



North Ayrshire Council  
Comhairle Siorrachd Àir a Tuath

## Planning Committee

A Meeting of the **Planning Committee** of North Ayrshire Council will be held in the **Council Chambers, Ground Floor, Cunninghame House, Irvine, KA12 8EE** on **Wednesday, 20 March 2024** at **14:00** to consider the undernoted business.

### Meeting Arrangements - Hybrid Meetings

This meeting will be held on a predominantly physical basis but with provision, by prior notification, for remote attendance by Elected Members in accordance with the provisions of the Local Government (Scotland) Act 2003. Where possible, the meeting will be live-streamed and available to view at <https://north-ayrshire.public-i.tv/core/portal/home>.

#### 1 **Declarations of Interest**

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

#### 2 **Minutes**

The accuracy of the Minutes of the meeting held on 24 January 2024 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 **24/00083/ALO: Glenview Cottage, Brisbane Glen Road, Larg**

Removal of Section 75 Condition relating to application ref: N/04/00111/PP (copy enclosed).

#### 4 **24/00114/ALO: Clauchlands View Cottage, Clauchlands Farm, Lamblash, Brodick, Isle of Arran**

Removal of Section 75 agreement from planning permission 06/00498/PP to remove occupancy restriction (copy enclosed).

#### 5 **Urgent Items**

Any other items which the Chair considers to be urgent.

## **Webcasting**

Please note: this meeting may be filmed/recorded/live-streamed to the Council's internet site and available to view at <https://north-ayrshire.public-i.tv/core/portal/home>, where it will be capable of repeated viewing. At the start of the meeting, the Provost/Chair will confirm if all or part of the meeting is being filmed/recorded/live-streamed.

You should be aware that the Council is a Data Controller under the Data Protection Act 2018. Data collected during the webcast will be retained in accordance with the Council's published policy, including, but not limited to, for the purpose of keeping historical records and making those records available via the Council's internet site.

Generally, the press and public seating areas will not be filmed. However, by entering the Council Chambers, using the press or public seating area or (by invitation) participating remotely in this meeting, you are consenting to being filmed and consenting to the use and storage of those images and sound recordings and any information pertaining to you contained in them for webcasting or training purposes and for the purpose of keeping historical records and making those records available to the public. If you do not wish to participate in a recording, you should leave the meeting. This will constitute your revocation of consent.

If you have any queries regarding this and, in particular, if you believe that use and/or storage of any particular information would cause, or be likely to cause, substantial damage or distress to any individual, please contact [dataprotectionofficer@north-ayrshire.gov.uk](mailto:dataprotectionofficer@north-ayrshire.gov.uk).

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## Planning Committee Sederunt

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Robert Foster (Chair)  
Timothy Billings (Vice-Chair)  
Scott Davidson  
Stewart Ferguson  
Cameron Inglis  
Amanda Kerr  
Davina McTiernan  
Jim Montgomerie  
Ian Murdoch  
Chloe Robertson

Chair:

Apologies:

Attending:



At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m. involving a combination of participation by remote electronic means and physical attendance within the Council Chambers, Irvine.

**Present (Physical Participation)**

Robert Foster, Stewart Ferguson, Cameron Inglis and Chloe Robertson.

**Present (Remote Participation)**

Timothy Billings, Scott Davidson, Amanda Kerr and Ian Murdoch.

**In Attendance (Physical Participation)**

A. Finlayson, Chief Planning Officer, and A. Gemmell, Strategic Planning Manager (Place); R. Lynch, Senior Manager and L. Ingram, Solicitor (Legal Services), J. Hutcheson, Communications Officer, C. Stewart and D. McCaw, Committee Services Officers (Democratic Services) (Chief Executive's Service).

**Chair**

Councillor Foster in the Chair.

**Apologies**

Davina McTiernan and Jim Montgomerie.

**1. Declarations of Interest**

There were no declarations of interest by Members in terms of Standing Order 11 and Section 5 of the Code of Conduct for Councillors.

