
NORTH AYRSHIRE COUNCIL

20 September 2023

Local Review Body

Title: Notice of Review: 23/00309/PPP: Mid Lambroughton Farm, by Cunninghamehead, by Kilmaurs, KA3 2PL

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 23/00309/PPP for the dountaking of an agricultural building and development of a single dwellinghouse and associated works at Mid Lambroughton Farm, by Cunninghamehead, by Kilmaurs.

2.2 The application was refused by officers for the reasons detailed in the Decision Notice.

2.3 The following related documents are set out in the appendices to the report:

Appendix 1 - Notice of Review documentation;

Appendix 2 - Report of Handling;

Appendix 3 - Location Plan; and

Appendix 4 - Planning Decision Notice.

3. Proposals

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

4. Implications/Socio-economic Duty

Financial

4.1 None arising from the recommendation of this report.

Human Resources

4.2 None arising from the recommendation of this report.

Legal

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

Equality/Socio-economic

4.4 None arising from the recommendation of this report.

Environmental and Sustainability

4.5 None arising from the recommendation of this report.

Key Priorities

4.6 None arising from the recommendation of this report.

Community Benefits

4.7 None arising from the recommendation of this report.

5. Consultation

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

Craig Hatton
Chief Executive

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

Background Papers

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100632174-001

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: HLM Scotland Ltd
Ref. Number:
First Name: * Martin
Last Name: * Hannah
Telephone Number: *
Extension Number:
Mobile Number:
Fax Number:
Building Name:
Building Number:
Address 1 (Street): *
Address 2:
Town/City: *
Country: * UK
Postcode: *
Email Address: *

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text" value=""/>
First Name: *	<input type="text" value="Richard"/>	Building Number: <input type="text"/>
Last Name: *	<input type="text" value="Whittaker"/>	Address 1 (Street): * <input type="text" value=""/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value=""/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="UK"/>
Mobile Number:	<input type="text" value=""/>	Postcode: * <input type="text" value=""/>
Fax Number:	<input type="text"/>	
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="Mid Lambroughton Farm"/>
Address 2:	<input type="text" value="By Cunninghamehead,"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="By Kilmaurs"/>
Post Code:	<input type="text" value="KA3 2PL"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="643633"/>	Easting	<input type="text" value="239654"/>
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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)

Appeal against refusal of planning permission in principle.

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.

See attached statement of case.

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)

Statement of case.

Application Details

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

23/00309/PPP

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

03/05/2023

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

13/06/2023

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 Martin Hannah

Declaration Date: 14/06/2023



Local Review Body
North Ayrshire Council
C/o Committee Services
Cunningham House
Irvine
KA12 8EE

Date: 14 June 2023

Dear Sirs,

S42A Appeal against refusal of planning permission in principle

This notice of review and statement of case (Production 1) is lodged under Regulation 9 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 and 43a of the Principal Act.

Application for *planning permission in principle* was lodged under s32 of the Town and Country Planning (Scotland) Act 1997, as amended, and in accordance with Regulation 10 of the Town and Country Planning (Development Management Procedures) (Scotland) Regulations 2013.

The planning application was lodged in April 2023, and this sought permission for the down taking of a redundant large steel (former agricultural) building and its replacement with a new dwelling. The Council has previously granted consent for refurbishment and conversion of this dilapidated Quonset style building. The full planning permission is still live and can be implemented. (Production 2).

For the reasons detailed in the appellant's supporting statement, (Production 3) the applicant would prefer to sell on the land with the benefit of planning permission in principle. This would allow a future developer or self-builder to pursue a different form of development. The appellant does not wish to limit the ambition of a future developer or impose a design solution at this stage but considers that a low-rise single house development of domestic scale and in the style of neighbouring steading development would be an improved outcome for this land.

The existing building and planning permission have their limitations. The Local Review Body is asked to inspect the appeal site and consider the extant planning permission prior to reaching a determination upon this appeal. Upon inspection of the land and building Members of the Review Body should better understand the motivation of the appellant and the reasoning for the application and this appeal.

Each planning application should be assessed and determined by the decision maker upon its merits, on the facts and circumstances of each case.

To the extent that adopted development plan policies and statutory guidance are material to an application for planning permission, the Town, and Country Planning (Scotland) Act 1997, as amended, requires that planning

decisions should be made in accordance with the provisions of the Development Plan unless there are material considerations that indicate otherwise.

