal, North Ayrshire Council Planning advised

“While LDP policy ENV3 is concerned with conversion, rehabilitation or replacement of existing buildings in the countryside, the Supporting Information Paper 8 confirms that the principle behind the policy is to provide opportunities for residential development and to utilise rural buildings for their architectural and historic interest and the contribution they make on visual impact in the landscape. Applications are judged on how far this aim is achieved. In this case, it is not considered that the existing timber agricultural building would provide sufficient architectural or historic interest and an application under the policy would not be supported.”

Supporting Information Paper 8 states “Criterion (b) of the policy requires that the existing building has substantial residual fabric and is capable of re-use. The principle behind the policy is to provide opportunities for residential development and to utilise rural buildings for the architectural and historic interest and the contribution they make on visual impact in the landscape. Applications are judged on how far this aim is achieved”.

The conversion of redundant buildings in the countryside is a common way in which dwelling-houses have been built throughout the country, providing housing stock in rural locations and improving the visual amenity of derelict sites.

There is a popularly held notion that conversions of existing buildings in the countryside relate to stone or brick buildings, but national and local planning policy is not specific in which types of buildings can be converted and there is no qualification of the type of architectural or historic interest which an existing building should make and no preclusion of agricultural buildings. In fact, existing utilitarian agricultural buildings, by their very nature, make an appropriate contribution to the rural landscape and can often result in more appropriate architectural solutions than modern kit houses which are commonly built in the countryside.

The subject of the applicants' proposal is a single storey timber building with a concrete base but is no less a building because of its timber structure than a stone building. With concrete foundations, blockwork underbuilding, a concrete floor slab and a timber framed structure, the building has permanence and physical attachment to its site.

In 2015, North Ayrshire Council granted planning permission for the conversion of a redundant water tank in Largs to form a detached house and, in doing so, accepted that the water tank was an appropriate structure for conversion, demonstrating that there is no specific architectural or historic style or classification envisaged in the principle set out in Supporting Information Paper 8.

On the following pages are a number of relevant examples. The first is the conversion of the redundant water tank in Largs, North Ayrshire, referred to above, where the structure was deemed to constitute a building suitable for conversion. The second two examples are of timber chicken sheds which were granted planning permission and have been successfully converted to dwelling-houses.

The last two examples, one of which is in North Ayrshire, have both been short-listed in the RIBA House of the Year Awards. Although the first is a new build, it acknowledges that the use of typically agricultural materials and forms are appropriate for rural houses. The last example makes use of the steel frame of an existing shed, retaining an agricultural rather than domestic aesthetic by retaining the original form and using timber cladding and galvanised steel. These last two examples demonstrate that high quality design of houses in the countryside can embrace agricultural aesthetics and is not restricted to traditional stone or brick buildings.



CONVERSION OF REDUNDANT WATER TANK, Largs, North Ayrshire

Architects: Hobson Architects

This conversion of a redundant water tank was granted planning permission by North Ayrshire Council in 2015.

The Report on Handling of the planning application states “Consideration has been given to the status of the redundant water tanks as to whether they could be considered to be a building and thereby allow assessment against Policy ENV3 (Conversion, rehabilitation or replacement of existing buildings in the Countryside). Planning Case Law (Barvis Test) offers guidance on what constitutes a building in planning terms and concludes that this can be defined by the size of the development, its permanence and physical attachment, and that this can include any structure or other erection and not just a traditional ‘building’. The existing water tanks are of significant size, of permanent construction with a significant part of which being clearly visible above ground level, and accordingly it is considered that this would allow the tank structure, which is proposed to be converted to a dwellinghouse, to be considered to be a building and therefore allow consideration against Policy ENV3.”



CHICKEN SHED, Black Mountains, Wales

Architects: Hall and Bednarczyk

A former poultry barn, abandoned for several decades and in a rundown state, provided the unprepossessing starting point for this rural holiday home.

Hall + Bednarczyk secured planning permission for the substantial reconstruction of the building by demonstrating how its utilitarian agricultural identity could be retained in a convincing and contemporary architectural form.





PENRUDDOCK, Lake District, Cumbria

Architects: Ashwood Design Associates

The commission was to prepare a design for the conversion of an old chicken shed into a contemporary three bedroom home in Penruddock in Cumbria, on the edge of the Lake District.

Planning permission for its conversion was granted has resulted in rural home with a purposeful contemporary yet agricultural architectural style.



NEWHOUSE OF AUCHENGREE, Dalry, North Ayrshire

Architects: Ann Nisbet Studio

Shortlisted for RIBA House of the Year 2017, Awarded RIBA National Award, RIAS Architecture Award, Scottish Quality Planning Award - Place Making

The Report on Handling of the Planning application said "The proposed dwelling-house would integrate well with, complement and enhance the rural character of the area. The impact on the landscape would be acceptable and generally positive, and a rural site would be re-used in a beneficial way.



OLD SHED NEW HOUSE, North Yorkshire

Architects: Tonkin Liu

Short-listed for RIBA House of the Year 2018

The building makes use of the existing steel frame of a former agricultural shed on the site to form a new house, using timber cladding and galvanised steel to retain the agricultural aesthetic but also delivering a high quality house which utilises the space created by the existing frame.

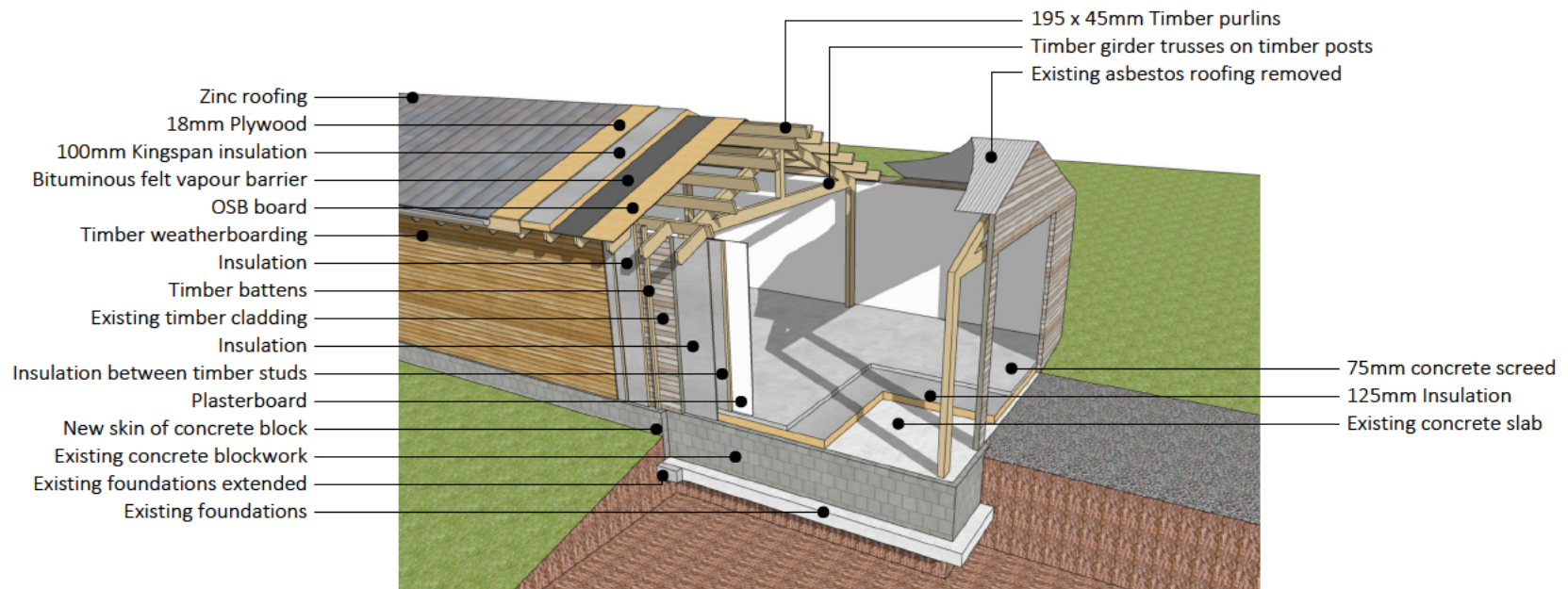
The proposal meets the criteria set out in Policy ENV 3 as follows

(a) the building must be suitable for the proposed use, in an acceptable location and of an appropriate scale and character;

The proposed design of the conversion, shown in the next section of this statement, demonstrates that the building is suitable for the proposed use. The building is close to other houses as well as being immediately adjacent to a plot for which planning permission was recently granted and is therefore in an acceptable location. The previous statements and examples relating to its suitability for conversion demonstrate that it is of an appropriate scale and character. The proposed design seeks to emphasise these qualities and enhance the visual amenity of the site and its surroundings.

(b) the property must have substantial residual fabric (as advised in Supporting Information Paper 8) and be capable of reuse;

The building is complete, including its roof and there is therefore substantial residual fabric. The illustration below shows how the conversion would be executed to comply with Building Standards and to retain the building's character and style.



(c) any new additional extension must not dominate the original building;

It is not proposed to extend the existing building

(d) the property must be capable of being satisfactorily serviced;

The proposed house will be served by a private sewage treatment plant and soakaway. There is mains water and electricity at the public road and the proposed house can be connected to both of these.

(e) there should be adequate curtilage to provide private garden ground, access and parking;

There is adequate garden ground and parking and access will be via an existing track which will be re-aligned and surfaced.

(f) the proposals take cognisance of the Council's Rural Design Guidance.

