NORTH AYRSHIRE COUNCIL

28 August 2024

Local Review Body

Title:	**Notice of Review: 24/00288/PP: Site to South of Highthorne Cottage, West Kilbride KA23 9PT**
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 24/00288/PP: Erection of two detached dwellings on the site to South of Highthorne Cottage, West Kilbride KA23 9PT.

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 - Representations received from interested parties;
Appendix 3 - Comments from applicant on further representations received;
Appendix 4 - Report of Handling;
Appendix 5 - Location Plan; and
Appendix 6 - 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 two further representations were received.

Craig Hatton
Chief Executive

For further information please contact **Shannon Wilson, Committee Services Officer,** at **shannonwilson@north-ayrshire.gov.uk**.

North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

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 100666706-002

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:	James Harper Architect		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	James	Building Name:	[redacted]
Last Name: *	Harper	Building Number:	
Telephone Number: *	[redacted]	Address 1 (Street): *	[redacted]
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	[redacted]
Fax Number:		Country: *	[redacted]
		Postcode: *	[redacted]
Email Address: *	[redacted]		

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

☒ Individual ☐ 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:	[redacted]
First Name: *	[redacted]	Building Number:	
Last Name: *	Grant	Address 1 (Street): *	[redacted]
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	[redacted]
Extension Number:		Country: *	[redacted]
Mobile Number:		Postcode: *	[redacted]
Fax Number:			
Email Address: *	[redacted]		

Site Address Details

Planning Authority:	North Ayrshire Council

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

Address 1:	THE STABLES
Address 2:	HIGHTHORNE
Address 3:	
Address 4:	
Address 5:	
Town/City/Settlement:	WEST KILBRIDE
Post Code:	KA23 9PT

Please identify/describe the location of the site or sites

Northing	649907	Easting	219869

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)

Erection of 2 detached dwelling houses.

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 a 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.

Attached appeal support statement.

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)

Review application documentation. Original Planning Application documentation

Application Details

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

N/24/00288/PP

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

03/04/2024

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

04/06/2024

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 James Harper

Declaration Date: 20/07/2024

Proposed Erection 2no. Dwelling Houses
At
Land to south of The Stables,
Highthorne,
West Kilbride,
KA23 9PT.

Mr. & Mrs. James Grant.

Appeal Statement

The Langslie, Lochwinnoch, Renfrewshire, PA12 4DR. Tel: / Fax: 01505 843007 E-mail: mail@harperarchitect.co.uk

To Local Review Body

Erection of Two Detached Dwelling House's at:
Site to South of Highthorne Cottage, West Kilbride.
Mr. & Mrs. James Grant.

Planning Ref : 24/00288/PP

In accordance with Section 8 of the Notice of Review, which requires a statement of why the review is being sought after, we would request that the following information be taken into consideration in determining this application.

From the report of handling produced by the planning officer upon refusal of the submitted planning application, it is clear that the planning officer considers the application to be refused for two reasons, firstly, the site is too large to be considered as a gap site, and secondly, the proposed site layout would result in a gap site being left between the proposed properties and the existing properties of Highthorne / Stables Cottages.

As mentioned in the planning officer's report of handling, pre-application discussions took place with him. During these discussions his initial response was that the gap was too large to be considered a gap and therefore unlikely to be supported should an application be submitted.

Quote from the Planning Officer's Pre- Application advice.:

Whilst it is noted that the site does have defensible boundaries to most sides, the distance between Carlung Cottages and Highthorne Cottage is approximately 100M. It is considered that this distance is too large for the space in between to be considered as a gap site.

In justification of the proposed development sketch design proposals were prepared and submitted to him with proposed site layouts and in challenge to his statement of the distance between the buildings being too large, a development which was approved previously by the same Planning Officer within North Ayrshire Council was cited with a comparable gap dimension. In response to the submission of the sketch proposals and the submission of the argument that there was precedent to the size of the gap site the planning officer stated:

While there is nothing explicitly within the Housing in the Countryside Guidance which says a gap site cannot be for two or more houses, I think that any 'gap' that is large enough to accommodate more than one dwelling house cannot really be considered as a gap site.

The two foregoing statements from the Planning Officer demonstrate that it was not clear how the gap site should be measured – does it depend on distance or does it relate to the number of houses - according to the planning officer, it was based on an individual interpretation of the policy as the policy itself does not explain how a gap site should be measured for compliance.

It is noted that the planning officer made no mention of the previous planning application which was referred to in the submitted proposal. Although, it is understood and appreciated that all planning applications are determined on their own merits however, given the subjective nature of the planning process, it's widely accepted that applications with similar traits and comparisons can be used as examples or evidence of a precedent having been set.

The application which was submitted to and approved by North Ayrshire Council for the erection of a dwellinghouse under the same ‘Gap Site’ policy. The submission was approved under delegated powers with a planning reference of 23/00026/PP. The application case officer was the same officer who handled the application to which this appeal applies.

In the approved application the planning officer stated in his report that a gap site existed between the existing dwellinghouse (Rosewood Cottage) and the garden wall of a former house which occupied the neighbouring site known as Nettlehirst House. Taking dimension from Google, the measured distance between the points referred to is approximately 91.1m (See figure 1.0)

Figure 1.0

As part of the original Nettlehirst house still remains on site and given the response from the planning officer it was my conclusion that the way to measure a gap site, in accordance with the planning officers views, is the distance between building (where applicable) and the nearest opposite defensible boundary or boundaries (where applicable) as demonstrated in Figure 1.0, however, following the refusal of our application and in reading the planning officers report of handling, the method used for measuring the gap site in this application

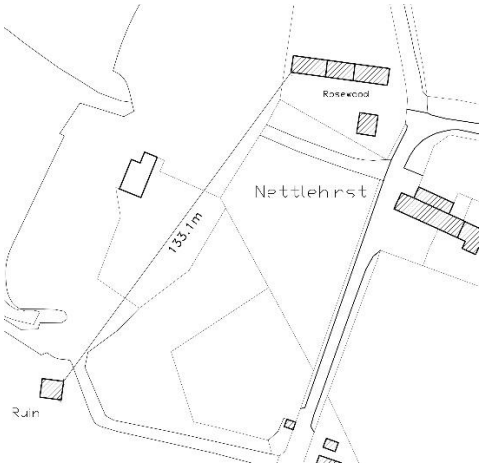
was by measuring from existing building to existing building, this is in direct contradiction to the approved application.

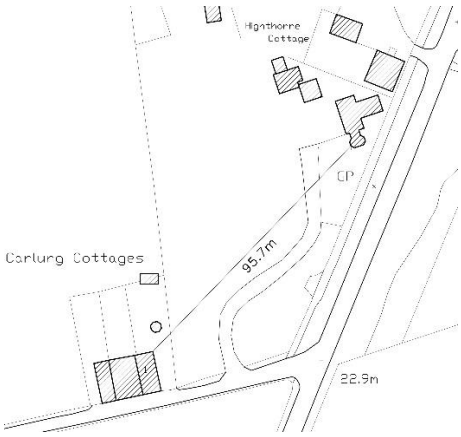
If this same method of measuring the gap between existing building to existing building was applied to the approved application, the gap would measure 129.3m in distance, this is significantly more than the 97m stated in the refused application (See figure 2.0).

Figure 2.0

In the report of handling, the planning officer expresses that *'Whilst there is no prescriptive limit given on what constitutes a gap within the policy or guidance, 97m is considered to be quite a significant distance and would act against the site being considered as a gap site.'*

In an attempt to simplify the comparison between the two planning applications I have prepared site plan drawings taken from existing ordnance survey maps of both developments. These are shown below.





APPROVED **REFUSED**

How can this be the case when regardless of how you measure the gap, the dimensions involved are either less or comparable to the application which was approved?

Whilst it is accepted that there must be a line drawn as to what is and what is not too large of a gap, the planning officer has failed to address the comparable example which was highlighted to him in both pre-application and in the planning application supporting statement in his report of handling.

His refusal of this application is in direct contradiction to his approval of the previous development.

The second element of the planning officer's terms for refusal is that an area of ground approximately 60m would be left between one of the proposed dwellinghouses and the Stables Cottage at its closest point, which would result in the possibility of future development, this contrasts with one of the objectives of the gap site policy. The remaining gap however, could be irradicated with the re-siting of the proposed dwellinghouses within the curtilage of the application boundary, together with an alteration to the road layout as shown in Figure 3.0. below.