**2. Minutes**

The Minutes of the Meeting held on 2 November 2023 were confirmed and signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**3. West Kilbride Local Place Plan**

Submitted report by the Executive Director (Place) on the preparation and submission of a Local Place Plan (LPP) for West Kilbride, Seamill and Portencross by West Kilbride Community Council. Appendix 1 to the report detailed the Local Place Plan in full, with the proposals for the development and use of land summarised at Appendix 2.

The Planning (Scotland) Act 2019 introduced a new right to produce community-led LPPs setting out proposals for the development and use of land and buildings. The aim of LPPs would be to enhance engagement in development planning by empowering communities to play a more proactive role in defining the future of their places. Planning Authorities must take account of registered LPPs when preparing a Local Development Plan. The report noted that the LPP submitted by West Kilbride Community Council, met the requirements in terms of legislation, regulations, form and content and was considered valid.

Members asked questions and were provided with information in relation to:

- the role of registered LPPs as a material consideration in determination of any future planning applications;
- guidance in relation to engagement to organisations planning a future LPP submission;
- the position in terms of LPPs contributing to the preparation of the next Local Development Plan (LDP3); and
- the process for feedback to local areas with registered LPPs during the LDP3 process.

The Committee agreed to (a) approve the registration of the LPP for West Kilbride, Seamill and Portencross, submitted by West Kilbride Community Council, as detailed in Appendix 1 to the report; and (b) note the requirement to take account of the Plan in the preparation of North Ayrshire's third Local Development Plan (LDP3).

The meeting ended at 2.15 p.m.

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**NORTH AYRSHIRE COUNCIL**

20th March 2024

**Planning Committee**

Locality	North Coast and Cumbraes
Reference	24/00083/ALO
Application Registered	2nd February 2024
Decision Due	2nd April 2024
Ward	North Coast

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**Recommendation**      Approved with no Conditions

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**Location**                      Glenview Cottage Brisbane Glen Road Largs North  
Ayrshire KA30 8SL

**Applicant**                      Mr Iain McIntyre

**Proposal**                      Removal of Section 75 Condition relating to  
application ref: N/04/00111/PP

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**1. Description**

This can be ascertained by reference to the attached plans and photographs.

The application seeks permission to discharge a legal obligation that was entered into under Section 75 of the Town and Country Planning (Scotland) Act 1997 in relation to the erection of a detached dwellinghouse at Middleton Farm, Largs (ref: 04/00111/PP). The house was built and is currently known as Glenview Cottage.

This permission was granted on the 20th of May 2005 following the signing of a Section 75 legal agreement. The S.75 agreement limits the occupation of the house to a person solely or mainly employed, or last employed, in agriculture or forestry at Middleton Farm or a dependant or widow or widower or the offspring of such a person.

The house consists of a one and half storey dwellinghouse, sited in the south-eastern corner of the Middleton Farm grouping and is accessed via a private access from Brisbane Glen Road to the west.

The applicant was the applicant of the 2005 permission (ref: 04/00111/PP). They have provided a supporting statement which states that S.75 causes difficulty in raising finance

for the farm and it is difficult to finance on-going maintenance for the house itself. The applicant, his brother and mother are the only persons permitted to live in the house by the terms of the S.75. The S.75 restricts the flexibility of the farm to continue to operate including preventing it being split into separate units between the applicant and his brother.

The applicant considers that there would be no amenity issues in allowing the house to be occupied separately to Middleton Farm. They note that Planning Circular 3/2012 which gives advice on planning obligations states that "imposing restrictions on use are rarely appropriate and so should be generally avoided."

The application site is allocated as countryside in the Adopted Local Development Plan (LDP) and therefore the Countryside Objective of Strategic Policy 1 (Spatial Strategy) applies. All applications require to be assessed against Strategic Policy 2 (Placemaking) of the LDP and National Planning Policy 4.

### **Relevant Planning History**

None.

### **Relevant Development Plan Policies**

SP1 - The Countryside Objective  
The Countryside Objective

We recognise that our countryside areas play an important role in providing homes, employment, and leisure opportunities for our rural communities. We need to protect our valuable environmental assets in the countryside while promoting sustainable development which can result in positive social and economic outcomes. We want to encourage opportunities for our existing rural communities and businesses to grow, particularly on Arran and Cumbrae, and to support these areas so that they flourish.