Much of the Council's Rural Design Guidance is concerned with new buildings in the countryside, rather than refurbishment of existing ones. However, the proposed conversion of the Chicken Shed does involve alterations, with regard to the fenestration and the introduction of stone cladding and zinc roofing.

The low single storey building is understated although it does have a prominence in the landscape due to its elevated position. However, interventions such as windows, the stone cladding and entrance do not increase this prominence due to the latter two elements being hidden from view on the West elevation and the windows simply articulate the existing structure. Similarly, the parking and turning area is hidden from view on the West side of the building and cut into the slope of the ground, screening it from the West.

The character of the building is already established but the use of stone and timber cladding simply reinforces and enhances it while the use of zinc roofing maintains an agricultural character while enhancing the quality of the building. The style and colour of the proposed timber cladding and the windows is very similar to some of the examples in the Rural Design Guidance of well designed contemporary Scottish rural houses.

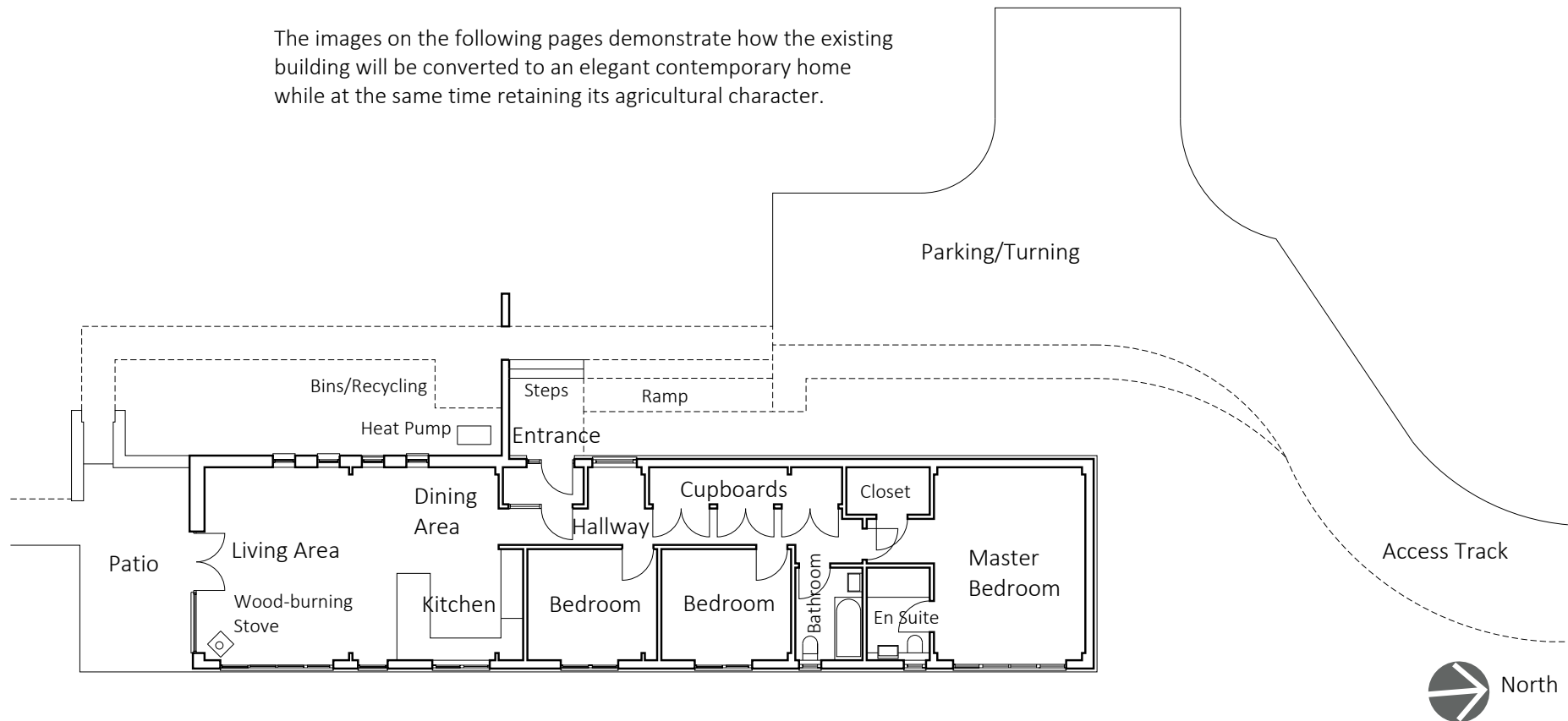
In conclusion, the Chicken Shed has a rural agricultural architectural quality and is a building which is consistent with the principles set out in Supplementary Guidance for conversion of redundant buildings in the countryside. It embodies a rural character which will be enhanced by the proposed conversion and the proposals accord with all the criteria set out in Policy ENV 3. Furthermore, the proposed conversion on this brownfield site will enhance the area's environmental quality, bring derelict land back into productive use and create a more attractive environment. The proposals therefore accord with all relevant planning policy and guidance.

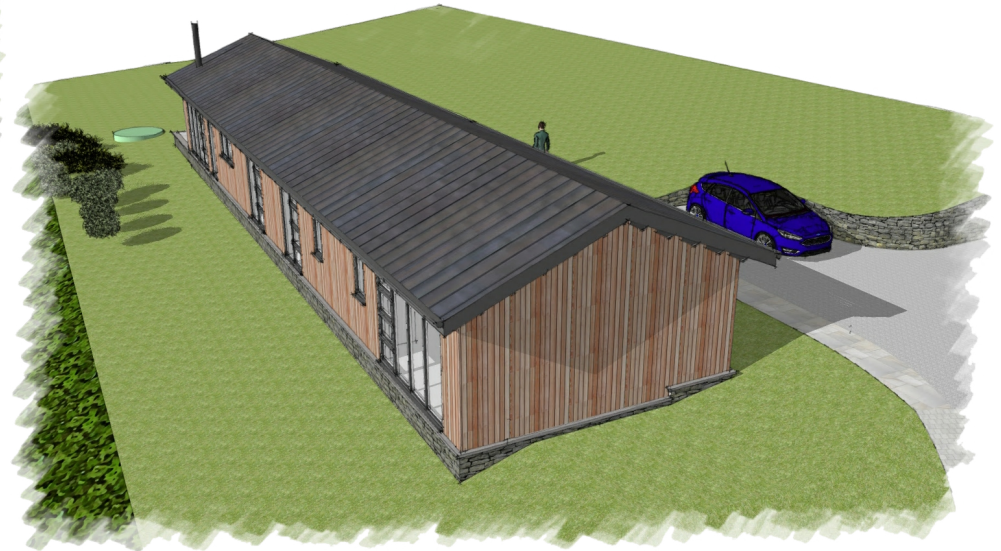
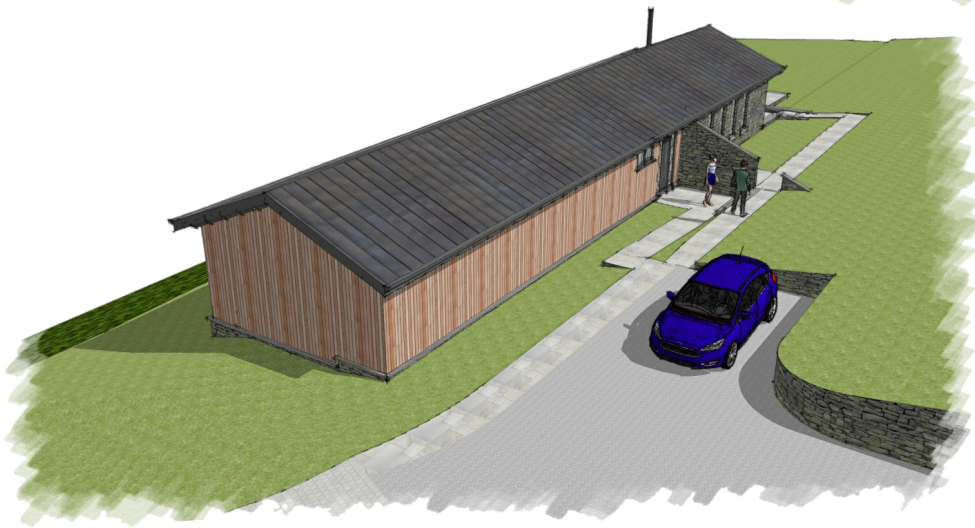
Working from the appraisal of the existing building on page 2, the main spaces are orientated towards the East to enjoy views over the sea and to maximise morning sunlight in the Bedrooms and Kitchen. The addition of glazing in the South gable allows mid-day sun into the Living/Dining/Kitchen area and the addition of vertical full height windows in the West elevation of the Living/Dining area allows afternoon and evening sun to enter as well as affording views over the fields to the West. The Entrance is located on the West, leading from the parking area at the top of the access track, hiding vehicles from view from the public road.

The introduction of stone cladding to the South West corner creates interest as well as providing a robust rainscreen towards the prevailing winds and extension of this stonework to the West separates the public space from the private as well as screening the bins storage area and the heat pump.

The remainder of the building is clad in timber to maintain the aesthetic and character of the existing building while a zinc roof preserves the agricultural character at the same time as enhancing the quality of the building.

The images on the following pages demonstrate how the existing building will be converted to an elegant contemporary home while at the same time retaining its agricultural character.