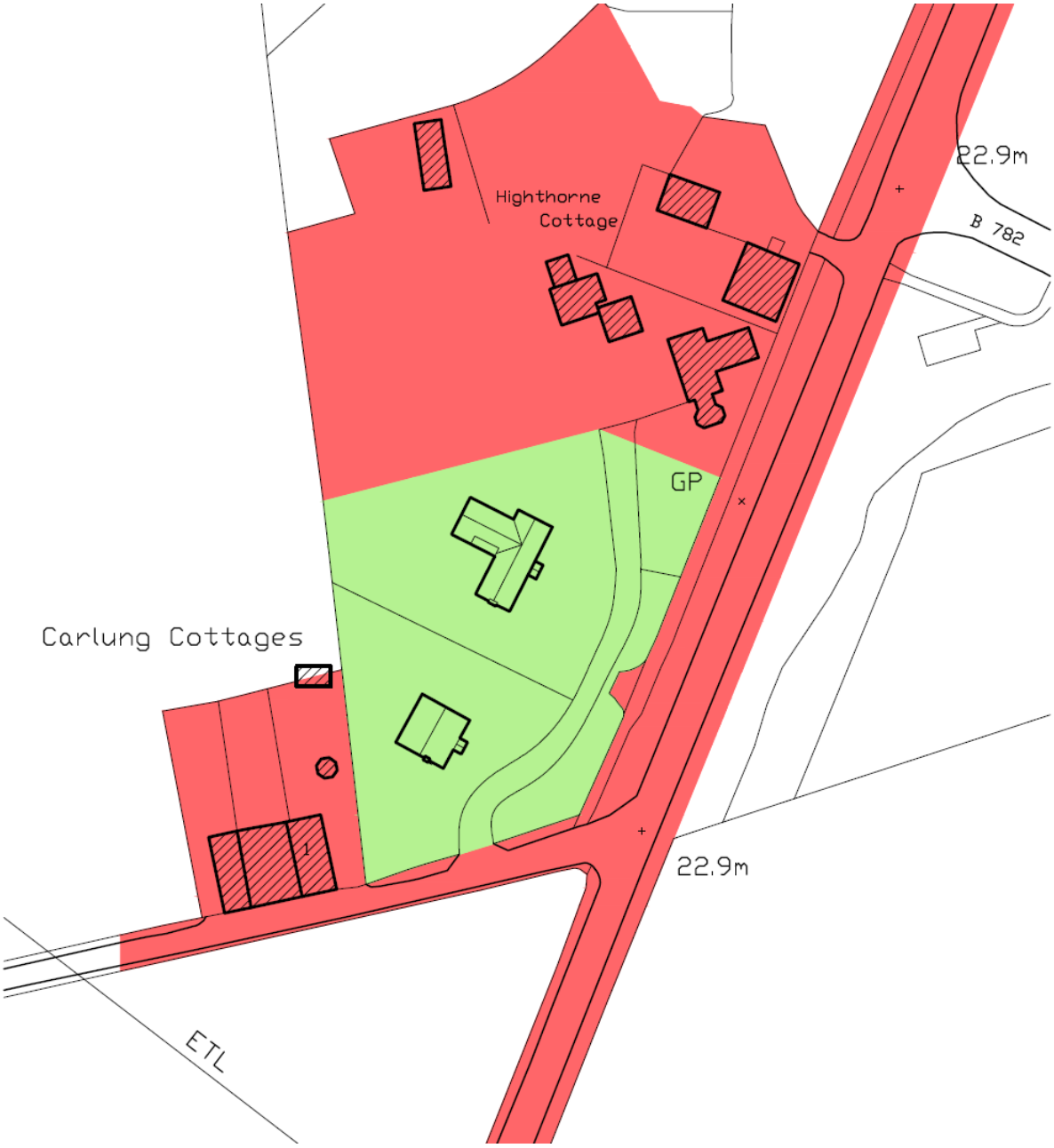


Figure 3.0

During pre-application discussions, this Figure 3.0 was submitted to the planning officer as part of a response to the initial pre-application response received by him, however, in response to this, we received the aforementioned comment that in his opinion a gap site which can accommodate more than one dwelling house cannot really be considered a gap site.

As there is no mention of any objection to the number of proposed dwellinghouses from the planning officer in his report of handling, it is assumed that the proposed layout shown in Figure 3.0 would now be acceptable to him as this would remove the potential of any future development.

During the application process Transport Scotland were consulted by the Planning Department and responded originally requesting additional information. This request for additional information was not passed to myself and indeed it was only when a Transport Scotland Officer contacted myself directly that I became aware of the request. I discussed the proposals with the Transport Officer and agreed that an alternative layout would be best to alleviate the objection raised by them, however, I stopped short of producing amended drawings, as the planning officer was still of the opinion to refuse the application on the grounds of not being in compliance with the gap site policy.

I felt that the additional time and effort to produce amended drawings to address the objection raised by Transport Scotland would have been a waste of my time and my client's money if the planning department were to refuse the application anyway. If the planning officer had shown a willingness to discuss the amended layout in a positive manner, then amended drawings to address the concerns of Transport Scotland and the neighbouring property owner would have been submitted without hesitation.

The alternative site layout shown in Figure 3.0 has since been passed to Transport Scotland who have confirmed that they would have broadly content to the revised layout should this have been submitted during the application timeframe. Please find the accompanying correspondence marked as Appendix A.

In summary, the comments from the planning officer during the pre-application discussions and in the report of handling demonstrate from the outset, that he was against the development given the number of proposed dwellings regardless of the individual circumstances. This is not supported by Council Policy and therefore in my opinion the decision to refuse the submitted application unjustified.

Whilst it is appreciated that the review body may not be able to sanction approval of the submitted design layout given the view of Transport Scotland to the original proposal I would respectfully request that you give due consideration to the foregoing and the originally submitted Planning Support Statement, which clearly demonstrates that the planning submission meets the criteria of the council policy for Housing in the Countryside, you may record that the development site may be classed as a 'gap' site and approval granted subject to an agreed site layout along the lines shown in FIG 3.0

APPENDIX A

FAO James Harper

Afternoon James,

Thank you for your email yesterday, and for the update on your proposed approach.

Alan and I have both had a look at the revised development layout and would confirm that if this was submitted as an amended layout in support of the above planning application, Transport Scotland would be broadly content. The relocation of the plots and driveway accesses would remove our concerns around possible reversing movements close to the trunk road junction.

I trust the above helps clarify Transport Scotland's position.

Kind regards,

Iain

Development Management
Network Operations
Roads Directorate

transport.gov.scot

Transport Scotland, 2nd Floor, George House, 36 North Hanover St, Glasgow, G1 2AD

Transport Scotland, the national transport agency
Còmhdhail Alba, buidheann nàiseanta na còmhdhail

From: James Harper <mail@harperarchitect.co.uk>
Sent: Sunday, June 23, 2024 7:23 PM
To: Iain Clement <Iain.Clement@transport.gov.scot>
Cc: Alan Hobbs <Alan.Hobbs@transport.gov.scot>
Subject: Residential Development at Highthorne Cottage, West Kilbride.

Dear Mr. Clement,

Proposed Erection of two detached dwelling Houses at
Highthorne Cottage, West Kilbride, North Ayrshire.
Mr. & Mrs. James Grant

Your Reference: Subject**:** RE: A78 - SW/146/2024 - North Ayrshire - 24/00288/PP - Erection of Two Detached Dwelling Houses - TR/NPA/2 - 22-May-24

With reference to the above development I would advise that the submitted Planning Approval application was refused by the North Ayrshire Council. It is my intention to submit an appeal to the Local Review Body.

The Council in their report for refusal have stated that Transport Scotland objected to the proposals on road safety grounds due to the proximity of the proposed driveways to the junction with the trunk road. As you are aware in my discussions with Mr. Hobbs I stated that I was willing to amend the design proposals to alleviate the issues which were of concern to yourselves with the revision of the access driveways to be taken off the existing access lane which serves The Stables Cottage, however, as the Council had advised me that it was their intention to refuse the application on other grounds I felt that it would be a waste of my time / your time to prepare amended design proposals.

As stated it is my intention to submit an appeal to the Council decision and in support of this appeal it is intended to submit a revised development layout a copy of which I attach to this e-mail. I would ask if you could provide me with your response to the amended site layout and advise if this would be acceptable to yourselves.

Should you wish to discuss any matters please do not hesitate to contact myself.

Regards.

James.

James Harper Architect.

The Langslie, Lochwinnoch, Renfrewshire, PA12 4DR.

Tel: 01505 843007
Fax: 01505 843007
E-Mail: mail@harperarchitect.co.uk

Proposed Erection 2no. Dwelling Houses
At
Land to south of The Stables,
Highthorne,
West Kilbride,
KA23 9PT.

Mr. & Mrs. [redacted] Grant.

Design Statement

[redacted]

Background

The Stables, Highthorne lies approximately 1.5kilometres north of West Kilbride adjacent to the A78 West Kilbride – Fairlie trunk road.

Location Plan of proposed development site.

The proposed development site lies within the curtilage of the Stables house and is set within a grouping of 4no. houses, The Stables, Highthorne Cottage, and nos. 1 and 2, Carlung Cottages. The grouping of houses are essentially landlocked by being bounded to the East by the A78 trunk road, to the south by Thirdpart Holdings access road and to the west and north, although by open countryside, the lands are zoned within the Council Local Plan for Business & Industry. The site is unique and distinctive as an enclosure around the group of houses.

The stables is owned and occupied by Mr. & Mrs. Grant who also own Highthorne Cottage which they let out. They moved to Highthorne Cottage in 1982, over 42 years ago. In 1999 the converted and extended the ‘stables’ building and have lived there ever since. It is Mr. & Mrs. Grant who wish to develop the lands to the south of The Stables adjacent to Carlung Cottages.

Aerial view of proposed development site

Site Description

The proposed development site is open ground which has been allowed to grow wild and is covered with long grass and gorse. The vehicular access to The Stables house passes through the site with the tended garden grounds to the north

Access to the site is by means of the existing Thirdpart access road. This road also serves Carlung Cottages

The site frontage lies open to the Thirdpart roadside, bounded to the left by fence and hedging to no. 1 Carlung Cottage and on the opposite side by an existing stone wall and the trunk road beyond. The rear of the site is the open garden grounds of The Stables.

Apart from slightly raised grounds to the centre of the site and the site being overgrown with dense Gorse and wild grass there are no distinguishing features to be recorded.