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

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

- a) expansions to existing rural businesses and uses such as expansions to the brewery and distillery based enterprises in the area.
- b) ancillary development for existing rural businesses and uses, including housing for workers engaged in agriculture or forestry.
- c) developments with a demonstrable specific locational need including developments for renewable energy production i.e. wind turbines, hydroelectric schemes and solar farms.
- d) tourism and leisure uses, where they would promote economic activity, diversification and sustainable development, particularly where they develop our coastal tourism offer/ infrastructure.



- e) developments which result in the reuse or rehabilitation of derelict land or buildings (as recognised by the Vacant and Derelict Land Survey) for uses which contribute to the Green and Blue Network such as habitat creation, new forestry, paths and cycle networks.
- f) sensitive infilling of gap sites consolidating existing developments where it would define/provide a defensible boundary for further expansion.
- g) small-scale expansion of settlements on Arran and Cumbrae for community led proposals for housing for people employed on the island, where a delivery plan is included, and infrastructure capacity is sufficient or can be addressed by the development and where the proposal meets an identified deficiency in the housing stock and is required at that location. All proposals will be expected to demonstrate the identified housing need cannot be met from the existing housing land supply.
- h) new housing in the countryside where it is a replacement or converted building or it is a house of exceptional design quality.
- i) sympathetic additions to existing well-defined nucleated groups of four or more houses (including conversions) in close proximity to one another and visually identifiable as a group with some common feature e.g. shared access. Additions will be limited to 50% of dwellings existing in that group as of January 2005 up to a maximum of four new housing units (rounded down where applicable).

## Strategic Policy 2

### Placemaking

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

### Six qualities of a successful place

#### Distinctive

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

#### Welcoming

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

#### Safe and Pleasant

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

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

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

#### Adaptable

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

#### Resource Efficient

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

#### Easy to Move Around and Beyond

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

## 2. Consultations and Representations

There is no requirement for neighbour notification nor other forms of publicity for this category of application. No consultations were carried out.

**Publicity:-** Not Advertised

**Site Notices:-** No Site Notice

## 3. Analysis

The proposal requires to be considered in terms of the Countryside Objective of Strategic Policy 1 (Spatial Strategy) of the LDP which in principle supports proposals outwith identified towns and villages for:

- a) Ancillary development for existing rural businesses and uses, including housing for workers engaged in agriculture or forestry; and
- b) New housing in the countryside where it is a replacement or converted building or it is a house of exceptional design quality.

The above policy does not specifically address a change of circumstances as has been presented in this case. The application seeks to discharge the occupancy restriction attached to the Section 75 obligation and includes a support statement which offers a justification for the removal of this restriction.

In terms of the removal of occupancy conditions, the following points can be considered material considerations:

- (i) Since it was built around 19 years ago, the house has been occupied in association with the rural business against which the grant of planning permission was justified;
- (ii) The associated agricultural unit continues to be operated;
- (iii) Scottish Government advice dating from 2011, in a letter from the Chief Planner, indicates that little weight should now be afforded to the use of occupancy conditions for housing in the countryside. Instead, the planning considerations should focus on siting, design, environmental impacts, access and so on.

Requests to remove such occupancy restrictions should normally take into consideration the following factors: the time passed since the original restriction was imposed; the change in circumstances given as justification; consideration of any risks associated with the removal of the restriction; difficulties caused by retention of the restriction; and that the house is suitably sited and designed and provides a reasonable level of residential amenity.

The farm remains in operation with both the application property and Middleton Farm remaining in the ownership of the family. It is considered that 19 years is a sufficiently long period following the imposition of the occupancy restriction.

The supporting information provided with the application states that the S.75 makes it difficult to raise finance against the house. The operation of the farm has changed in the intervening years and the current farming generation are now considering the succession. It is possible that the farming unit may have to be split to allow continued operation, either within the family or with another operator. It is also likely that the next generation of farmer may come from outwith the family.