DESIGN PROPOSALS



DESIGN PROPOSALS

REPORT OF HANDLING



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Reference No: 18/01034/PP
Proposal: Conversion of redundant agricultural building to form dwelling house
Location: Site To West Of Pirogue, Whiting Bay, Brodick, Isle Of Arran

LDP Allocation: Countryside/Rural Community
LDP Policies: ENV3 / General Policy /

Consultations: Yes

Neighbour Notification: Neighbour Notification carried out on 22.11.2018
Neighbour Notification expired on 13.12.2018

Advert: Regulation 20 (1) Advert
Published on:- 14.12.2018
Expired on:- 04.01.2019

Previous Applications: None

Appeal History Of Site: None

Relevant Development Plan Policies

ENV3
POLICY ENV 3: CONVERSION, REHABILITATION OR REPLACEMENT OF EXISTING BUILDINGS IN THE COUNTRYSIDE

Proposals for conversion, rehabilitation or replacement of existing buildings in the countryside shall accord with the LDP subject to meeting the following criteria:

- (a) the building must be suitable for the proposed use, in an acceptable location and of an appropriate scale and character; AND
- (b) the property must have substantial residual fabric (as advised in Supporting Information Paper 8) and be capable of reuse; AND
- (c) any new additional extension must not dominate the original building; AND
- (d) the property must be capable of being satisfactorily serviced; AND
- (e) there should be adequate curtilage to provide private garden ground, access and parking; AND

(f) the proposals take cognisance of the Council's Rural Design Guidance.

Note:

A structural report from a suitably qualified person may be requested by the Council.

This

must demonstrate to the satisfaction of the Council that an appropriate conversion and

rehabilitation of an existing building or buildings cannot be reasonably achieved. Any replacement building should be of equivalent scale and siting to an acceptable conversion

or rehabilitation of the building it replaces.

Upgrading of surroundings may be sought for schemes involving more than one property.

Permitted development rights may be removed.

General Policy

GENERAL POLICY

(a) Siting, Design and External Appearance:

- Siting of development should have regard to the relationship of the development to existing buildings and the visual effects of the development on the surrounding area and landscape.

- Design should have regard to existing townscape and consideration should be given

to size, scale, form, massing, height, and density.

- External appearance should have regard to the locality in terms of style, fenestration, materials and colours.

- Development will require to incorporate the principles of 'Designing Streets' and 'Designing Places'.

- The particularly unique setting of North Ayrshire's rural, coastal, neighbourhood and

town centre areas, and those with similar characteristics, necessitates that all development proposals reflect specific design principles unique to these areas.

Coastal, Rural, Neighbourhood and Town Centre Design Guidance (four separate documents) are Supplementary Guidance to the Plan and contain further details.

- Consideration should be given to proper planning of the area and the avoidance of piecemeal and backland development.

- Design should have regard to the need to reduce carbon emissions within new buildings.

(b) Amenity:

Development should have regard to the character of the area in which it is located.

Regard should be given to the impact on amenity of:

- Lighting;

- Levels and effects of noise and vibration;

- Smell or fumes;

- Levels and effects of emissions including smoke, soot, ash, dust and grit or any other environmental pollution;

- Disturbance by reason of vehicular or pedestrian traffic.

18/01034/PP

Development should avoid significant adverse impact on biodiversity and upon natural heritage resources, including those outwith designated sites and within the wider countryside. Development proposals should further have regard to the preservation and planting of trees and hedgerows, and should also have regard to their potential to contribute to national and local green network objectives. In relation to neighbouring properties regard should be taken of privacy, sunlight and daylight.

(c) Landscape Character:

In the case of development on edge of settlement sites, substantial structure planting will generally be required to ensure an appropriate boundary between town and country is provided. Such proposals should include native tree planting, retain natural features where possible and make provision for future maintenance. Development should seek to protect the landscape character from insensitive development and the Ayrshire Landscape Character Assessment shall be used to assist assessment of significant proposals.

(d) Access, Road Layout, Parking Provision:

Access on foot, by cycle, by public transport and other forms of transport should be an integral part of any significant development proposal. Development should have regard to North Ayrshire Council's Roads Development Guidelines and meet access, internal road layout and parking requirements.

(e) Safeguarding Zones:

Pipelines, airports and certain other sites have designated safeguarding areas associated with them where specific consultation is required in assessing planning applications. The objective is to ensure that no development takes place which is incompatible from a safety viewpoint. The need for consultation within Safeguarding Zones is identified when an application is submitted. Supporting Information Paper No. 7 provides further information on Safeguarding Zones.

(f) The Precautionary Principle

The precautionary principle may be adopted where there are good scientific, engineering, health or other grounds for judging that a development could cause significant irreversible damage to the environment, existing development or any proposed development,
18/01034/PP

including the application itself.

g) Infrastructure and Developer Contributions

For development proposals which create a need for new or improved public services, facilities or infrastructure, and where it is proposed that planning permission be granted, the Council will seek from the developer a fair and reasonable contribution in cash or kind towards these additional costs or requirements. Developer contributions, where required, will be sought through planning conditions or, where this is not feasible, planning or other legal agreements where the tests in Circular 3/2012 are met. Other potential adverse impacts of any development proposal will normally be addressed by planning condition(s) but may also require a contribution secured by agreement. This will emerge from assessment of the impact of development proposals upon:

- Education;
- Healthcare facilities;
- Transportation and Access;
- Infrastructure;
- Strategic landscaping; and,
- Play facilities.

Further to analysis of infrastructure, indicative requirements for housing land allocations are set out within the Action Programme. Developer contributions will be further established by Supplementary Guidance (timing, costs etc.).

In addition to the above, Mixed Use Employment Areas are identified within the LDP. These sites are allocated for a mix of uses, subject to an element of employment space creation or improvement being provided. This will be informed by a business plan and masterplan. In these specific cases, contributions to the above (and affordable housing requirements as set out in Section 5) will also be required.

h) 'Natura 2000' Sites

Any development likely to have an adverse effect on the integrity of a 'Natura 2000' site will only be approved if it can be demonstrated, by means of an 'appropriate assessment', that the integrity of the 'Natura 2000' site will not be significantly adversely affected.

i) Waste Management

Applications for development which constitutes "national" or "major" development under

the terms of the Planning Etc. (Scotland) Act 2006 will require the preparation of a Site Waste Management Plan (SWMP), which will be secured by a condition of the planning consent.

Description

Planning permission is sought to convert a redundant timber chicken shed building to form a detached single storey dwellinghouse.

The proposed three bedroom house would have a footprint of some 142m², measuring 24.4m by 5.8m. It would have a pitched roof measuring 2.85m at the eaves and 4m at the ridge. It would be externally finished in a mix of larch timber cladding and random stone wall cladding with timber door and window frames with anthracite grey (Anthrazinc) roof cladding, and aluminium grey fascias.

It would be sited in the centre of an elevated 2780m² plot and accessed from an existing farm track at the north east of the site which would be re-aligned within the plot to reduce the gradient.

A supporting planning statement was submitted with the application which outlines the design brief to utilise the existing rural building to create a contemporary house, namely: taking advantage of the panoramic views over the Firth of Clyde and using sustainable materials and renewable energy technology to minimise the carbon footprint the proposal seeks to transform a run-down brownfield site to make a positive contribution to the countryside area. Parking and the entrance would be to the west of the building as determined by the topography of the site.

The statement proposes that the shed is considered to be a building due to its permanence and physical attachment to its site and that the conversion would therefore be in accordance with LDP Policy ENV3 (Conversion, Rehabilitation or Replacement of Existing Buildings in the Countryside). It further states that the Supporting Information Paper 8 referred to in ENV3, which defines buildings with substantial residual fabric suitable for conversion, does not specify any specific architectural or historical style or classification.

The statement then lists some examples of converted countryside buildings including examples in Wales, Cumbria and Yorkshire and a redundant water tank previously approved by North Ayrshire Council for conversion to a single house (14/00715/PP) under ENV3. It also details a new house in the countryside, which it considers to be of a similar character in the rural landscape, which was approved by North Ayrshire Council (13/00205/PP).

It continues on to state that the resulting building would be understated but would have prominence in the landscape due to the elevated siting. It further considers 18/01034/PP

that the use of materials such as stone, timber and zinc roofing maintains an agricultural character consistent with the aims of the Council's Rural Design Guidance. The statement concludes that the proposed design complies with all relevant policies and guidance.

The site is located within an area of countryside, as identified within the North Ayrshire Council Local Development Plan ("the LDP"), and is unaffected by any site specific policies or proposals therein. Policy ENV3 (Conversion, Rehabilitation or Replacement of Existing Buildings in the Countryside) of the LDP is relevant, as are the General Policy and the Council's approved Rural Design Guidance.

The shed occupies an elevated position 53m west of the A841 road. The site is agricultural in character and slopes uphill from east to west. It is adjoined by agricultural land on three sides. Downhill to the east is a steel clad agricultural shed; to the southeast is a plot recently granted permission for a detached house (18/00615/PP); to the east, across the A841 are established dwellinghouses.

Consultations and Representations

NAC Active Travel and Transportation: No objection on transport related grounds, subject to conditions requiring the private access/driveway to be hard surfaced and designed to prevent water issuing onto the public road. A Road Opening Permit would also be required.

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

Scottish Water: No objection.

The statutory neighbour notification was carried out and the application was advertised in the local press on 14th December 2018. Five objections were received and are summarised as follows:

Objection 1: The submitted map is incorrect and does not show all properties in the area.

Response: The map is sufficient to show the location of the application site and proposal. A site visit was conducted by planning officers to confirm that the plans are accurate as regards the determination of this planning application. It is not necessary to show all properties outwith the application site.