Views from the site are predominantly to the south and north across open countryside beyond the roadway and rear garden grounds. Views to the west are restricted by Carlung Cottages and to the east by the existing stone wall to the side of the trunk road although this serves to reduce the traffic noise from the trunk road itself.

View of proposed development site from south with Carlung Cottage to the left and The Stables cottage in the background to the right.

View of existing driveway passing through development site.

Site History.

The site originally formed part of the estate of Highthorne House which was a large mansion house originally located to the north of the present grouping of houses. The existing Highthorne cottage was the original lodge house with an access to the estate.

Following the demolition of the mansion house in circa 1940 to make way for the trunk road realignment the boundary wall along the side of the A78 was built using stone from the former mansion with a formal gated entrance to the lands behind. This wall and gate piers remain a prominent feature on site.

Carlung cottages were built circa 1900 and The Stables house itself formed in 1999.

View of the stone wall and gate piers from the A78 with Carlung Cottages in the background.

View of garden grounds with overgrown development site to right.

View from Garden grounds to development site with Carlung Cottages in the background.

Services.

Mains services of water and electricity serve the existing houses in the group and there are no anticipated issues regarding provision of services to the new development.

There are no public sewers, foul or surface water in the vicinity and the development would require to be serviced by private means, that is, septic tank or treatment plant with soakaway and outfall to SEPA consent. Surface water drainage would be by means of SUDS compliant design with outfall to existing surface water land drainage.

The site lies outwith the Coal Authority low risk area for underground mine workings and a detailed site investigation would not require to be undertaken .

Under the SEPA flood maps the site is shown to be at risk of surface water flooding but not of River Flooding or Coastal water flooding. This would appear to be a consequence of surface water flow from the adjacent trunk road. It is accepted that suitable drainage mitigation measures would require to be taken.

Local Area Characteristics

As stated the adjoining house cluster to the proposed development site consists of 4no. dwelling houses each situated within their own land plot / garden. The house at Highthorne Cottage is accessed directly from the A78 and The Stables and Carlung cottages accessed from the Thirdpart Holdings road.

The houses are a mix of styles and finishes with render finish to walls, slate and concrete tiles to roofs. Highthorne Cottage and Carlung Cottages are single storey with The Stables 1.5 storey.

Given the dominant view being from the public roads to the South and East the traditional rural features of steeply pitched roofs, rendered walls and vertically proportioned windows / external openings are the main impression and style.

View of The Stables and Highthorne Cottage from A78.

View of the Stables from the rear gardens.

View of Carlung Cottages from Thirdpart access road.

Brief

The brief from the client was fairly straight forward.

Mr. & Mrs. Grant presently reside in The Stables. They have extensive rear gardens to the house and have found the maintenance of the lands to the south of the house overwhelming. The intention was for the development of the overgrown area of ground to create not only a better use for the lands but also a more attractive, pleasant and welcoming environment for the owners of all the houses.

In terms of accommodation they have requested 3 bedroom family ‘homes’ of traditional character which complement the rural setting and make the most of the rural and open aspect of the site and is ‘built’ for today and the future in terms of natural and sustainable resources with scope for adaptability.

In detail they wished the houses to blend with the other houses in the grouping especially to Carlung Cottages in terms of style, finishes, etc. whilst having an individualistic element for their own identity.

The house design and construction to be of energy efficient design with the use of sustainable materials and a high level of thermal insulation to minimise the carbon footprint of the building.

Development Assessment

Given the client's brief and following early discussions with the Planning Department it became apparent that the primary design objective for the new development would be to meet with the Council Policy for development in a countryside location.

Under the Council Policy, due to the nature and location of the proposed development, any proposal would be tested against the Council's Local Development Plan, both for Strategic Policy 1 and Strategic Policy 2.

Under Strategic Policy 1: Countryside Objective. This policy defines the conditions and situations where the Council may support development within the countryside.

The development under the submitted application meets with the policy under section (f)

f) *sensitive infilling of gap sites consolidating existing developments where it would define /provide a defensible boundary for further expansion.*

Under the Housing in the Countryside Policy Guidance Note, section 3.10 looks at sensitive infilling of gap sites consolidating existing developments where it would define / provide a defensible boundary for further expansion, it goes on to define a Gap Site as:

> '*a site within an established developed area, for example where a house/building once stood or where two houses or other permanent buildings of equivalent residential size, occupying separate and discrete plots, front a road or access lane. A gap site is not a site between a property and a settlement boundary. This is to protect the settlement boundary.'*

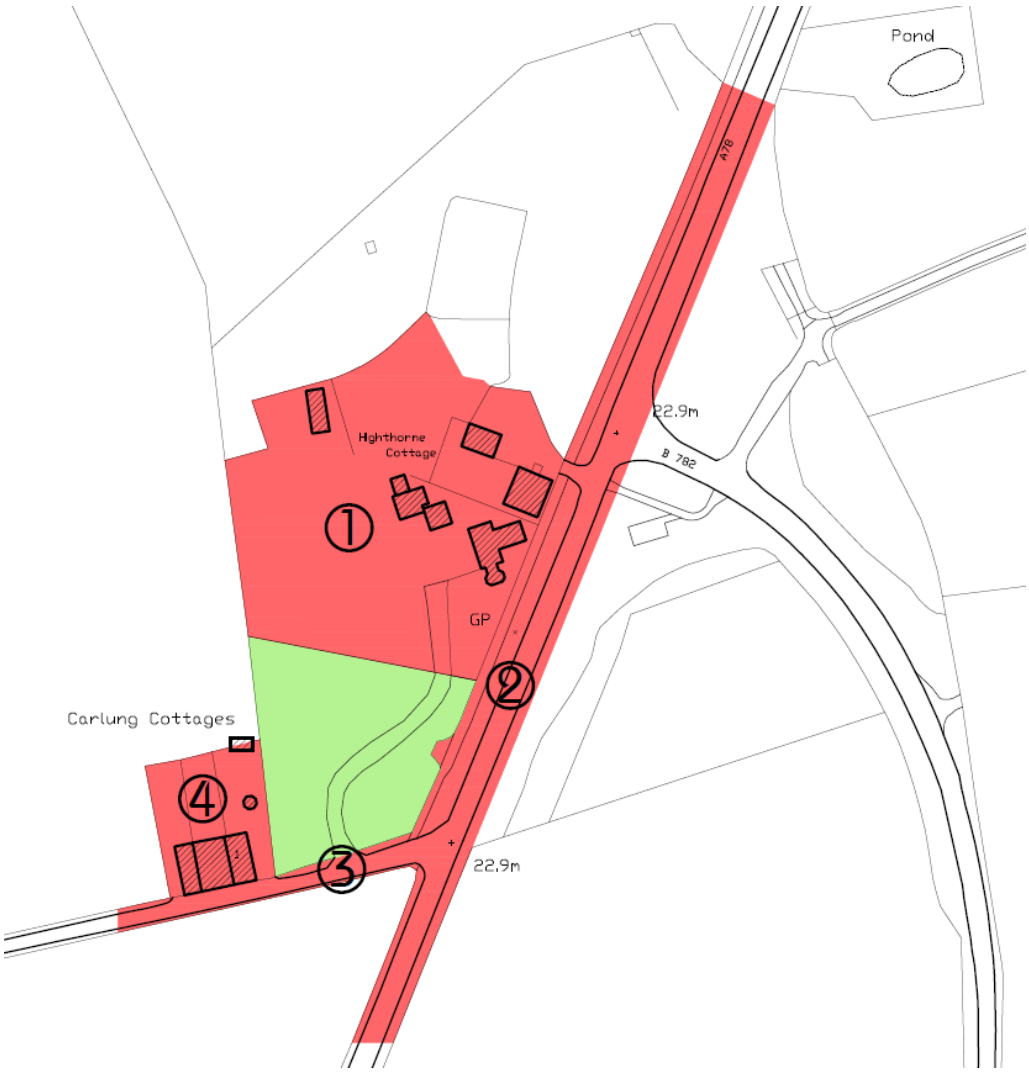
The section then goes on to define its meaning of a Defensible Boundary:

> *'existing, well-established topographical, natural, or landscape features which provide a 'stop' and well-defined boundary help stop further expansion into sensitive areas or the wider countryside. A development which infills a gap and strengthens a defensible boundary may be acceptable subject to compliance with the Placemaking Policy; proposals that would protrude outwith a natural building grouping or landscape feature should be discouraged to avoid encroachment into the countryside.*

Starting with the 'defensible boundary' definition, given the location of the existing buildings and the location of the main and minor roads all shown in

red in figure 1.1 below, these four existing elements are looked upon as being the defensible boundaries which have formed the existing, natural, or landscaped features which provide a 'stop' and well-defined boundary to stop further expansion into the wider countryside. These existing elements together have defined the parameters of the 'Gap Site' which this proposal would infill and assist to strengthen the existing defensible boundaries.

Figure 1.1



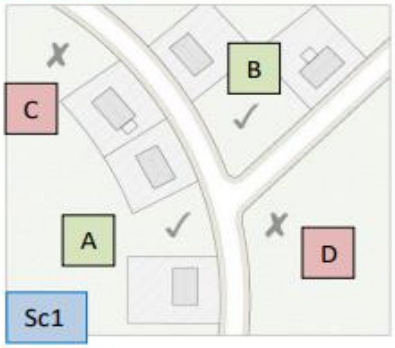
1: Existing boundary to the North – Highthorne Cottage and Stables Cottage
2: Existing boundary to the East – A78 West Kilbride to Fairlie Trunk Road
3: Existing boundary to the South – Minor road leading to Thirdpart Holdings
4: Existing boundary to the West – Carlung Cottages

Further on in the guidance notes under section 5.1, the term of Gap Sites is expanded upon more with illustrations and clarification notes for 'Presumptions in Favour' and 'Presumptions Against' development of gap sites. An extract from the guidance notes is copied below.