The Development Plan for an area is to be taken as consisting of the provisions of the spatial plan and national planning policies under the National Planning Framework, any strategic plan for the area and any local development plan for the area.

National Planning Framework 4 was adopted in February 2023 and now represents an up-to-date statement of Government Policy and priorities.

Accordingly, this proposal should be determined against both the relevant policies of the adopted North Ayrshire Local Development Plan 2019 and National Planning Framework 4 2023 and any other material planning considerations.

As set out within Section 24(3) of the 1997 Act (as amended), **where there is incompatibility between provisions of NPF4 and the Local Development Plan, the later in date will prevail.** As the NALDP predates NPF4, it is NPF4 which will prevail, where there is incompatibility between these.

Assessment should consider the application against the relevant NPF4 policies before assessment against the LDP policies and consider whether there is any incompatibility between them. The appointed officer failed to do this correctly.

Production 3 sets out the appellant's case clearly in terms of national policy. The National Policy supports the reuse of brownfield land and rural housing development.

The appointed officer has declined to engage positively with a competent and properly supported application submitted under Regulation 10. Furthermore, the appointed officer has failed to attach sufficient weight to the existing grant of planning permission and the practical consequences of reform to the permitted development regime. The principle of residential development and conversion of the barn including substantial rebuilding is already established so the application to replace it with something better should not court controversy.

Although there is clear national planning policy support for the proposed development now under appeal the appointed officer suggests otherwise in the report on handling. The appointed officer offers reasoned justification for refusal of planning permission grounded in supplementary guidance that carries no statutory weight.

The appointed officer reasons that assessment of an application for planning permission in principle against Development Plan Policy is not possible. We disagree with his approach fundamentally. The appeal site is not located in a National Park, Conservation Area, Historic or Designed Landscape nor does it affect a Listed Building. There is no cogent planning justification or any basis in law or procedure for the demand that applications for new-build rural housing development must be made under regulation 9 or be refused.

Procedurally, only applications for change of use must be made in full. No other local Planning Authority in the West of Scotland adopts this idiosyncratic position towards planning permission in principle and far more complex development than single house development is approved routinely via this route.

The substantive reason for refusal of planning permission is the appellant's reticence to make another full planning application. This would risk repeating the previous mistake that would impose a building design, floorplan and aesthetic that may not resonate well with a prospective buyer or developer of the land.

Scottish Planning Legislation permits applications for planning permission to be lodged in principle. A Planning Authority can decide if redevelopment of a site is acceptable in principle, and most do so because the grant of permission is subject to a standard condition that requires approval of all requisite matters before commencement of development.

The reasoning for refusal of planning permission offered by the appointed officer subverts Primary Legislation and the Development Management Regulations that apply across the Country.

The appellant has planning permission that can be implemented but wishes to sell on the land with the principle established that the new owner may demolish the building and build something new. This is precisely why the planning permission in principle route exists.

The appellant's submission is entirely consistent with the National Planning Policy adopted just four months ago. The presumption under sections 25 and 37 of the Act is that planning permission should be granted.

The appointed officer has attached excessive gravitas to non-statutory guidance to justify a planning decision that flouts National Planning Policy and well-established and lawfully sound planning law and procedure.

Respectfully, we ask the Review Body to grant planning permission in principle.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Martin Hannah', with a stylized flourish at the end.

Martin Hannah MRTPI
Director - HLM Scotland Ltd,

REPORT OF HANDLING

North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Reference No:	23/00309/PPP
Proposal:	Planning permission in principle for the dountaking of an agricultural building and development of a single dwellinghouse and associated works
Location:	Mid Lambroughton Farm, Kilmarnock, Ayrshire, KA3 2PL
LDP Allocation:	Countryside/Rural Community
LDP Policies:	SP1 - The Countryside Objective / Strategic Policy 2 /
Consultations:	Yes
Neighbour Notification:	Neighbour Notification carried out on 03.05.2023 Neighbour Notification expired on 24.05.2023
Advert:	Regulation 20 (1) Advert Published on:- 17.05.2023 Expired on:- 07.06.2023
Previous Applications:	20/01064/PP for Erection of detached dwelling house with attached garage to include the provision of access driveway, waste water treatment system, landscaping works, solar PV array and boundary treatments Application Withdrawn on 15.01.2021 21/01151/PP for Change of use and alterations to redundant metal barn to form dwellinghouse including the provision of boundary treatment, siting of solar PV panels, provision of garden ground/wildflower meadow, provision of drainage and formation of parking Approved subject to Conditions on 11.01.2022

Appeal History Of Site:**Relevant Development Plan Policies**

SP1 - The Countryside Objective
The Countryside Objective

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

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

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

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

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

Strategic Policy 2

Placemaking

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

The policy also safeguards, and where possible enhances environmental quality through the avoidance of unacceptable adverse environmental or amenity impacts.