Objection 2: The application refers to the proposal being built on agricultural land but there is only a chicken shed on site.

Response: Chicken sheds fall within the definition of agriculture within section 277 of the Town and Country Planning Act 1997. The application relates to a change of use of an agricultural site within the countryside to residential use.

Objection 3: The proposal is for a single storey property but a future application could be made to add a second level which would overlook properties on the main road.

Response: Not material. This application is for a conversion to a single storey house. Planning applications must be considered on their merits. Any other future planning proposals would require to be considered on their planning merits at the time.

Objection 4: The large chicken shed was only assembled on the site around 12 or 15 years ago. It is in poor repair and, as a building, does not have any architectural merit or design connection to Arran building types. It is not appropriate for conversion.

Response: This issue is considered in the Analysis below.

Objection 5: The shed is poorly sited in a prominent position. It does not relate well to other buildings in the vicinity.

Response: This issue is considered in the Analysis below.

Objection 6: The Councils policies mean that the existing group of four houses, as of 2005, could be extended by two houses. The sixth is now being built.

Response: Not material. LDP Policy ENV2 (Housing Development in the Countryside) allows small scale growth of existing rural housing groups and it is agreed that the limit has been reached for this group. However, this application has been made in terms of LDP Policy ENV3 (Conversion, Rehabilitation or Replacement of Existing Buildings in the Countryside) which does not relate to the number of dwellings in the overall group.

Objection 7: The LDP maps identify the coast from Largymore to Kildonan as undeveloped coast and countryside.

Response: Not material. This is not considered to be a coastal site.

Objection 8: The access track is not suitable for upgrading.

Response: Active Travel and Transportation did not object to the principle of re-using the track.

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 main determining issues are therefore whether the development accords with Policy ENV3, the rural Design Guidance and the General Policy of the LDP and whether there are any other material considerations.

Whilst the site has no residential history, it is not disputed that the redundant chicken shed could be considered to be a building in terms of planning case law (the Barvis Test) due to the size of the development, its permanence and physical attachment to the site and thereby can be assessed against Policy ENV3 (Conversion, rehabilitation or replacement of existing buildings in the Countryside).

ENV3 states that such proposals shall accord with the LDP subject to satisfying the following criteria:

- (a) the building must be suitable for the proposed use, in an acceptable location and of appropriate scale and character; and
- (b) the property must have substantial residual fabric (as advised in Supporting Information Paper 8) and be capable of re-use; and
- (c) any new additional extension must not dominate the original building; and
- (d) the property must be capable of being satisfactorily serviced; and
- (e) there should be adequate curtilage to provide garden ground, access and parking; and
- (f) the proposals take cognizance of the Council's rural design guidance.

Supporting Information Paper 8 confirms that the principle behind the policy is to provide opportunities for residential development and to utilise rural buildings for their architectural and historic interest and the contribution they make on visual impact in the landscape. Applications are judged on how far this aim is achieved. It is not intended that there should be substantial rebuilding, radical alteration or excessive extension which would obliterate the character of the existing building. Substantial fabric is defined as meaning that: the building must have its front elevation intact to wallhead height with all other external walls largely intact to a similar level; and have the capacity for the new use while maintaining the form, scale and character of the original building. The illustrations in the Supporting Paper indicate stone buildings.

The application shed is of timber construction and appears to have been placed on the site only within the last 20 years. Whilst a timber building can, on occasion, be appropriate for residential use and it is noted that the design in this case introduces stone detailing in an attempt to give a more rural appearance, the building itself is of utilitarian design and is not considered to be representative of the Arran rural character. In addition, the elevated position would not have been considered to be an acceptable location for expansion of this existing housing group.

The Rural Design Guidance aims to ensure that new development does not have a detrimental effect on its setting and is appropriate in terms of design, scale, siting and character. The guidance aims to promote development which compliments North Ayrshire's rural landscape character reconciling the requirements of modern lifestyles with the principles underpinning traditional rural development. In terms of siting of single houses, it states that no new properties should be located where they visually dominate their setting and assume a prominence which is generally associated with more important and imposing building types (eg, churches, stately homes etc).

In terms of ENV3, it is therefore considered that: (a) the building is not of a suitable or appropriate character or location for conversion; (b) the timber wallheads and roof are intact but the building does not possess sufficient architectural or historic interest to make a significant positive contribution to the visual amenity of the rural landscape; (c) there would be no significant extensions of the form of the original timber building; (d) the site is adjacent to a housing group and could be satisfactorily serviced; (e) sufficient amenity space, parking, access could be achieved; (f) the prominence of the proposed building would not accord with the Rural Design Guidance.

The relevant criteria of the General Policy relate to (a) siting, design and external appearance, (b) impact on amenity, (c) landscape character and (d) access, road layout and parking provision.

In terms of (a), for the reasons listed above, the proposed siting is not considered appropriate; with regard to (b) amenity, the proposed dwellinghouse would constitute an imposing presence on the hillside but would not directly overlook or overshadow existing properties further downhill due to the presence of the intervening steel agricultural shed to the east: with regard to (c) the dwellinghouse would not be of a scale and character appropriate to the rural setting and would therefore have a significant adverse impact on the landscape character of the area; it is acceptable in terms of (d) access, road layout and parking provision.

Regarding the submitted planning statement, it is not considered that the examples quoted from England and Wales are material considerations. In terms of the other examples quoted, 13/00205/PP was for a different form of development: a completely new house which established its own appropriate rural setting; 14/00715/PP was a conversion which was considered to constitute a positive improvement to the visual amenity of its rural setting, by removal of an unacceptably visually prominent development. This proposal relates to a functional timber agricultural building.

In conclusion, the proposed developed does not therefore accord with the relevant provisions of the LDP and, in view of the foregoing, planning permission should be refused.

Decision

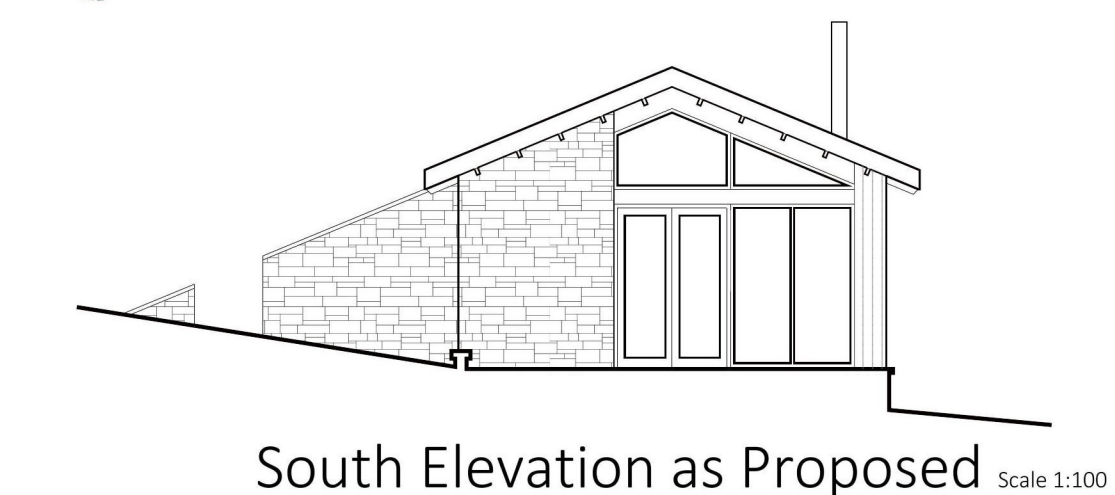
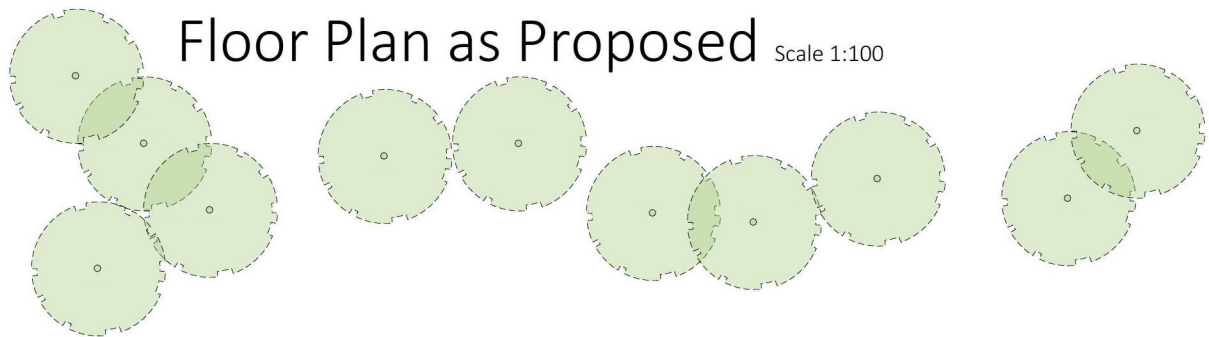
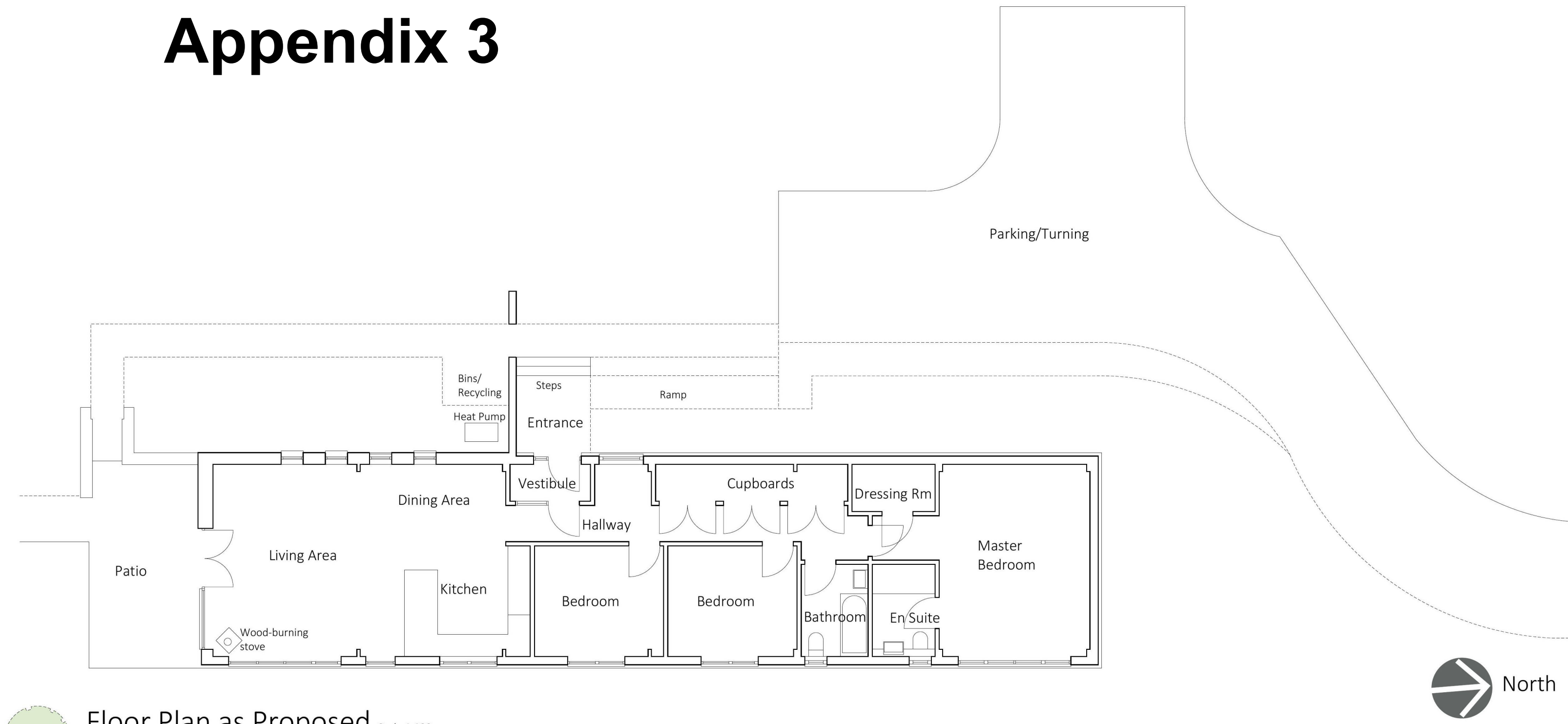
Refused