5.0 Definitions

5.1 Gap sites

'Gap site' *- a site within an established developed area, for example where a house/building once stood or where two houses or other permanent buildings of equivalent residential size, occupying separate and discrete plots, front a road or access lane.*

Scenario	Clarification
	**Sc1. Presumption in Favour** A. Gap site between two existing dwelling houses. Development on this site would infill an existing gap and consolidate an existing small cluster. B. Corner plot bound by two existing dwellings. **Sc1. Presumption Against** C. Plot ignores the development opportunity presented by gap site A. Preference should always be to develop within a gap site situated between existing dwellings. D. Undeveloped greenfield site is not considered to be a gap site.

I believe that the established setting of The Stables and Carlung Cottages is a prime example of Clarification B – '*A corner plot bounded by two existing dwellings*.' and I believe that Clarification A – '*Gap site between two existing dwelling houses. Development on this site would infill an existing gap and consolidate an existing small cluster'* would also be applicable in this instance, see figure 1.2.

Figure 1.2.

The area shaded Yellow in Figure 1.2 above is an area which has been zoned for Business and Industrial use under North Ayrshire Council's Local Development Plan.

It is my opinion that it is these prominent defensible boundaries which make the site at Highthorne unique and without question a 'gap site' suitable for development.

The gap site as measured from the Carlung Cottage boundary fence to the fence of Highthorne Cottage where the kept garden is located and not the measurement between the physical dwellings shows a gap distance of 55.6metres. The gap as measured from the boundary of 1 Carlung Cottage and the stone wall to the Trunk road boundary measures 39.6metres.

See Figure 1.3 below.

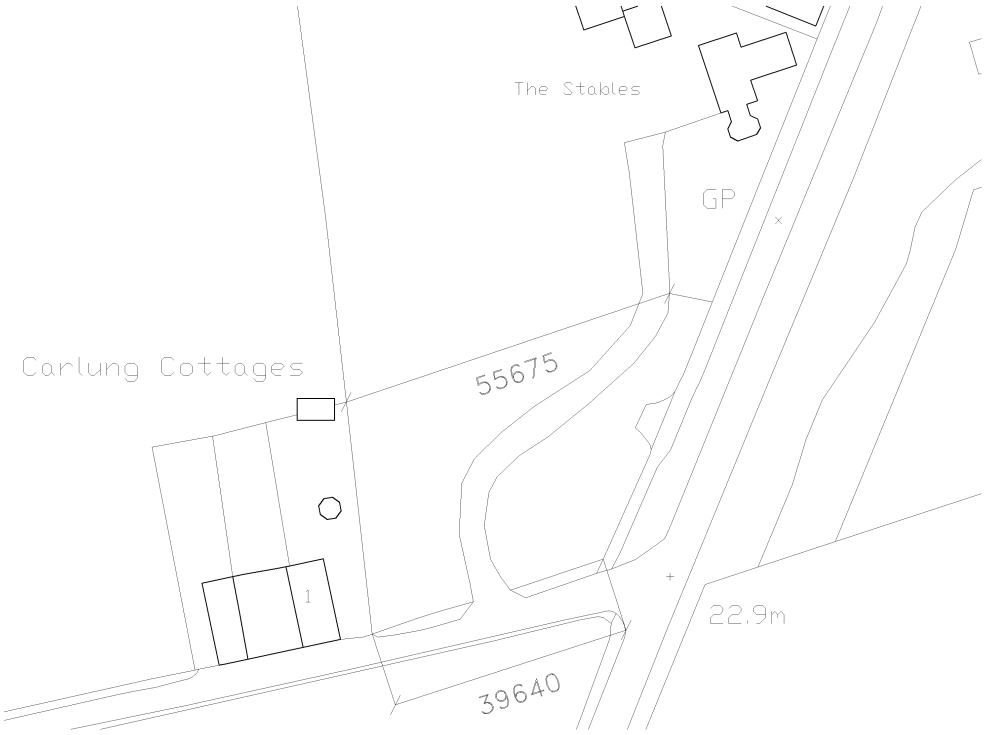
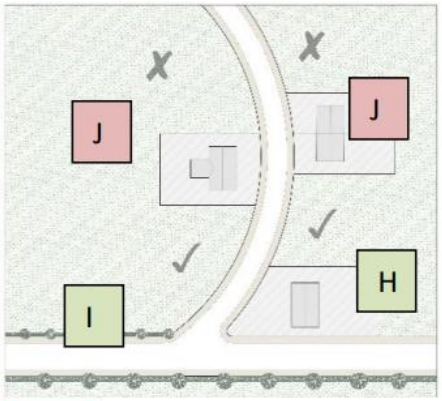


Figure 1.3.

The reading of section 5.1 of the Housing In the Countryside Policy Guidance Notes helps to identify the criteria for a gap site, however, the guidance fails to go as far as offering any numerical value as to what is or isn't a gap and furthermore there is no explanation of how a gap site should be measured, therefore, we can only go by the illustrations and explanations provided.

Removing the Stables from the equation and look at the gap between Carlung Cottages and the A78, this gap measures approximately 39.6metres from the boundary fence of Number 1 Carlung Cottages and the bend in the stone wall adjacent the A78. Under section 5.1 of the Housing In the Countryside Policy Guidance Notes this would be viewed as a gap site on its own as per illustration Sc3. explanation I.

Please see extract below.



Sc3

Sc3. Presumption in Favour

H. Development on both plots utilises a gap site located between two existing dwelling houses.

I. The plot is bound by a defensible boundary preventing a sprawl of dwelling houses from occurring.

Sc3. Presumption Against

J. Plots ignore the opportunities to develop presented by sites H and I. The sites are not bound by a defensible boundary or existing dwelling house preventing a sprawl of new dwellings from occurring.

Although there are no measurable points given in the illustration Sc3 above, the Gap annotated as 'I' appears large enough to accommodate 2no new dwellings, whether that be a pair of semi-detached houses or possibly detached dwellings given good design. A potential proposal along similar lines of the above specifically to our site has been drafted up. See Figure 1.4.

Figure 1.4.

It is accepted that without a definition a line has to be drawn somewhere on when a gap is no longer considered to be a gap however, a recent application was approved by North Ayrshire Council under the policy of a gap site which has far greater distances between the existing defensible boundaries. The application reference is 23/00026/PP.

This application has a gap of 91m or so measured from the corner of an existing dwelling to a stone wall along a line parallel to the road and a gap of 72m measured from the boundary of the existing dwelling to the same stone wall.

See google map extracts below.


91.12 m
Measure distance
Click on the map to add to your path
Total distance: 91.12 m (298.96 ft)

In comparison to the approved development mentioned above, the frontage distance of the proposed ‘gap site’ at Highthorne Cottage is significantly less than the distances noted in the images above.

Furthermore, the land at the Stables site would offer no further potential for development beyond the proposed developed area given the physical defensible boundaries noted previously along with the design proposal as submitted.

Within the Rural Design Guidance under the section for 'Infill Development' the example given for a 'well-defined infill' it states that '*New development can have a role in knitting together more dispersed and disparate development, but to succeed it will generally need to incorporate some of the characteristics of an existing group such as similar orientation, scale, massing or boundary treatments*.'

It is my opinion that the proposed development bonds the existing house development and that the proposal for 2no dwelling houses offer houses of similar scale and massing to the existing dwellings. Also with sympathetic boundary treatment this would blend the new dwellings into the setting.
In order to fill the gap in accordance with the Rural Design Guidance quoted above, it is my view it would be to the betterment of the existing settlement to form two new dwellings across the site which would offer similar scale and massing as the existing dwellings. The proposed dwellings would be of similar appearance to the nearest existing dwelling and existing boundary treatments would be repeated to assist with blending the new dwellings into the setting.

It would also be my intention to realign the existing driveway serving the Stables which would become the driveway access for the proposed plots. Parking for the proposed dwellings would be held to the side or front of the dwellings with opportunity for screening from the A78.

Under Strategic Policy 2 : Placemaking. This sets out the six qualities the Council have defined for successful development. These are described and the house designs assessed as follows:

Distinctive:
The proposed plot sizes are proportional to the existing house plots. The houses are set within the existing landscape and respect the form and character of the surrounding buildings whilst providing an individualistic appearance.

Welcoming:
The proposal utilises the currently vacant overgrown lands and would enhance the environment with an open aspect.

Safe and Pleasant:
The proposed development clearly distinguishes between private and public space. The access to each house is clear and defined and is formed off a shared public roadway which enables passive surveillance. The rear of the proposed houses are to the secluded backing of the existing houses.

Resource Efficient:
Sustainable technologies including air / ground source heat pump technology, solar / photovoltaic panels shall be within the detail design as well as the use of sustainable / recyclable materials and above average standard of thermal insulation to reduce the carbon footprint.

Adaptable:
The proposals are adaptable for future occupancy use with space for future expansion as well as construction designed to allow for internal alteration if required.

Easy to move around and beyond:
The existing site topography lends itself to easy pedestrian movement around the site. Public transport service is good and technologies to assist in electric vehicle charging / push bike storage shall be provided. The site is situated close to existing cycle routes throughout the area.