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

Six qualities of a successful place

Distinctive

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

Welcoming

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

Safe and Pleasant

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

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

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

Adaptable

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

Resource Efficient

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

Easy to Move Around and Beyond

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

Description

The application site is located at Mid Lambroughton Farm in the countryside to the northeast of Irvine. The site is located to the west of the main farm steading and contains a barn of approximately 300 square metres in area. The walls and roof of the barn have a curved profile and dates from the mid-twentieth century. It is clad with red coloured metal sheeting. Mid Lambroughton farm is a traditional farm steading where three of the former byres/farm buildings have been converted into dwellinghouses.

This is an application for Planning permission in principle for the demolition of the barn and erection of a single dwellinghouse on the site.

The application site is located within the Countryside in terms of the adopted Local Development Plan and requires to be considered in terms of Strategic Policy 1 (Countryside Objective), Strategic Policy 2 (Placemaking) and the Housing in the Countryside Policy Guidance Note of June 2021. All development proposals also require to be assessed against the adopted National Planning Framework 4 (NPF4). In this instance, Policy 17: Rural Homes, of NPF4 is of particular relevance.

Mid Lambroughton is no longer a working farm. The original farmhouse is to the east of the application site, around which are three other converted barns of traditional design and character. To the southeast of the site is a barn conversion which was granted permission in 2019 (ref. 19/00665/PP) following the demolition of a series of metal sheds. To the northeast is a barn conversion granted in 2018 (ref. 18/00238/PP). Beyond, on the northeastern fringes of the steading, is an earlier barn conversion dating from 2006 (ref. 06/00090/PP). The houses are accessed from two separate driveways leading from the B769 Irvine to Stewarton Road.

Planning permission was initially applied for to demolish the barn to which this application relates and erect a new dwellinghouse in November 2020 (20/01064/PP). This application was proposed to be justified as a 'house of exceptional design quality' under The Countryside Objective of Strategic Policy 1. The Case Officer indicated that the setting was not likely appropriate for this part of the policy, and the application was subsequently withdrawn. Planning Permission was granted in January 2022 (21/01151/PP) for the conversion of the existing barn into a dwellinghouse under the 'replacement or conversion' section of The Countryside Objective.

The applicant's Design Statement for this application states that the owners of the site wish to sell the land and it is not considered that existing planning permission for conversion of the existing barn is likely to have market appeal. They therefore wish to apply for planning permission in principle to remove the barn and for the erection of a new dwellinghouse. The applicant has been advised that applications for planning permission in principle for new dwellinghouses in the countryside are not supported as there is insufficient information included in a planning permission in principle application to adequately assess a proposal against the Countryside Objective of Strategic Policy 1 and the Housing in the Countryside Advice Note.

Consultations and Representations

The statutory neighbour notification process was undertaken and there was no requirement to advertise the application. No letters of representation were received.

Consultations:

North Ayrshire Council (NAC) Active Travel and Transportation: No objections subject to conditions relating to the access.

Response: Noted, such conditions could be added in the event of planning permission being granted.

NAC Environmental Health: No objections, subject to conditions relating to contamination and foul water drainage.

Response: Noted, such conditions could be added were planning permission forthcoming.

Scottish Water: There is no public Scottish Water infrastructure within the vicinity and therefore the applicant would need to provide private surface and foul water treatment arrangements.

Response: Noted, as this is an application for planning permission in principle, details of drainage would be assessed as part of any future 'matters specified in condition' application, should planning permission in principle be granted.