Case Officer - Mr Neil McAteer

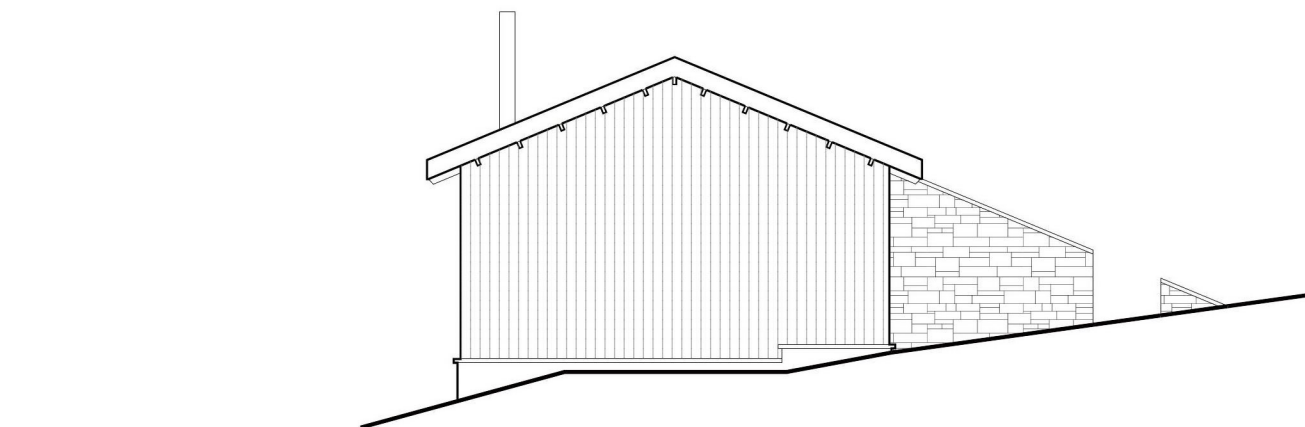
Appendix 1 - Drawings relating to decision

Drawing Title	Drawing Reference (if applicable)	Drawing Version (if applicable)
Full Layout - Proposed	18.09.01	