Design Proposals:

The development design was driven by the existing site constraints of access, outlook and relationship to existing adjacent houses.

In line with Council Policy and guidelines the houses were set on a north – south complimenting the line of the existing Carlung Cottages orientation with access from the Thirdpart Road. Set quietly between the houses is the access driveway leading to The Stables.

The interpretation of the brief led towards the main public rooms – facing the public road – intentionally reduced window openings to minimise noise disturbance and also give a more traditional appearance. The rear of the houses is much less constrained with a contemporary lining board finish and larger areas of glass looking onto the private gardens.

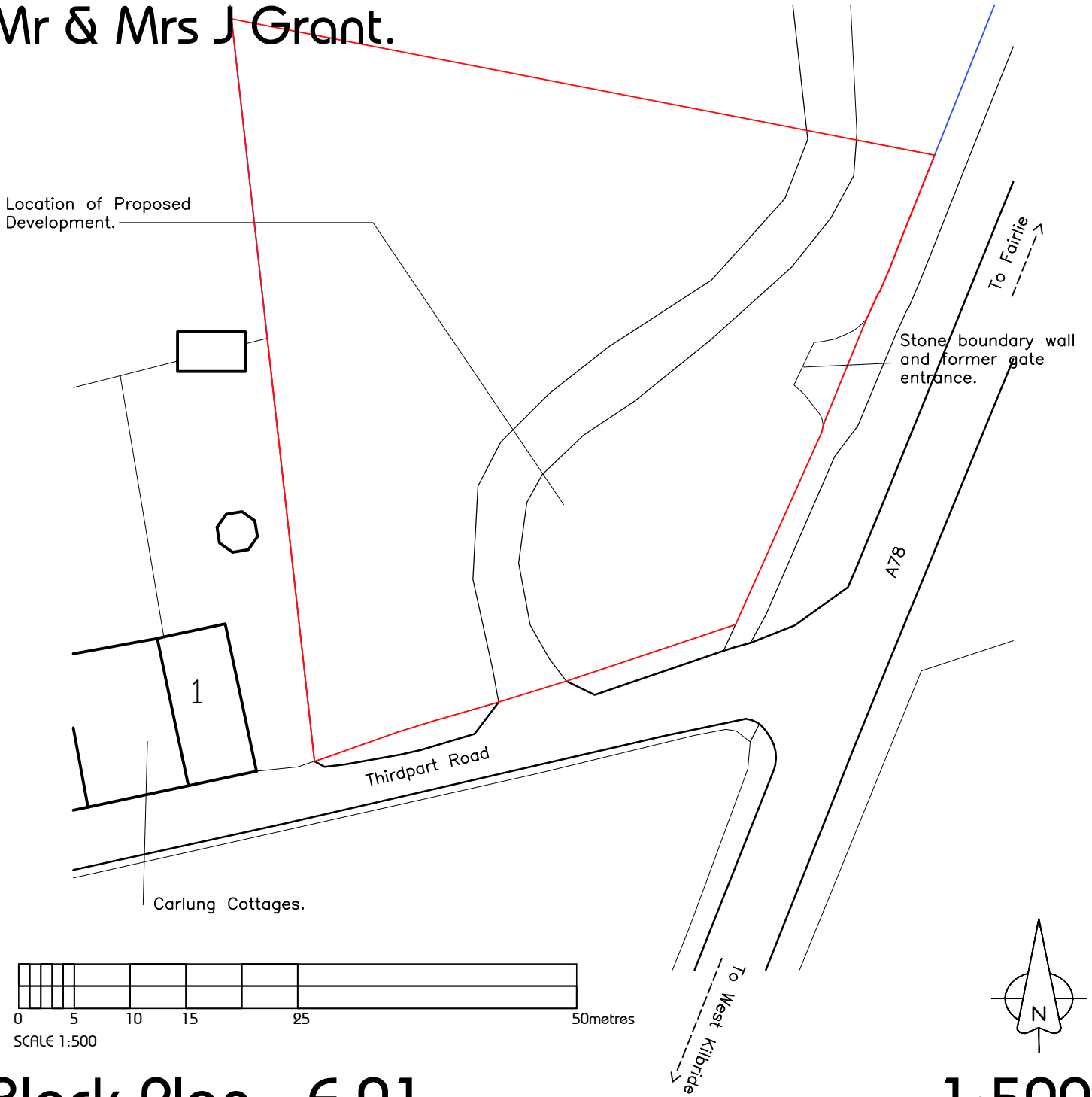
The final appearance of the house to the ‘public’ side lends much to the existing character and finishing materials of the existing houses in the group and the general wider countryside. The aim was to create a finished look that was sympathetic to the existing houses whilst giving the houses their own individual feel and character.

The materials palette has been kept simple with render, stone and timber boarding avoiding complicating or over dressing the design to provide that traditional character. Details such as the deeper concrete cills, smooth banding to external openings, windows to have a vertical emphasis, etc. adds to the vernacular. The projecting porch in stone and dormer window formation of stain timber , especially to the public side of the house, gives that distinctive appearance.

It is proposed that the detail construction specification of the house shall incorporate sustainable technologies with heating and hot water provision provided by an air source heat pump. It is also proposed that electricity generating technology including Photovoltaic panels and battery storage will be investigated and where viable included within the design and specification. It is also proposed that the choice and use of materials shall take account of their recyclable capacity and sustainability.

The shell house construction shall provide a build quality above the present day standards in terms of greater thermal insulation, reduced air permeability, etc.

Proposed Erection of 2no. Houses to Gap Site at:
Land to the South of The stables,
Highthorne,
West Kilbride,
KA23 9PT.
Mr & Mrs J Grant.



Block Plan - E 01

1:500

James Harper Architect
The Langslie, Langstilly Road, Lochwinnoch, Renfrewshire, PA12 4DR.
Telephone / Fax: 01505 843007 E-mail: mail@harperarchitect.co.uk

New driveway formed to Highthorne Cottage.

Line of existing driveway to Highthorne Cottage shown dotted to be removed.

A78

Garden

Driveway

House 2

Garden

Driveway

House 1

Garden

Driveway

1

A78

0 2.0m 6.0m 10.0m 20.0metres

SCALE 1:200

N

Site Plan

Revisions

Client: Mr & Mrs J Grant		Drwg. Title: Proposed	
Project: Proposed Erection of 2no. Houses to Gap Site at: Land to the South of The Stables, Highthorne, West Kilbride. KA23 9PT.	Scale: 1:200	Drwg No: 1702	
	Paper Size: A2		
	Date: 03. 24.	PL 02	