Analysis

The key policy consideration in determining whether a new dwellinghouse can be supported in a countryside location is The Countryside Objective of Strategic Policy 1: Spatial Strategy of the LDP. This policy sets out the criteria in which a new dwellinghouse might be permitted in a Countryside land allocation. On the mainland, these instances are restricted to:

- i. Where the house would be for a rural worker, such as for people engaged in farming or forestry;
- ii. Sensitive infilling of gap sites;
- iii. Replacement or conversion of existing buildings or a house of exceptional design quality; or
- iv. Sympathetic additions to existing well-defined groups of four or more houses.

The Housing in the Countryside Guidance Note of June 2021 provides further explanation and detail on when proposals for new houses in the countryside will be supported. The Guidance Note states in section 2.2 that Planning Permission in Principle (PPP) applications (for new houses in the countryside) will not be supported. This is because PPP does not provide the level of detail or information required to assess the appropriateness of the proposal. Only the level of detail contained within a full Planning Application would be sufficient to adequately assess the proposal against The Countryside Objective. Insufficient information has been provided with the application in order to determine whether it accords with The Countryside Objective of Strategic Policy 1, and therefore the application cannot be supported.

Strategic Policy 2: Placemaking, states that all development proposals must meet the qualities of successful places as outlined in the policy. As above there are insufficient details to assess whether the proposal accords with this policy. In a town setting these details could be ensured via a 'Matters Specified in Condition' condition, however, as this is a countryside location, full details of the design are required in order to assess the principle of the development.

Turning to NPF4, Policy 17 relates to rural homes. This policy states that development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in-keeping with the character of the area and the development is:

- i. is on a site allocated for housing within the LDP;
- ii. reuses brownfield land where a return to a natural state has not or will not happen without intervention;
- iii. reuses a redundant or unused building;
- iv. is an appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;
- v. is demonstrated to be necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work;
- vi. is for a single home for the retirement succession of a viable farm holding;
- vii. is for the subdivision of an existing residential dwelling; the scale of which is in keeping with the character and infrastructure provision in the area; or
- viii. reinstates a former dwelling house or is a one-for-one replacement of an existing permanent house.

As above, it is not considered that sufficient information has been provided to demonstrate that the proposed dwellinghouse would be suitably scaled, sited and designed or that it would be in-keeping with the character of the area. It has not been demonstrated that the proposal would accord with any of the eight instances outlined in the policy where proposals for new homes in the countryside would be supported. Given the above, it is not considered that sufficient information has been provided to demonstrate that the proposal would accord with Policy 17 of NPF4.

In the absence of a detailed design, it has not been demonstrated that the proposed development would accord with the relevant policies of the LDP or NPF4. The proposal has not been demonstrated to accord with The Housing in the Countryside Guidance Note and an outstanding quality of design has not been demonstrated. For these reasons, it is recommended that this application for planning permission in principle is refused.