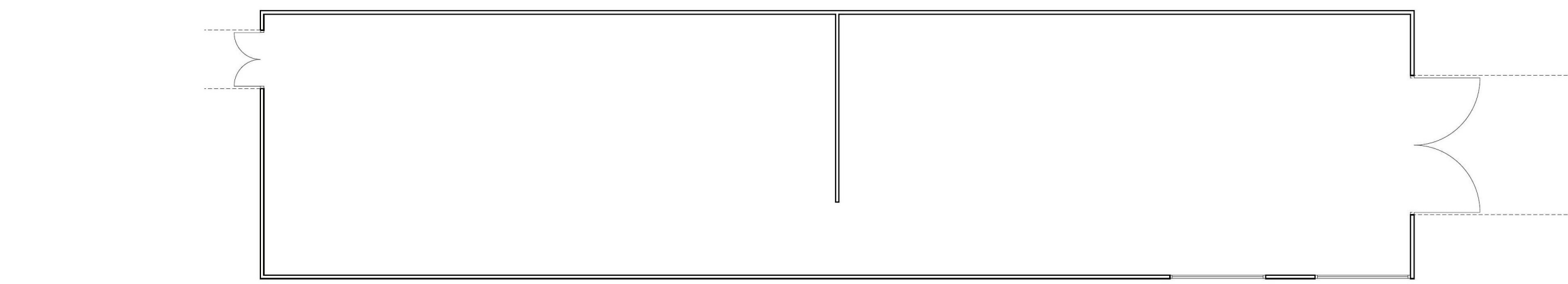
Appendix 3



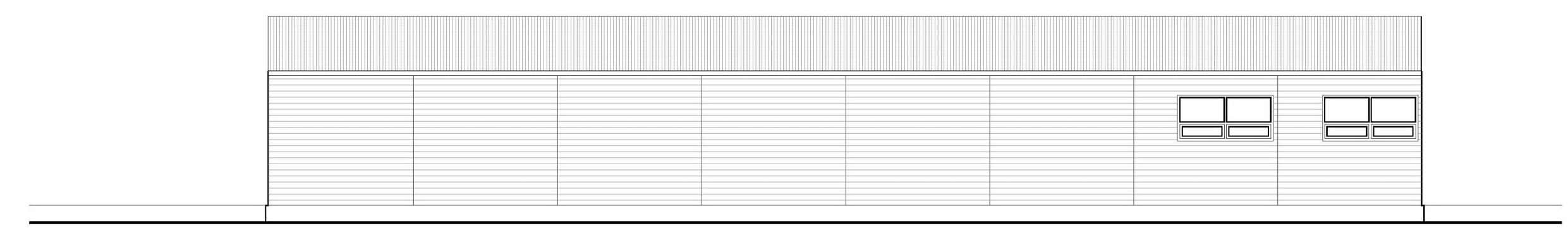
South Elevation as Proposed Scale 1:100



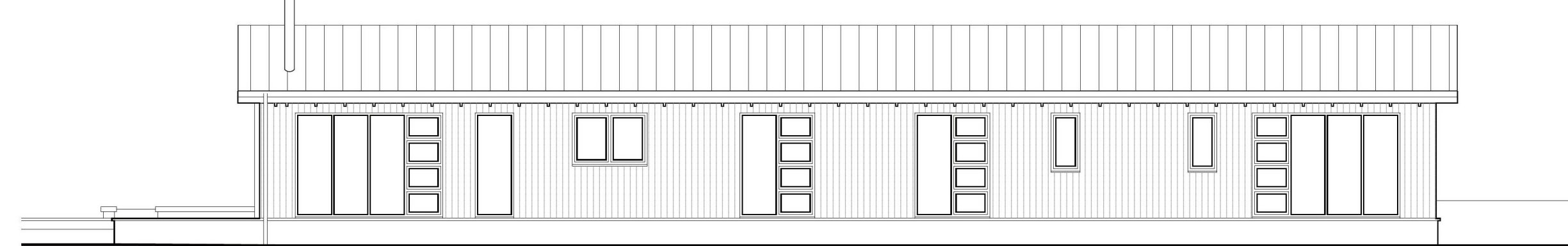
North Elevation as Proposed Scale 1:100



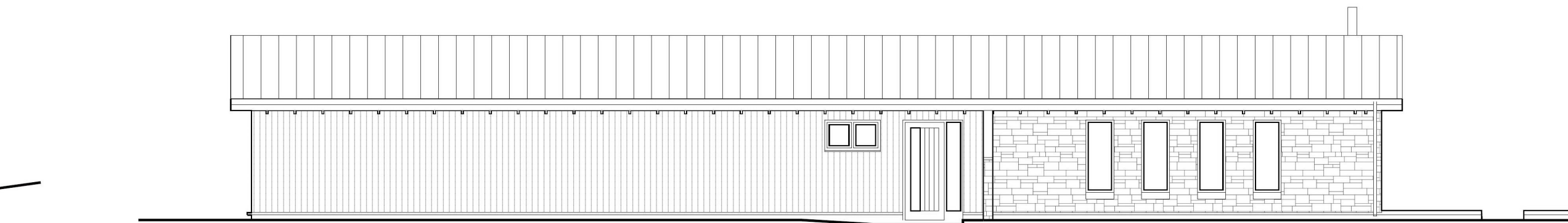
Floor Plan as Existing Scale 1:100



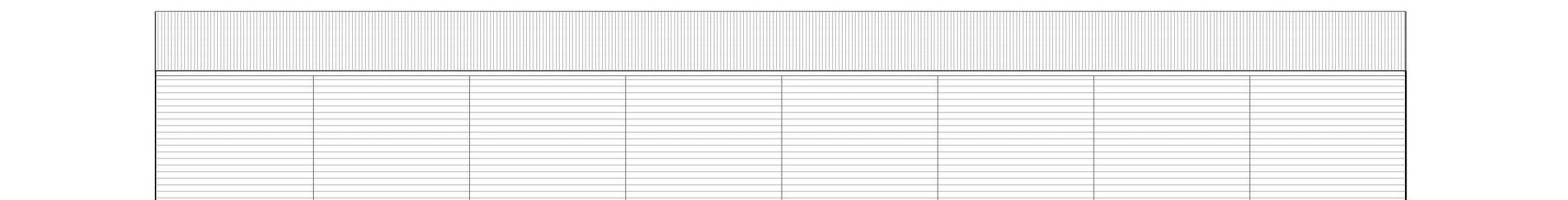
East Elevation as Existing Scale 1:100



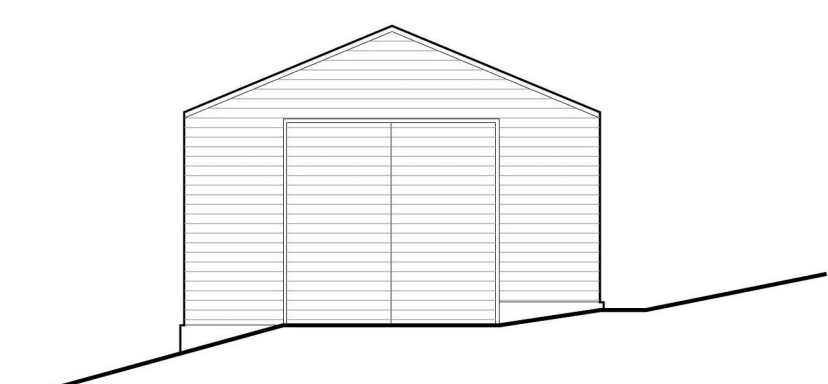
East Elevation as Proposed Scale 1:100



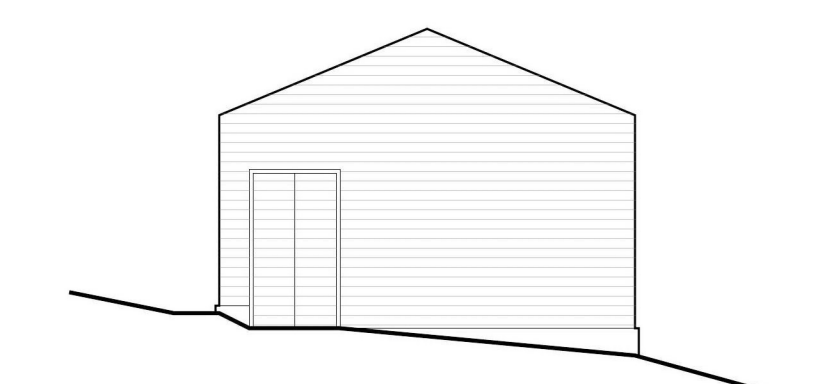
West Elevation as Proposed Scale 1:100



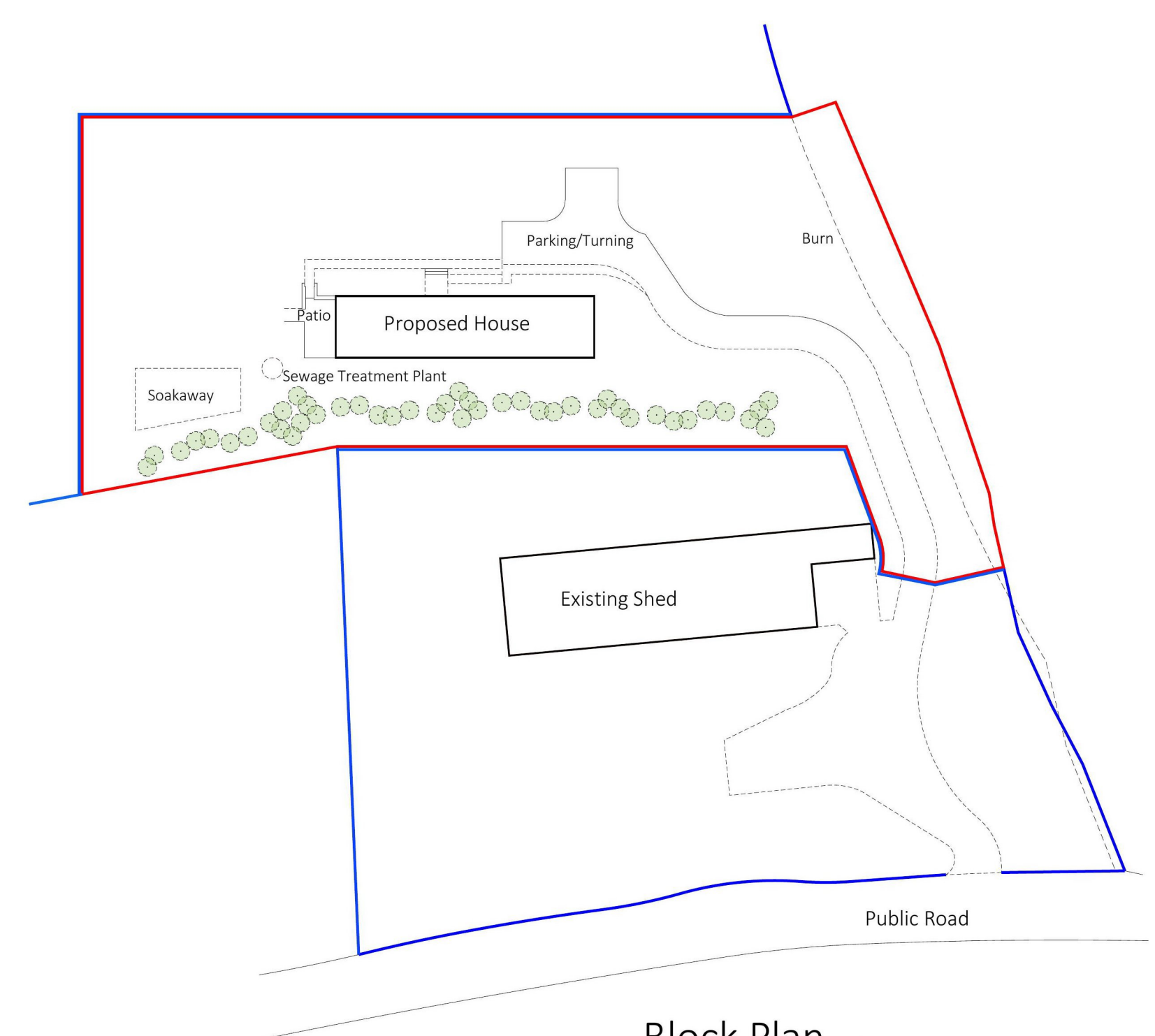
West Elevation as Existing Scale 1:100



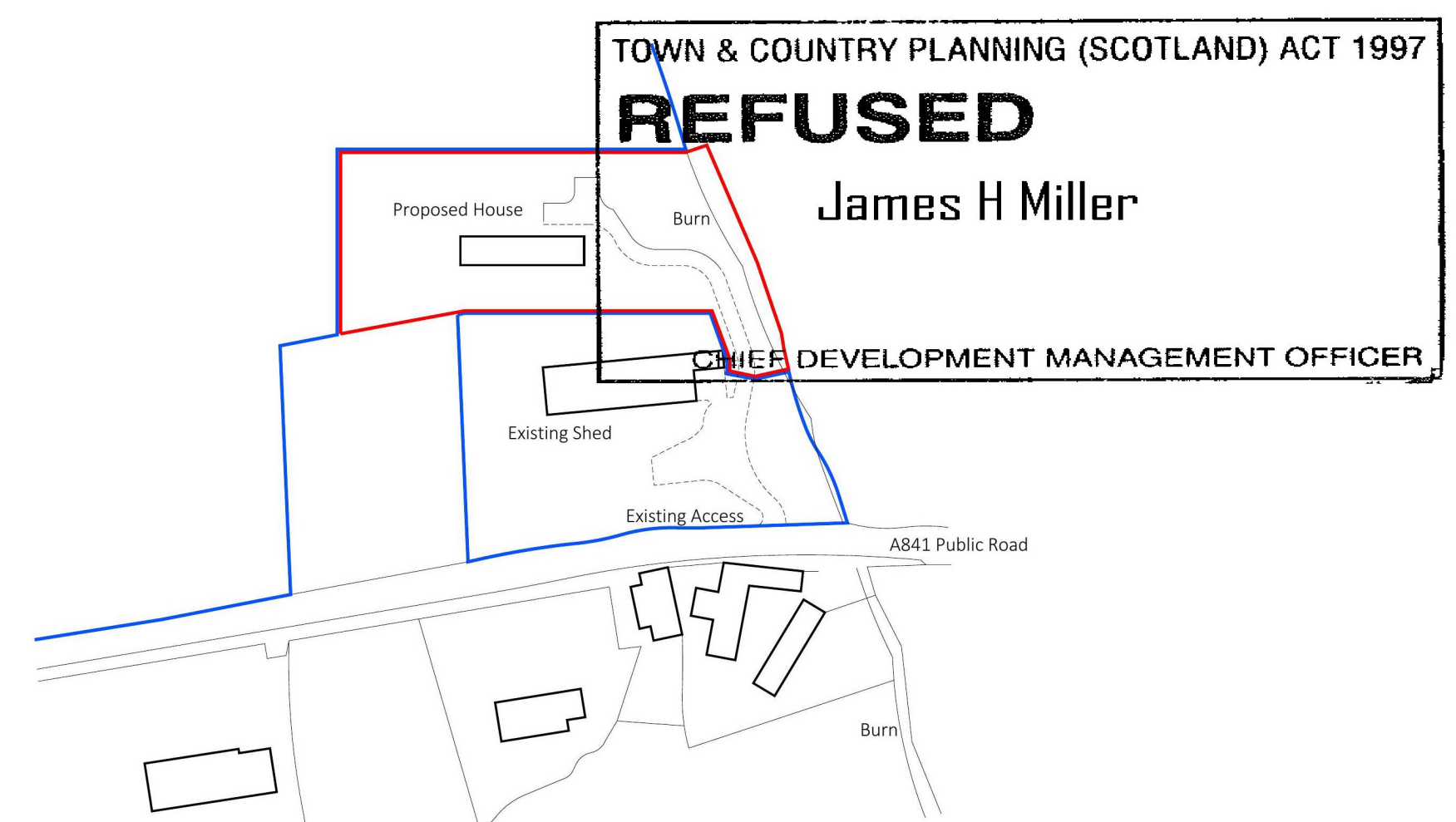
North Elevation as Existing Scale 1:100



South Elevation as Existing Scale 1:100



Block Plan Scale 1:500



Location Plan Scale 1:1250

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

- PROPOSED FINISHES
- ROOF:
AnthraZinc cladding - colour anthracite grey
Aluminium fascias and bargeboards - colour anthracite grey
Exposed timber rafters - colour anthracite grey
- WALLS:
Larch timber cladding - colour natural
Random stone walling - colour grey
- WINDOWS & DOORS:
Timber frames - colour anthracite grey
- PAVING:
Stone paving slabs - colour light grey
Concrete copings - colour mid grey
Concrete paviors to driveway - colour grey
Gravel to parking area - colour grey multi
- FENCES:
Timber post and wire

JOHN LAMB
Architect
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Waterfoot
Glasgow
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info@johnlambarchitect.com
www.johnlambarchitect.com

PROJECT Conversion of Redundant Agricultural Building to form Dwelling-house
LOCATION Dippenhead Farm, Whiting Bay, Isle of Arran
TITLE Planning Proposals
DATE November 2018
SCALE As Shown

DRAWING No. 18.09.01
REVISION



North Ayrshire Council
.....Comhairle Siorrachd Àir a Tuath

KAREN YEOMANS : Executive Director (Economy & Communities)

No N/18/01034/PP

(Original Application No. N/100144193-001)

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 & Mrs Mike & June Taylor
c/o John Lamb
70 Woodside Drive
Waterfoot
Glasgow
G76 0HD

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

Conversion of redundant agricultural building to form dwelling house

at Site To West Of Pirogue
Whiting Bay
Brodick
Isle Of Arran

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 criterion (a), (b) and (f) of policy ENV3 of the North Ayrshire Council Local Development Plan as: (a) the existing building is not in an acceptable location or of appropriate scale and character for conversion to a dwellinghouse; (b) the building does not possess sufficient architectural or historic interest to make a significant positive contribution to the visual amenity of the rural landscape; and (f) the proposals do not take cognisance of the Rural Design Guidance.
2. That the proposed development would be contrary to criteria (a) and (c) of the General Policy of the North Ayrshire Council Local Development Plan as: (a) the proposed siting does not have regard to the visual effects of the development on the surrounding landscape; and (c) the development would have a significant adverse impact on the landscape character of the area.

Dated this : 21 January 2019

.....
for the North Ayrshire Council

(See accompanying notes)



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

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

KAREN YEOMANS : Executive Director (Economy & Communities)

FORM 2

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

Appendix 5

Euan Gray

From: [REDACTED]
Sent: 27 April 2019 11:54
To: Euan Gray
Subject: 18/01034/PP

Dear Euan Gray,

Thank you for informing me that the applicant for the above scheme has submitted a Notice of Review.

Your professional officers' determination to refuse this application was rounded, considered and comprehensive. Moreover their decision was at one with the numerous views expressed, in their different ways, by a number of local objectors who expressed these in writing to your authority. I am unaware that there was any local support for the application and it was seen as having no planning merit.

The applicants have now sought to address the extensive grounds for refusal. However the authority should not lose sight of the fact that this is a large, secondhand wooden shed brought to the island and re-erected some 12 years ago. The grounds for getting planning permission then related solely to its agricultural functions where the criteria for siting and form are very different and much less demanding than for residential development in the countryside. It remains without architectural merit, freestanding in the countryside away from Whiting Bay village and the Largiemenoch nucleated group of buildings.