The circumstances of the farm are noted, and it is considered reasonable that circumstances will have changed in the 19 years since planning permission was originally granted. Whilst removal of the restriction could result in the house being occupied in isolation from the operation of the farm unit, the circumstances of the farm business have changed, as has national planning policy and guidance for rural housing. It is not considered there is any risk to the farm unit by the removal of restriction.

The application also requires to be assessed against Strategic Policy 2 (Placemaking) which identifies six qualities of a successful place which all applications for planning permission are expected to meet. It is considered that the 'Distinctive' and 'Safe and Pleasant' qualities are most relevant in this case. The house has been in occupation for several years and provides a reasonable level of residential amenity and outlook. Although it has a shared access with Middleton Farmhouse, it is considered to be sufficiently separate from that building (approx. 25m at its closest point) and to have no significant impacts on that property. The house has its own separate parking and tuning area and garden space.

The proposal therefore accords with Strategic Policy 2 of the LDP. Policy 14 of NPF4 is essentially a re-iteration of Strategic Policy 2, albeit with slightly different wording. Notwithstanding the proposal also accords with Policy 14 of NPF4.

#### **4. Full Recommendation**

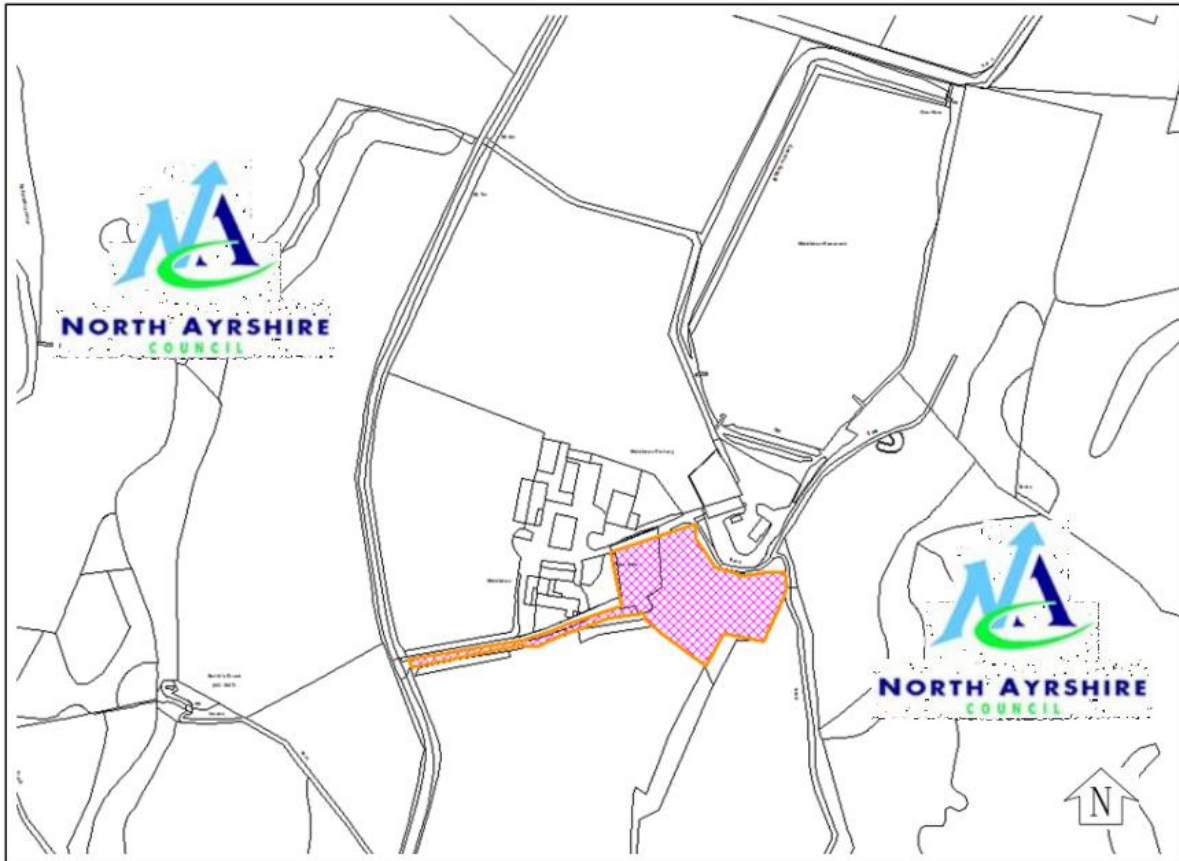
Approved with no Conditions.