Decision

Refused

Case Officer - Mr John Mack

Appendix 1 - Drawings relating to decision

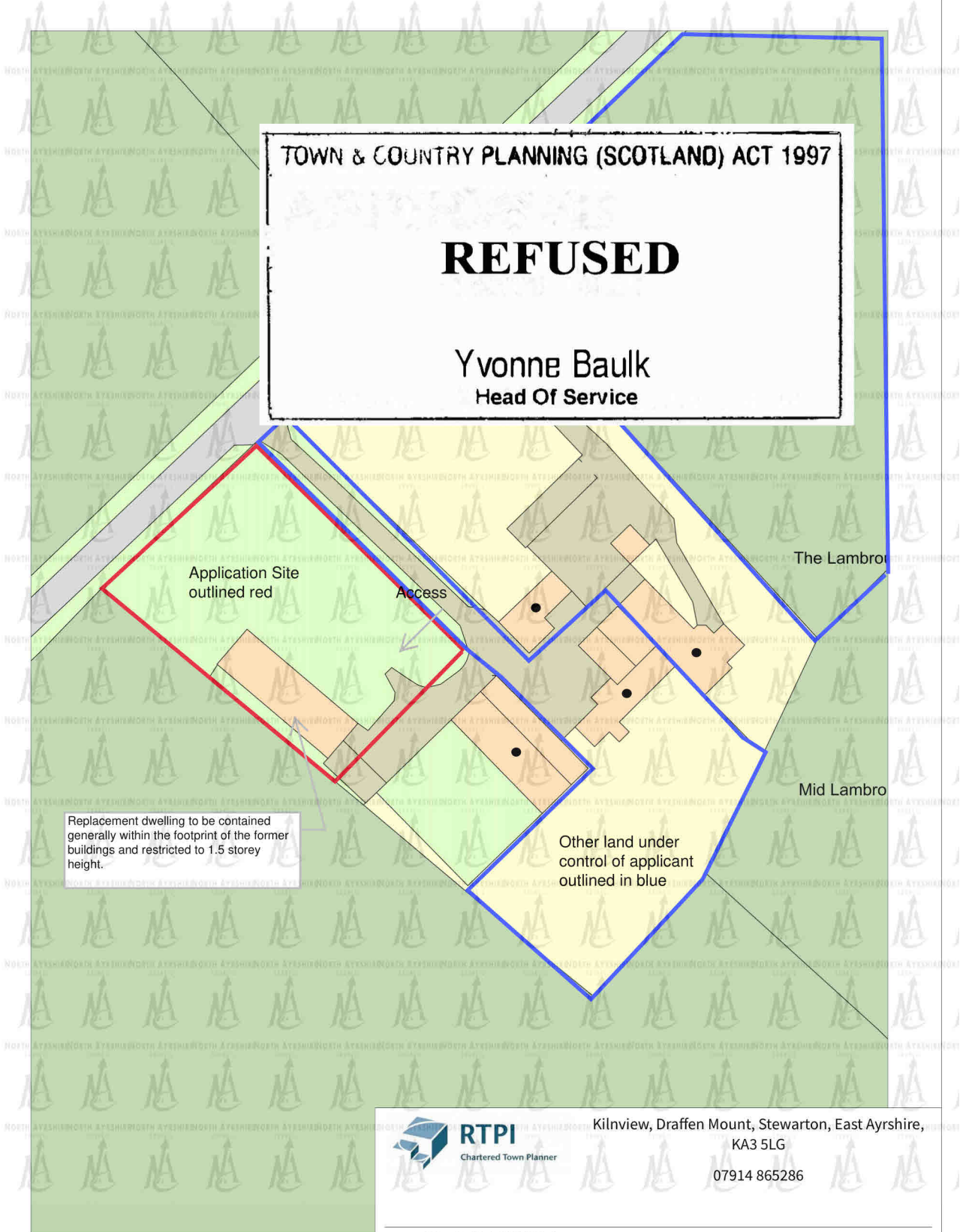
Drawing Title	Drawing Reference (if applicable)	Drawing Version (if applicable)
Location Plan		



TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

REFUSED

Yvonne Baulk
Head Of Service



Replacement dwelling to be contained generally within the footprint of the former buildings and restricted to 1.5 storey height.



Kilnview, Draffen Mount, Stewarton, East Ayrshire,
KA3 5LG
07914 865286

Client: **Mr R Whittaker**
Project: **Mid Lambroughton Farm**

Title: **Application Site Plan 1:1250**

Scale: 1:1250 @A4
Drawn By: MH

Date: 27 Mar 2023
Drawing No: Site Plan



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Yvonne Bauk : Head Of Service (Housing & Public Protection)

No N/23/00309/PPP

(Original Application No. N/100622845-001)

REFUSAL OF PLANNING PERMISSION IN PRINCIPLE

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 Richard Whittaker
c/o HLM Scotland Ltd Fao Martin Hannah
Kilnview
23 Draffen Mount
Stewarton
Ayrshire
KA3 5LG

With reference to your application received on 3 May 2023 for planning permission in principle under the above mentioned Acts and Orders for :-

Planning permission in principle for the dountaking of an agricultural building and development of a single dwellinghouse and associated works

at Mid Lambroughton Farm
Kilmarnock
Ayrshire
KA3 2PL

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

1. The proposal has not been demonstrated to accord with the relevant policies of the adopted North Ayrshire Local Development Plan, namely, The Countryside Objective of Strategic Policy 1: Spatial Strategy, and Strategic Policy 2: Placemaking. In the absence of detailed design, no cognisance of the Council's The Housing in the Countryside Guidance Note nor outstanding quality of design has been demonstrated.
2. The proposal has not been demonstrated to accord with the relevant policies of National Planning Framework 4, namely, Policy 17: Rural Homes. Insufficient information has been provided to demonstrate that the proposed dwellinghouse would be suitably scaled, sited and designed or that it would be in-keeping with the character of the area.

Dated this : 14 June 2023



.....
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

Yvonne Baulk : Head Of Service (Housing & Public Protection)

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.