The intentions behind the Council's sensitive policies of development in the countryside are not simply to allow the conversion into housing of any agricultural structure, however poorly located or sited or of whatever low slung industrial form. To allow such "anything-goes" conversions would be no policy at all, would lead to extensive random rural development and the subsequent development of further agricultural buildings to replace those lost.

Finally the argument that this is an opportunity for relatively low cost housing is farcical. No calculation is made of servicing, access or conversion costs. Any low cost housing developer is likely to require peppercorn land acquisition costs or more likely a dowry. Perhaps not surprisingly, there is no mention of this in the submission.

I am unaware of there having been any material changes to national or similar planning guidance, North Ayrshire's planning policies or local circumstances since your colleagues' clear determination. Consequently I would ask that the Council's Local Review Body undertakes its work in this light and clearly confirms the refusal of planning permission for this wholly inappropriate proposal.

Yours sincerely,

[REDACTED]

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Euan Gray

From: [REDACTED]
Sent: 27 April 2019 16:06
To: Euan Gray
Subject: 18/01034/PP

Dear Mr Gray,

I understand that the applicant for the above scheme has submitted a Notice of Review.

Your colleagues refused this application in January because of a long list of very clear grounds that were supported by the many of us locally that wrote in against the proposal. Nothing has changed. The building is still a large, second-hand wooden shed re-erected on site about 12 to 15 years ago. It got planning permission then as a chicken shed but it remains poorly located away from Whiting Bay village and the Largiemenoch hamlet. It's also poorly sited and poorly accessed and serviced.

I'm sure that Council doesn't want to allow the conversion into housing of any agricultural building, however poorly located or sited or of whatever factory shape. This would lead to a lot of random rural housing and then the development of further agricultural buildings to replace those lost.

So I ask again that the Council clearly refuses planning permission for this unsuitable proposal.

[REDACTED]

[REDACTED]

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Euan Gray

From: [REDACTED]
Sent: 27 April 2019 18:57
To: Euan Gray
Subject: 18/01034/PP

Dear Mr Gray,

I am concerned with respect to the repeat application that has been submitted under a Notice for Review in respect of conversion of a re-sited chicken shed into a dwelling house on the land known as Dippenhead Farm, Whiting Bay.

I would make the following comments:

1. Under ENV3 it states that any property must have substantial residual fabric and be capable of re-use. The shed was a chicken shed and effectively all the fabric will be replaced with substantial rebuilding and alteration.
2. The photograph on Page 4 is inaccurate and out-dated. There is a new build house being erected to the left side (West) of the road that the conversion will directly overlook.
3. The plan of the adjacent properties submitted is out of date. There is a new build house to the East side of the road that will be over-looked.
4. Original planning permission for 2 and 3 above was provided on the basis that Largiemeanoch is a Clachan with limited dwelling properties.
5. The Land Certificate is signed to state:

None of the Land forms part of an agricultural holding. This is false. There were cows on the land until the end of 2018 and chickens in the shed in 2017. There is a byre barn (coloured green on your out-dated Photo) which will presumably be the next subject of an application for a house (forming a new village). All land on the opposite side of the road is farmed.

Summary:

My previous objections remain. The Council has to decide if they wish to support a ribbon development along the Whiting Bay Road. I understand that a recent application to the south of our property has been rejected.

Please place us on the 'Neighbour Notification List'.

[REDACTED]

[REDACTED]

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Euan Gray

From: [REDACTED]
Sent: 29 April 2019 22:10
To: Euan Gray
Subject: 18/01034/PP

Dear Euan,

Thank you for advising us that a notice of review has been submitted for the above proposal. We support the officers initial refusal of planning permission which appears to us comprehensive and founded on appropriate application of local and national guidance for such matters.