Allan Finlayson  
Chief Planning Officer

For further information please contact Mr Iain Davies on 01294 324320.

## Appendix 1 – Location Plan

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**NORTH AYRSHIRE COUNCIL**

20th March 2024

**Planning Committee**

Locality	Isle of Arran
Reference	24/00114/ALO
Application Registered	19th February 2024
Decision Due	19th April 2024
Ward	Arran

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**Recommendation**      Approved with no Conditions

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**Location**              Clauchlands View Cottage Clauchlands Farm Lamlash  
 Brodick Isle Of Arran  
 North Ayrshire  
 KA27 8LH

**Applicant**              Mrs Ann Reid

**Proposal**              Removal of Section 75 agreement from planning  
 permission 06/00498/PP to remove occupancy  
 restriction

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**1. Description**

This can be ascertained by reference to the attached plans and photographs.

An application has been made in terms of Section 75A of the Town and Country Planning (Scotland) Act 1997 to remove a legal obligation that was entered into under Section 75 of the Town and Country Planning (Scotland) Act 1997. The obligation was in relation to an occupancy restriction.

An application for planning permission for a detached single storey house for self-catering holiday letting use (ref:06/00498/PP) was approved by the Planning Committee on 14th August 2006, subject to a Section 75 Agreement and conditions.

The planning permission was subsequently issued on 6th October 2006 following the signing of the Section 75 Agreement which limited occupancy of the house for the purpose of short-term letting and restricted the sale or letting of the property on the open housing market. The S75 agreement also limited occupation of the house as a permanent residence

or for more than four consecutive weeks or more than twelve weeks in total by the same person or persons in a calendar year.

Clauchlands Farm is sited 1km north east of the settlement of Lamlash. The detached single storey house is sited at the south west corner of the main grouping of farm buildings of the main farmyard grouping and c.195m west of a similar house built by the original farmer, Alex Reid, in 2002 (01/00666/PP) when the operation of the farm was taken over by his son (Stuart Reid, the current farmer). That other house is also subject to a legal agricultural occupancy agreement.

The three bedroom single storey house is of simple design with a footprint of some 96m<sup>2</sup> and is of traditional design and finishes. It shares the main farm access road which leads from Clauchlands Road to the south. It is otherwise bounded by agricultural land within the farm.

The applicants are the current farmer and his wife who have applied for discharge of the legal agreement on the following grounds:

- Changes in the business. The main part of the business is as a dairy farm supplier to the Torrylinn Creamery. Since the Creamery closed in 2019, the dairy business has reduced, much of the herd has been sold and staff made redundant due to the reduced workload;
- Due to the imminent complete retiral of the applicants' parents from the farm business, the workforce will be reduced from four to two people;
- The current farm/holiday letting business model is being re-considered, in an effort to allow the farm business to continue to some extent and more flexibility is required in the use of the cottage in the long term with the idea that it could be offered as a long term let rather than for restricted short-term holiday letting only to ensure a steady income to be fed back into the farming operation.
- The applicants do not consider that there would be any amenity issues arising from the removal of the occupancy restriction.

The application site is located within the countryside, as identified in the adopted North Ayrshire Local Development Plan ("the LDP") and is unaffected by any site specific policies or proposals therein. The relevant policies are Strategic Policy 1: the Countryside Objective and Strategic Policy 2: Placemaking.

A similar agricultural occupancy was previously removed from Clauchlands Cottage No.3 in 2019 (19/00573/ALO) for similar reasons, immediately following the closure of the Torrylinn Creamery, as farm staff were initially released from employment.

### **Relevant Planning History**

None.