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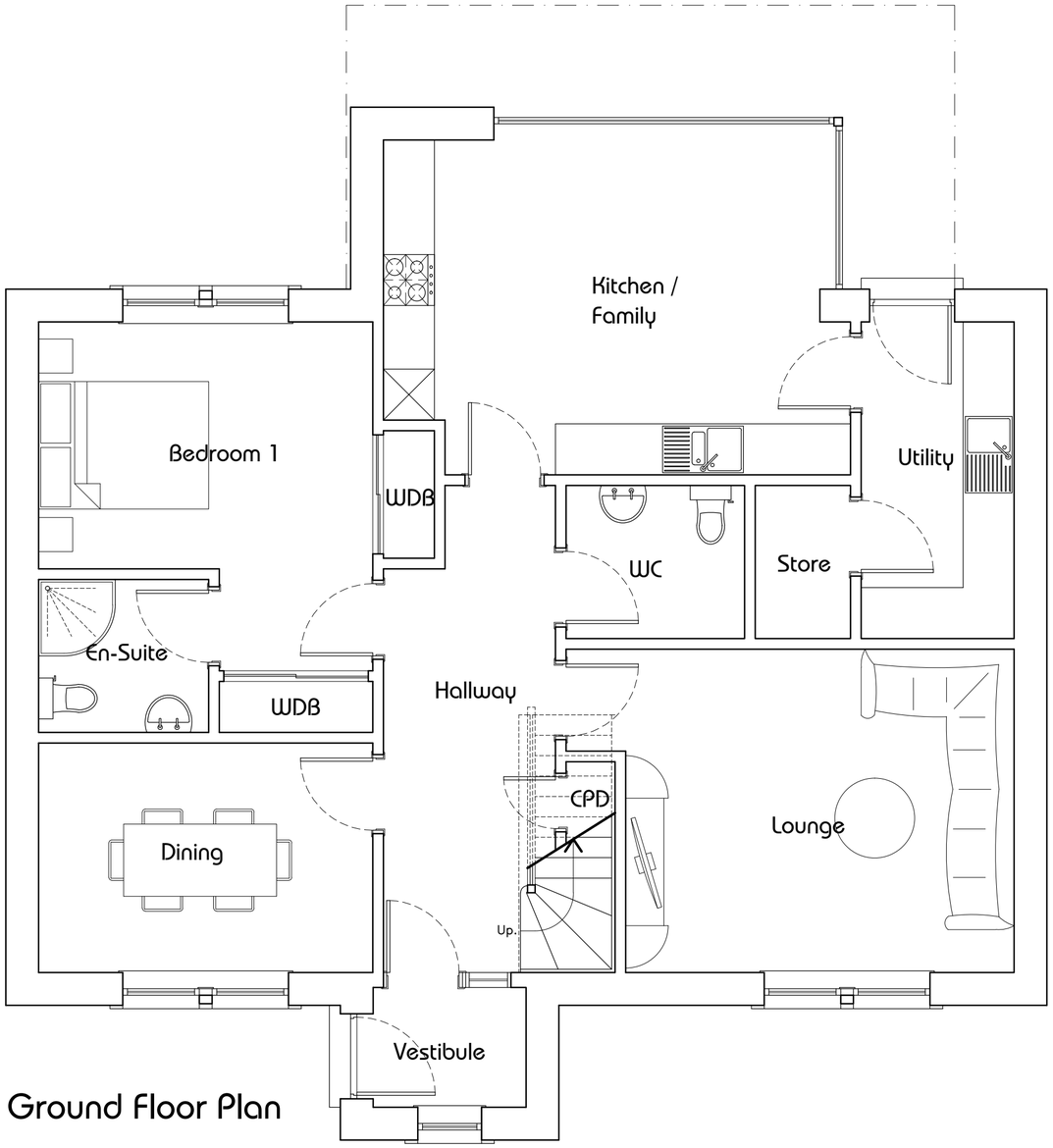
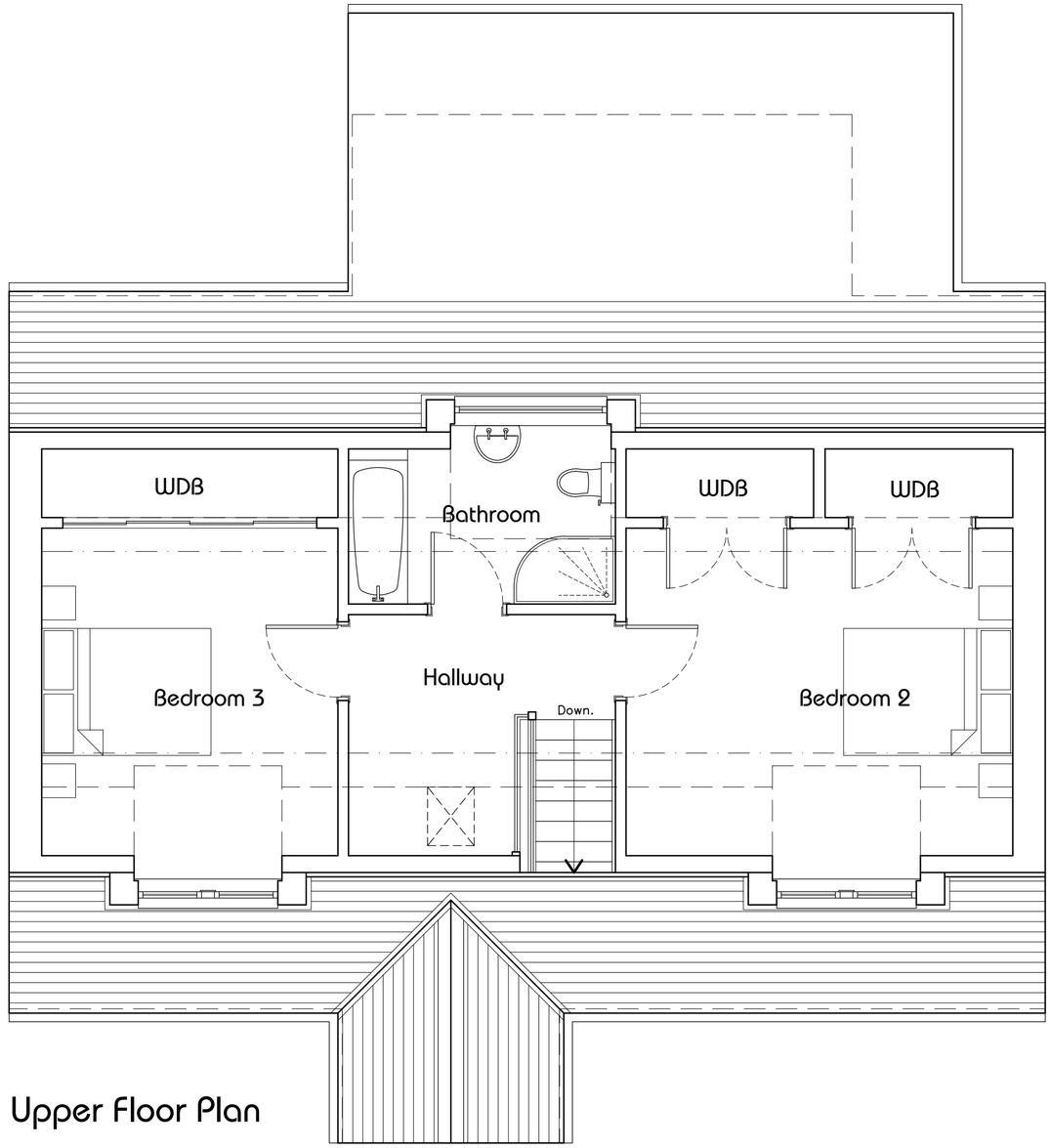
The Langslie, Langstilly Road, Lochwinnoch, Renfrewshire, PA12 4DR.
Telephone / Fax: 01505 843007 E-mail: mail@harperarchitect.co.uk



Ground Floor Plan



Upper Floor Plan

0 500mm 1.0m 1.5m 2.5m 5.0metres

SCALE 1:50

Floor Plans

Revisions

Client: Mr & Mrs J Grant

Project: Proposed Erection of 2no. Houses to Gap Site at:
Land to the South of The Stables,
Highthorne, West Kilbride. KA23 9PT.

Drwg. Title: Proposed

Scale 1:50 | Drwg No: 1702

Paper Size A2

Date 03. 24. | PL 03

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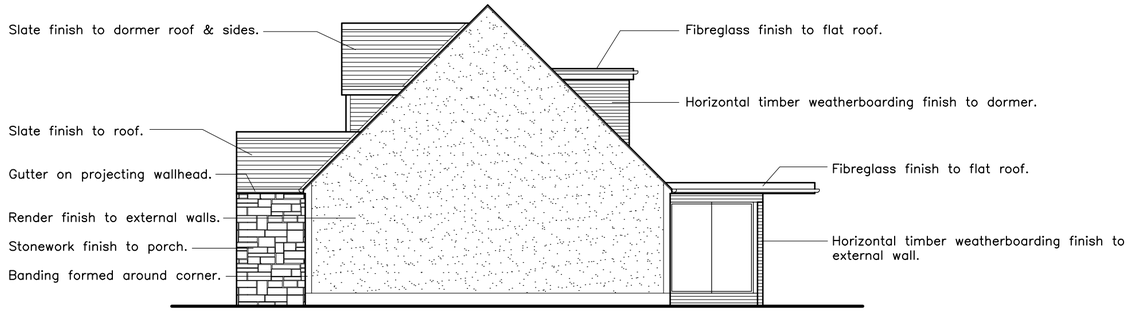
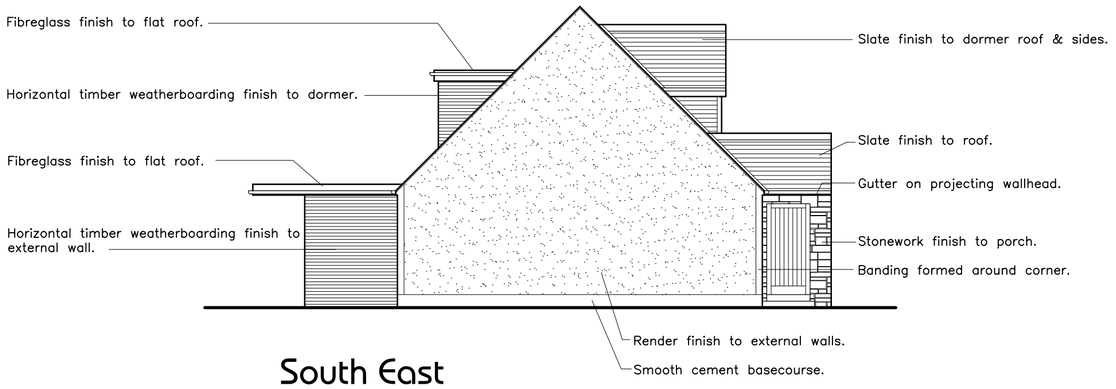
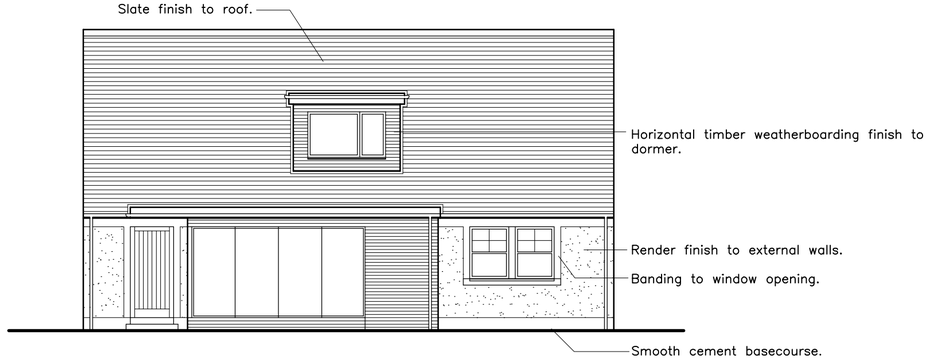
South West



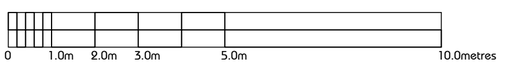
North West



South East



North East



Elevations

Revisions

Client: Mr & Mrs J Grant

Project: Proposed Erection of 2no. Houses to Gap Site at: Land to the South of The Stables, Highthorne, West Kilbride. KA23 9PT.