We have examined the documents relating to the review. We can see nothing contained therein which leads us to change our objections to the proposal.

1) The applicants appear to be arguing that two wrongs make a right, in that several hundred metres away there are houses set back from the road at a similar elevation. Planning policies have developed over the years to recognise the dangers of continual ribbon development, undermining the rural characteristic of the area. Granting this application would compound the problem of ribbon development.

2) The applicants argue that access and services are 'easily possible'.

We would take issue with the 'easily' in that statement. The track that would provide access would need significant repair, it is relatively steep, and as we have said before the likely increase in intensity of rainfall would probably require attention to drainage off the site to avoid it flooding down the track, through the farm gate and over the road to our house. This would certainly impact on potential cost.

3) The greatest contribution to visual amenity would be if the applicants removed the building to allow nature to take its course along the hillside, thereby assisting biodiversity. The building has only been there for 12 years, which is the blink of an eye in historic terms.

4) The issue of low cost homes on Arran has recently come to the attention of the national press. It would seem unlikely that the work involved in essentially creating a new house in that location would be low cost and affordable for residents of Arran. What is more likely is that it would become yet another second home or house for holiday let.

We trust that the review will uphold the original decision of the council officers in this case.

Yours sincerely,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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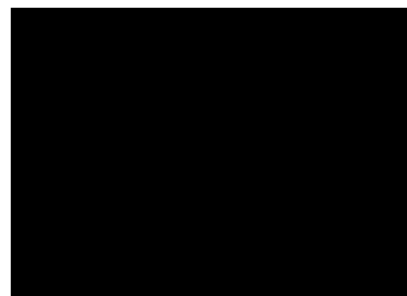
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RESPONSE TO REPRESENTATIONS BY INTERESTED PARTIES

in Connection with Review of Decision
by North Ayrshire Council
to Refuse Planning Permission for the Conversion of a
Redundant Agricultural Building
to the West of Pirogue, Whiting Bay, Isle of Arran
(Application No. N.18/01034/PP)

JOHN LAMB
Architect



The following is a response to four representations submitted by interested parties in response to the Applicants' Notice of Appeal received and acknowledged by North Ayrshire Council on the 25th April, 2019.

The representations collectively make a number of points and these, together with the applicants' responses, are listed below:

1

REPRESENTATION COMMENT:

The building is a large second-hand wooden shed re-erected on site 12 years ago. It was granted planning permission then but is poorly located away from Whiting Bay village and Largiemenoch hamlet.

RESPONSE:

The building is a second-hand wooden shed re-erected on site 12 years ago. However, it is not large in the context of a house as has been amply demonstrated in the Notice of Review submission. Its location relative to the village of Whiting Bay is no different from the existing houses on the main road adjacent to the application site and, especially in light of the house currently under construction on the West side of the public road, the proposal relates even more closely to the existing cluster of buildings at Largiemenoch. The new house under construction is in fact coterminous with the application site.

2

REPRESENTATION COMMENT:

The Council does not want to allow conversion into housing of any agricultural building however poorly located or of whatever factory shape. This would lead to a lot of random rural housing and then development of further agricultural buildings to replace those lost.

RESPONSE:

The Council has a policy with regard to the conversion of agricultural buildings to form houses and the applicants insist that they have met the criteria laid down in that policy with regard to the suitability of their building for conversion. The question of further agricultural buildings to replace those lost to conversion is irrelevant as any new agricultural buildings are subject to different policies adopted by the Council.

3

REPRESENTATION COMMENT:

The applicants appear to be arguing that two wrongs make a right in that there are other houses set back from the road at a similar elevation.

RESPONSE:

The applicants do not regard the existing nearby houses set back from the road at a similar elevation to be a "wrong". These houses are established and are by no means out of place or inappropriate. In fact, these houses demonstrate an existing pattern of development with which the proposed conversion is consistent.

4

REPRESENTATION COMMENT:

Planning policies have developed to recognize the dangers of continual ribbon development, undermining the rural character of the area. Granting this application would compound the problem of ribbon development.

RESPONSE:

The houses to the East of the public road at Largiemenoch are themselves an example of ribbon development. The new house under construction, on the West side of the road, will mitigate this to a degree but inclusion of the application building will further enhance the nucleated group and, contrary to the representation comment, will help to reduce the ribbon-like pattern of development in Largiemenoch that the recently built houses have created.

5

REPRESENTATION COMMENT

The interested party takes issue with the applicants' statement that access and services to the application site are easily possible. The upgraded existing access would be relatively steep and would "probably" require attention to drainage off-site to avoid rainwater flooding down the track, over the road, to the interested party's house. This would impact on cost.

RESPONSE:

The proposed upgrading of the access track would reduce its gradient. The question of rainwater flooding down the track is one that can be addressed simply by means of a drain taking the surface water into the adjacent burn. The applicants' statement that access and services would be easily possible does not necessarily relate to cost but more to logistics in that an access already exists which can be upgraded and that services such as water and electricity are also relatively close to the application site.

6

REPRESENTATION COMMENT:

The greatest contribution to visual amenity would be if the applicants removed the building.

RESPONSE:

The application site is an existing building which has planning permission and the interested party's suggestion is purely subjective. The applicants have no intention of removing the building and, if planning permission is refused, the building will remain and be maintained in its current form. The options are therefore to allow the upgrading of the building as a conversion or to retain the building as it is. Removal is not an option. The applicants would also point out that, under the terms of the Scottish Government's Guidance on Farm Diversification and Planning Permission, they could re-evaluate their plans for the existing farmland which they own to the South and West of the application site and replace the existing building with a new agricultural building of up to 465 square metres in area and 12 metres in height.

7

REPRESENTATION COMMENT:

It is unlikely that the proposed house would be low cost and affordable, as suggested by the applicants in their Notice of Review. It is more likely that the house would become a second home or holiday let.

RESPONSE:

The applicants did not suggest that the proposed conversion would be "affordable" in the context of Affordable Homes as defined by the Council. The suggestion is that the project could provide potential for a "self-build" project for a local resident who, by virtue of the simple form of the building, could create a family home for a relatively low budget. The question of whether the house would become a second home or holiday let is one which is subject to Local and National Policy on second homes and holiday lets in the countryside and is irrelevant to the Review.

8

REPRESENTATION COMMENT:

The building was originally granted planning permission solely for its agricultural function. It has no architectural merit, freestanding away from Whiting Bay and the Largiemenoch nucleated group of buildings.

RESPONSE:

The building was granted planning permission for an agricultural use. Consequently, it stands where it is, forming part of the rural landscape. Its conversion to a house would see its appearance significantly enhanced. The building may not be perceived to be of architectural merit but the proposals clearly show that the proposed conversion would, being similar in form and style to a number of examples throughout Scotland, which have been praised for their appropriate design for rural locations, and which were included in the applicants' Notice of Review, be entirely appropriate architecturally. The building's location relative to Whiting Bay and Largiemenoch has already been addressed in Point 1 above.

9

REPRESENTATION COMMENT:

Policy ENV3 states that the building should have substantial residual fabric and be capable of re-use. The shed was a chicken shed and effectively all the fabric will be replaced with substantial rebuilding and alteration.

RESPONSE:

The existing use of the building is irrelevant, except that it is a redundant agricultural building. The original application demonstrated quite clearly that the building has substantial residual fabric, consistent with the Council's Supplementary Guidance on the Interpretation of Policy ENV3(b). Any conversion requires significant building work but the proposal maintains the basic structure, foundations, floor and walls of the existing building and, apart from internal alterations, seeks only to introduce more windows, re-clad it and replace the roof while maintaining its overall size and shape.

10

REPRESENTATION COMMENT:

The photograph on page 4 of the Notice of Review is out of date as it does not show the new house being built to the West of the public road which will be overlooked by the proposed conversion.

RESPONSE:

At the time the photograph was taken, construction of the new house had not started. However, as mentioned in Points 1 and 4 above, the presence of this new house, combined with the proposed conversion, will help to nucleate the cluster of buildings in Largiemenoch and make it less ribbon-like. As far as overlooking of the new house is concerned, the proposed conversion does not directly overlook the new house and, in any case, the distance between the windows on the new house and the proposed conversion will be greater than 18 metres which is the standard minimum requirement.

11

REPRESENTATION COMMENT:

The plan of the adjacent properties as submitted is out of date as it does not show the new house to the East side of the public road, which will also be overlooked.

RESPONSE:

The plan used was sourced from the Ordnance Survey and was obviously produced before the erection of the new house in question. Nonetheless, this new house only serves to increase the ribbon-like pattern of development in Largiemenoch against which the proposed conversion will help to mitigate. As this house is on the East of the public road it is significantly removed from the proposed conversion and its frontage will face the proposed conversion so that the assertion of overlooking is absurd.

12

REPRESENTATION COMMENT:

Original planning permission for the houses referred to in Points 10 and 11 above was provided on the basis that Largiemenoch is a Clachan.

RESPONSE:

This comment clearly refers to Policy ENV2 whereas the current proposal is made under Policy ENV3.

13

REPRESENTATION COMMENT:

The Land Certificate states that none of the land forms part of an agricultural holding.

RESPONSE:

An agricultural holding is of course agricultural property which is the subject of a lease. The application site and the remainder of the surrounding farmland is owned by the applicants and the site is therefore correctly stated as not forming part of an agricultural holding.

The applicants maintain that none of the representations made by interested parties have any merit and the foregoing responses demonstrate that these representations do not make any case against the proposal.