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(1) Reason for appeal

(a) I am writing in support of an appeal against the planning department's refusal of an application for planning permission in principle (PPP) In the name of Ms Caroline Santos (Decision 19/00704PPP).

(b) The application relates to ground to the northwest of 15 Thirdpart Holdings.

(c) In my submission the decision to refuse PPP, taken under delegated powers by planning officers, is perverse in that no reasonable person could reach such a decision on the evidence.

(2) The circumstances of the original application

(a) Ms Santos is the owner and proprietor of approximately 5 acres of ground at Thirdpart Holdings and has been for over a decade. It is divided into two, adjacent fields, separated by a road.

(b) The land is currently used for the stabling of horses.

(c) Ms Santos intends to use the westernmost portion of her property for the erection of a dwelling house which will form her permanent home.

(d) On November 6 last year, the council's local review body overturned an earlier planning decision and granted permission for a single house development at The Stable, 15 Thirdpart Holdings, under the terms of Policy ENV2 of the previous North Ayrshire Local Plan.

(e) Policy ENV2 in relation to small scale growth of existing rural housing groups states that: "proposals for development in rural areas not defined in the LDP as a settlement or village shall accord with the LDP subject to satisfying the following criteria: the proposal constitutes a small scale, sympathetic addition to an existing, well defined, nucleated group of four or more houses and visually identifiable as a group with some common features, eg shared access. Expansion of such a group will be limited to 50 per cent of dwellings existing in that group as of 1 January 2005 up to a maximum of four new units."

(f) In September of this year, I made an application for PPP on behalf of my partner, Ms Santos.

(g) As previously noted, on September 18 Mr Ian Davies of your planning department intervened in a telephone call to my office to offer the advice that, in spite of the council's earlier decision, he intended to recommend refusal.

(h) As previously noted, Mr Davies advised me that ENV2 has been superseded by Strategic Policy 1 of the Countryside Objectives of the newly adopted local plan.

(d) In fact, paragraph (i) of Strategic Policy 1 is exactly, word for word, the same as ENV2. Putting the same words in a different booklet does not change the meaning of the policy and I respectfully submit the committee's interpretation of it should not change either.

(e) Despite Mr Davies' claims that ENV2 has been superseded by the new local plan, it should be noted that all the reasons for refusal offered by the planning department relate to the text of the old local plan, dated 2014.

(3) The Circumstances of Refusal

(a) In a letter setting out the reasons for refusal, your planning officer makes a number of extraordinary claims which, in my submission should be rejected as irrelevant.

- (b) for example, in paragraph 1, the letter complains that there is an “absence of detailed design” and “no cognisance of the council's detailed design guidance nor outstanding quality of design has been demonstrated.”
- (c) The letter goes on to complain that “insufficient information has been submitted to demonstrate that safe access and egress arrangements, including adequate visibility splays, could be achieved.”
- (d) The letter further states: “No details have been submitted to assess the impact of the any flooding of the proposed development site and surrounds” (sic)
- (e) Councillors will be aware that guidance on PPP, published on the council's own website makes it clear that these matters are irrelevant.
- (f) To quote the published guidance: Planning permission in principle (PPP) is to test the principle of a proposed development on a particular site. It allows you to submit a limited level of information at the initial stage in the development process. If granted...**you will then have 3 years to submit applications for the approval of Matters Specified in Conditions (MSC).**

MSC applications cover the details of a development, such as:

- the means of access
- layout
- building designs
- sustainable drainage
- open space
- landscaping

(Emphasis added)

(g) This makes it clear that the objections raised are incompetent and should be rejected. Any concerns about design, access or flooding are matters to be concluded as part of a full planning application within three years.

4 The Main Grounds For Refusal

(a) The letter of refusal states that the application fails to accord with policy ENV2 as previously discussed above.

(b) Councillors will be aware that the application in the name of Ms Santos for a one and a half storey dwelling with attached stables is in precisely the same form as the application previously granted by this committee in relation to 15 Thirdpart Holdings in November 2018.

(c) Since the access to the application site is separated from the access to 15 Thirdpart Holdings by the width of a shared, single track access road - approximately 3 metres - it clearly “forms part of an existing, well defined, nucleated group of four or more houses, visually identifiable as a group with some common features, eg shared access,” as set out in ENV2.

(d) In a second objection, the planning department has rejected the application under Policy ENV4.

(e) This states: “Proposals for development which would lead to the permanent loss of prime quality farmland on mainland North Ayrshire or the Cumbraes (grades 1, 2 and 3.1 on the Macaulay Institute Agricultural Land Classification Maps) shall not accord with the LDP **unless it can be demonstrated that:**

(a) The proposal is small scale development acceptable under the terms of Policy ENV1 or ENV2.” Emphasis added.

(f) As the proposed development *is* acceptable under the terms of Policy ENV2, this objection is also incompetent and falls.

5 Conclusion

(a) In reaching their decision of November 2018 regarding the application at 15 Thirdpart Holdings, councillors took the only view open to them under ENV2 which sets out the circumstances in which a new dwelling house in the countryside would be acceptable.

(b) As the application currently under appeal is in exactly the same terms as the application previously granted at 15 Thirdpart Holdings, it must be judged in exactly the same way.

(c) It is the respectful submission of the applicant that it would be purely arbitrary for a one and a half storey dwelling with attached stable on one side of a shared single track road to be considered appropriate under the Local Plan but an exactly similar development, perhaps three paces away, on the other side of that same single track to be rejected under exactly the same policy. For the reasons set out above, the decision to reject the application is perverse and should be overturned.

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