Drwg Title: Proposed

Scale: 1:100

Paper Size: A2

Date: 03. 24.

Drwg No: 1702

PL 04

James Harper Architect
The Langslie, Langstilly Road, Lochwinnoch, Renfrewshire, PA12 4DR.
Telephone/Fax: 01505 843007 E-mail: mail@harperarchitect.co.uk

From:	Bill Gibb
To:	Shannon Wilson (Committee Services Officer / Committee & Member Serv)
Subject:	Re: Notice of Review - Planning Application: 24/00288/PP
Date:	01 August 2024 17:03:30

Shannon,

Thanks for the notice and confirm that my original objections to the planning application still stand and I wish to make further representations as follows:

1. I note that a revised layout has been submitted in the appeal document - Figure 3 which is claimed Transport Scotland would broadly accept if submitted in an application. However I still have grave concerns about building additional housing so near the junction of an extremely busy A- road in the A78 and adding to the traffic using the un-named farm road which is also very busy with four businesses located off it, one of these being one of the largest employers in the area- Total Turfing.

Total Turfing run articulated lorries up and down the farm road every day along with an assortment of other vehicle including tractors, trailers and HIAB's. I cannot see how these new homes could be built without construction vehicles parking on the un-named farm road and if this happens then traffic would inevitably back up onto the A78 and this could lead to a serious accident as northbound traffic come round a blind bend heading towards the un-named farm road.

As previously stated this junction has had various fatalities over the years because of the blind summit for south bound traffic and the blind bend for northbound traffic. Indeed the A78 was closed for over two hours on the 22 June 2024 due to an accident caused by the blind bend on the northbound carriageway.

Regards,

William Gibb

Sent from my iPhone

From:	Stewartmac275
To:	Shannon Wilson (Committee Services Officer / Committee & Member Serv)
Subject:	Fwd:Notice of Review - Planning Application: 24/00288/PP
Date:	06 August 2024 16:50:19
Attachments:	image001.png

From: Stewartmac275
Sent: Aug 1, 2024 at 5:33 PM
To: ShannonWilson@north-ayrshire.gov.uk
Subject: Re:Notice of Review - Planning Application: 24/00288/PP

Shannon,

Thanks for the notification regarding the review to the aforementioned planning application and would confirm that my original objections to the application still stand.

In addition to this I would like to note the further representations as noted below:

1. I still consider the standard of the application to be very poor as there is a lot of information missing including plot sizes, setting out information, no drainage information, no traffic plan, no construction plan and the house types shown have obviously been taken straight from a brochure and do not match the existing housing types.

2. I note that a lot of the argument in the review still surrounds the question of whether the site is a "gap site". I will leave this with Planning to decide but note as before that I do not

consider the comparison with the other development as adequate as they are not similar.

3. As noted above there has been no thought given on how the homes will be constructed as there is certainly not enough space on the site to accommodate the construction traffic and this would need them to park on the un-named farm road which is a huge safety risk as noted previously.

4. As also noted previously I am still very concerned about the loss of amenity with the noise, dirt, dust etc that will be generated during the construction and if constructed in the summer months, it will render the use of my garden unusable as there is only hedge separating it from the works.

I would ask that the above is considered in the review process.

Regards,

From:	James Harper
To:	Shannon Wilson (Committee Services Officer / Committee & Member Serv)
Subject:	RE: Notice of Review - Planning Application: 24/00288/PP
Date:	21 August 2024 08:00:29
Attachments:	image001.png

F.A.O. Shannon Wilson.

I confirm receipt of your e-mail dated 7th.August together with copies of representation letters. The letters in the main are concerned with Road safety issues given the proximity of the development to the junction with the A78 trunk road. Obviously road safety is a matter my client takes most seriously and it is stressed that should the review board be supportive of this application it is proposed that detail discussions would be proposed with all parties involved including the NAC roads section and also Transport Scotland to determine an amended design and layout which would minimise any possible safety risk.

It is also noted that there is concern regarding the construction of the houses on matters again of safety, noise disturbance and pollution. The construction industry is one of the most regulated industries and it is assured that all construction works would be carried out under these regulations. Regulations that are overseen by independent bodies such as the Health and Safety Executive, NAC Environmental Services, SEPA as well as Building Standards.

I give my client's assurance that the development, if so supported by the review board, would be carried out in accordance with all necessary permissions and conditions so attached.

Regards,

James Harper Architect.

The Langslie, Lochwinnoch, Renfrewshire, PA12 4DR.

Tel: 01505 843007
Fax: 01505 843007
E-Mail: mail@harperarchitect.co.uk

REPORT OF HANDLING

North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Reference No:	24/00288/PP
Proposal:	Erection of two detached dwelling houses
Location:	Site To South Of Highthorne Cottage, West Kilbride, North Ayrshire,
LDP Allocation:	Countryside/Rural Community
LDP Policies:	SP1C - The Countryside Objective / SP2 - Strategic Policy 2 /
Consultations:	Yes
Neighbour Notification:	Neighbour Notification carried out on 04.04.2024 Neighbour Notification expired on 25.04.2024
Advert:	Regulation 20 (1) Advert Published on:- 10.04.2024 Expired on:- 01.05.2024
Previous Applications:	None
Appeal History Of Site:	

Relevant Development Plan Policies

SP1C - The Countryside Objective

SP2 - Strategic Policy 2

The LDP can be viewed at the link below.

LDP November 2019

NPF4 can be viewed at the link below

National Planning Framework 4 - gov.scot (www.gov.scot)

Description

The application site is a trapezial site measuring 2,742sqm in area located and located along the A78 between West Kilbride and Fairlie, to the south of Highthorne Cottage. The site is a corner site with the A78 forming its eastern boundary and the Thirdpart access road forming its southern boundary. The site does not have any distinguishing characteristics other than it includes the access road serving Highthorne Cottage and The Stables (the donor properties). Otherwise the site is flat and overgrown with gorse and bracken with a stone wall along the boundary with the A78. Other than the donor properties which are located to the north of the site, the only nearby buildings are Carlung Cottages, two dwellinghouses (formerly three) which sit immediately to the west of the site. The area surrounding the site is open countryside which is flat and characterised by large fields and a distinguishing feature is a double line of power pylons serving the Hunterston Nuclear complex located approx. 1.5km to the northwest of the site.

It is proposed to erect two one-and-a-half storey dwellinghouses on the site. The houses, which would be of matching designs, would be located to the south of the development site fronting onto the Thridpart access road, while a realigned driveway for Highthorne Cottage and The Stables would run through the centre of the two new properties. The houses would contain three bedrooms and would measure approx. 120sqm in area. They would feature a gabled roof design measuring 2.5m in height to the eaves and 6.9m to the ridge. In terms of features they would include a porch and two pitched roof dormers on the front elevation and a small box dormer and flat roof extension on the rear elevation. The walls would be finished in render, except the porch which would be finished in stone and the rear extension which would be finished in horizontal timber cladding. The pitched roof would be finished in slate and the sections of flat roof in fibreglass. Each dwellinghouse would include a driveway located down its west side with parking provision for two vehicles.

In the adopted North Ayrshire Local Development Plan (LDP) the site is located in a Countryside land allocation. The relevant policies of the LDP with relation to the proposed development are The Countryside Objective of Strategic Policy 1: Spatial Strategy and Strategic Policy 2: Placemaking. North Ayrshire Council has also produced a Policy Guidance Note on Housing in the Countryside which is of relevance to this proposal. All development proposals also require to be assessed against the adopted National Planning Framework 4 (NPF4), the most relevant policy of which is Policy 17: Rural Homes.

The applicant went through a pre-application advice process in November 2023 to January 2024 which included a site meeting. During the pre-application process they were advised that it was unlikely that the erection of a new house on the site would be supported as it was not considered to accord with any of the instances where a new house in the countryside might be supported under The Countryside Objective of Strategic Policy 1: Spatial Strategy. The applicant argued that the site should be considered as a gap site under this policy, however, this was not agreed by the Planning Officer who advised that the site was not considered to be a gap site as defined by the policy and supplementary guidance.

Supporting Documents:

Design Statement:
The entire site was formerly part of the estate of Highthorne House which was located in the trees to the north of Highthorne Cottage and was demolished in the 1940s. Stone from the demolished manor was used in the boundary wall facing the

A78 and the old stone piers entrance to the manor can be seen along the eastern boundary of the site.

It is considered by the applicant that the proposal is a gap site as described by The Countryside Objective of Strategic Policy 1: Spatial Strategy. This is because it is considered that the boundaries of the site are defensible (A78 to the east, Thirpart road to the south, Carlung Cottage to the west and the donor properties to the north) and would prevent further expansion into the countryside. In addition, it is considered that the site would represent a corner gap site as displayed in diagram SC1 of the Housing in the Countryside Guidance.

The distance between the boundary of Carlung Cottages and the edge of the garden of The Stables (Highthorne Cottage) is 55.6m. The southern frontage of the site onto the Thirdpart road is 39.6m. No figure is provided in the Housing in the Countryside Guidance as to what distance constitutes a gap however it is considered in this instance the distance is small enough to be considered as a gap site. A recently approved Planning Application (ref. 23/00026/PP) is considered to have a larger gap.