## Relevant Development Plan Policies

### SP1 - The Countryside Objective The Countryside Objective

We recognise that our countryside areas play an important role in providing homes, employment and leisure opportunities for our rural communities. We need to protect our valuable environmental assets in the countryside while promoting sustainable development which can result in positive social and economic outcomes. We want to encourage opportunities for our existing rural communities and businesses to grow, particularly on Arran and Cumbrae, and to support these areas so that they flourish.

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

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

### Strategic Policy 2 Placemaking

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

## Six qualities of a successful place

### Distinctive

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

### Welcoming

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

### Safe and Pleasant

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

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

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

### Adaptable

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

### Resource Efficient

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

## Easy to Move Around and Beyond

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

## **2. Consultations and Representations**

There is no statutory requirement for neighbour notification or other publicity for this type of application and no consultations were required.

**Publicity:-** Not Advertised

**Site Notices:-** No Site Notice

## **3. Analysis**

Essentially, the proposal is to allow permanent occupation of a house already in-situ which was approved for short term occupation only. The proposal requires to be considered in terms of Strategic Policy 1: the Countryside Objective and Strategic Policy 2: Placemaking in the adopted Local Development Plan.

SP1 accepts new development in the countryside which is ancillary to existing rural uses and the house was initially justified and approved in these terms as being intended to support the existing farm operation. The policy does not specifically address a change in circumstances such as is requested here.

In terms of the requested removal of the occupancy condition, the following points are considered to be material:

- (i) Since it was initially built eighteen years ago, the house has been let in association with the rural business against which it was justified;
- (ii) The agricultural unit continues to operate but there have been significant developments in the dairy business outwith the applicants' control, ie. the loss of the main client, Arran Creamery.
- (iii) Retention of the occupancy restriction would cause difficulty for the applicants due to the uncertainty of the holiday letting market and the ongoing administrative work involved in managing the property;
- (iv) Since the time of the original approval, Scottish Government advice, in a 2011 letter from the Chief Planner to local authorities, indicates that little weight should now be afforded to the use of occupancy conditions for housing in the countryside. Instead, the planning considerations should focus on siting, design, environmental impacts, access etc.

Requests to remove such occupancy restrictions should normally take into consideration: the time passed since the original restriction was imposed; the change in circumstances given as justification; consideration of any risks associated with removal of the restriction;

difficulties caused by retention of the restriction, eg. mortgage borrowing: and that the house is suitably sited and designed and provides a reasonable level of residential amenity.

The house was granted in 2006 and was justified against the needs of the business at that time. The intervening changes to the farm business, outwith the applicants' control, are noted and it is accepted that circumstances have changed in the eighteen years since the original Legal Agreement. It is therefore accepted that the house has been occupied in line with the agreement for a sufficiently long period following the imposition of the occupancy restriction.

Discussions with the applicant and the previous similar application outlines the significant impact on the farm business of the closure of its main client, Arran Creamery, the circumstances of the farm business have changed, as has national planning policy and guidance on rural housing and it is not considered that there would be any specific risk to the existing farm unit arising from the removal of the restriction. The proposal therefore accords with Strategic Policy 1.

In terms of siting and amenity, the house provides a good level of residential amenity and outlook which would be unchanged by the requested removal of the short term letting restriction. It does not impact on the privacy or residential amenity of any other properties. The house can be accessed independently of the working farm and the siting is acceptable. Again, it is noted that the Chief Planner's most recent advice on the desirability of avoiding occupancy restrictions, other than to guard against identified impacts on road safety, amenity etc. is a material planning consideration.

The proposal also therefore complies with Strategic Policy 2: Placemaking in the LDP.

The application has also been assessed against the approved National Planning Framework 4 and it has been determined that the proposal does not raise any significant strategic planning issues which conflict with the foregoing assessment.

Taking all of these factors into consideration, it is considered that there is no longer a requirement to retain the short term occupancy restriction. It is therefore recommended that the occupancy restriction be removed, and the associated Section 75 agreement be discharged.

#### **4. Full Recommendation**

Approved with no Conditions

Allan Finlayson  
Chief Planning Officer

For further information please contact Mr Neil McAteer Planning Officer on 01294 324316.

## Appendix 1 – Location Plan

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