The layout of the site has been designed to compliment the existing building line of Carlung Cottages. The design of the houses is based on traditional architecture and uses high quality simple materials. The houses shall utilise sustainable technologies including an air source heat pump for hot water and photovoltaic (PV) panels to contribute to the electricity supply.

Consultations and Representations

The standard Neighbour Notification process was undertaken and there was no requirement to advertise the application. Three letters of objection and one neutral letter of representation have been received, the points raised in which are summarised below:

1. The plans submitted do not display plot or house sizes, underground utilities or overhead cabling.

Response: The plans are drawn to scale and therefore the size of the houses can be ascertained from this. The plot boundaries are not clear from the site plan, however, should permission be granted a condition could be added to require further details of boundary treatments which would show the plot boundaries. Likewise, a condition could be added to provide more details of with underground utilities such as drainage. In terms of overhead cabling, the electricity pylons are located to the south of the site and would not be affected. There are telecommunications cables which go around the edge of the site and were permission to be granted an informative could be added to ensure that the operator of this infrastructure's permission is sought prior to any development works being undertaken under these cables.

2. The proposed development would result in a loss of light, loss of privacy and loss of views for the adjacent property at Carlung Cottages. It is considered that the height of the proposed houses is too high, and they should be no higher than the adjacent Carlung Cottages.

Response: Loss of views is not a material Planning consideration. The amenity impacts of the proposal and the scale of the houses is assessed in the analysis section of this report.

3. The road verge along Thirdpart Road may not be within the ownership of the applicant and therefore they may not be able to ensure the driveway access displayed on the plans. In addition there are wildflowers on the verge which are protected by law.

Response: Noted, the location plan shows that the verge is indeed outwith the applicant's ownership control. It would be the responsibility of the applicant to ensure that permission of the relevant landowners is secured to allow access over the verge should permission be granted. There is no protection of wildflowers under Planning legislation, and it is the applicants responsibility to accord with any laws which may exist protecting flora.

4. The proposed additional driveways close to the junction between the Thirdpart road and the A78 could result in road safety issues. The proposed driveways could discharge surface water onto the road and result in flooding on the A78. The houses should be accessed from the access road serving Highthorne Cottage rather than directly from the Thirpart road.

Response: Agreed; Transport Scotland have objected due to the proximity of the proposed driveways to the trunk road junction.

5. The proposed dwellinghouse are not considered to be in-keeping with the design of Carlung Cottages. The proposal is for an urban street frontage rather than a more diffuse settlement pattern as would be expected in a countryside location.

Response: Disagree; the design of the proposed dwellinghouses is fully assessed in the analysis section of this report.

6. The proposed development would result in the loss of habitats for wild animals. There is a colony of rats on the site which if the site is developed may result in them moving into adjacent houses. A wildlife survey should be undertaken.

Response: The site is overgrown garden grounds and not a natural habitat, the development would not result in the loss of any trees, and the site is not subject to any environmental designations, and it is therefore not considered necessary to require an Ecology Survey to be undertaken.

7. The proposed development could result in a loss of amenity for neighbouring properties due to construction noise.

Response: This is not a material Planning consideration. If noise disturbance does arise as a result of construction or any other reasons it can be reported to NAC Environmental health to investigate.

8. It is not considered that the site is a gap site.

Response: Agreed, see analysis.

9. If permission is granted swift nest bricks should be incorporated into the development.

Response: If permission was granted a condition could be added to require swift nest bricks to be used (although the proposal is for a rendered finish).

Consultations:

NAC Active Travel and Transportation: No objections; conditions should cover the issues of visibility splays, hard surfacing of driveways and surface water.

Response: Noted, such conditions could be attached if Planning Permission were granted.

Transport Scotland: Advise that Planning Permission be refused. The proposed parking arrangements have the potential to impact on traffic turn off the trunk road. One driveway is within 20m of the trunk road.

Response: These issues could potentially be addressed by revising the plans so that the driveways for the proposed dwellinghouses came off the existing access road for the donor properties, however, the applicant has advised that since the application is to be refused anyway, they decline to amend the plans.

Scottish Water: No response.

West of Scotland Archaeology Service (WOSAS): If permission is granted a condition should be attached to ensure an archaeological watching brief is undertaken.

Response: Noted, such a condition could be attached if Planning Permission were granted.

Analysis

The Countryside Objective of Strategic Policy 1: Spatial Strategy of the LDP 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 consolidating existing developments where it would define/provide a defensible boundary for further expansion.
(iii) Replacement or conversion of existing buildings or a house of exceptional design quality; or
(iv) Sympathetic additions to existing well-defined nucleated groups of four or more houses 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 the dwellings existing in that group as of January 2005 up to a maximum of four new units.

That applicant is justifying proposing these houses under criterion (ii), sensitive infilling of gap sites.

The Housing in the Countryside Policy Guidance Note provides two additional definitions with regards to gap sites which must be taken into account:

I. 'Gap site' - a site within an established developed area, for example where a house/building once stood or where two houses or other permanent buildings of equivalent residential size, occupying separate and discrete plots, front a road or access lane. A gap site is not a site between a property and a settlement boundary. This is to protect the settlement boundary.

II.'Defensible Boundary' - existing, well-established topographical, natural, or landscape features which provide a 'stop' and well-defined boundary help stop further expansion into sensitive areas or the wider countryside. A development which infills a gap and strengthens a defensible boundary may be acceptable subject to compliance with the Placemaking Policy; proposals that would protrude out with a natural building grouping or landscape feature should be discouraged to avoid encroachment into the countryside.

To summarise the applicant's case for the site being a 'gap site'; they consider that a corner gap site exists between Carlung Cottages and Highthorne Cottage/The Stables. It is certainly the case that the site benefits from defensible boundaries as defined by The Housing in the Countryside Policy Guidance Note; with its western boundary being formed by Carlung Cottages, its southern boundary being formed by the Thirdpart Road, its eastern boundary being formed by the A78, and its northern boundary being formed by Highthorne Cottage/The Stables.

Whilst not made explicitly clear in the policy it implicit within the definition of a 'gap site', and widely understood that a gap site refers to a relatively small plot between two existing buildings. The applicant argues in their Design and Access Statement that the gap should be measured from the boundary fence of Carlung Cottages to the boundary fence of The Stables (Highthorne Cottage) which gives a figure of 55.6m. They also draw attention to the gap between Carlung Cottages and the A78 which is only 39.6m. However, it is the view of Planning that these figures give an inaccurate impression as to the size of the gap and that the key consideration should be the distance between the existing buildings. The distance between the closest points of Carlung Cottages and the Stables is approx. 97m. Whilst there is no prescriptive limit given on what constitutes a gap within the policy or guidance, and each proposal needs to be assessed on its own merits, 97m is considered to be quite a significant distance and would act against the site being considered as a gap site.

Furthermore, on the ground the site is not read as a gap site. On the Thirdpart Road adjacent to Carlung Cottages, The Stables appears to be distant and is obscured by shrubs and bushes, and it is the same case in the reverse. Carlung Cottages and Highthorne/The Stables do not have a strong relationship with each other and are read as two independent developments within a rural landscape. Carlung Cottages present a clear frontage onto the Thirdpart Road while Highthorne Cottage and the Stables face their own internal accesses and therefore the two groupings do not share a common feature.

Finally, while the proposed dwellinghouses would be located quite close to Carlung Cottages (approx. 10m at the closest), they would be located a significant distance from The Stables (approx. 60m at the closest). Therefore a significant gap would remain following the proposed development and this gap would be at least large enough for another two houses of the same size to what is being proposed. The proposed development cannot therefore be said to be infill development which would act against further expansion.

For the reasons outlined above, the proposed development is not considered to be a gap site in terms of The Countryside Objective of Strategic Policy 1: Spatial Strategy of the LDP or The Housing in the Countryside Policy Guidance Note. Furthermore, it is not considered that the proposed development would accord with any of the other three instances where new dwellinghouses in the countryside might be supported under The Countryside Objective. Therefore, the proposed development is considered to be contrary to Strategic Policy 1: Spatial Strategy of the LDP.

Turning to Policy 17: Rural homes, of NPF4, 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:

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

The proposed development is considered to be suitably scaled and designed; however the site is not appropriate, and the proposed development does not accord with any of the above criteria where a new dwellinghouse might be supported under NPF4. The proposal is therefore considered to be contrary to Policy 17 of NPF4.

Turning to Strategic Policy 2: Placemaking, of the LDP (and the corresponding Policy 14: Design, Quality and Place, of NPF4), all new developments are required to demonstrate compliance with the six qualities of successful places. Both the scale and design of the proposed dwellings is reflective of traditional rural Ayrshire architecture. The simple form of the dwelling as well as details such as the pitched roof dormers and entrance porch and common to the area, and likewise the proposed finishing materials are high quality natural materials in-keeping with the rural vernacular. While elements of the proposed design such as the box dormer and timber clad extension are more typically suburban in appearance, these are located to the rear and would not have a significant impact on the overall appearance of the proposed houses.

No information is provided with regards to landscaping or boundary treatments, and were permission granted, these issues would need to be covered by Planning conditions. In terms of amenity, the western most proposed dwellinghouse would be located approx. 10m from Carlung Cottages, and it is considered that this is a large enough distance to ensure that no significant overshadowing of the neighbouring properties would occur. Most of the fenestration on the proposed dwellinghouses would be located on the front or rear elevations and therefore would not overlook neighbouring properties.

The site is located in a countryside location and so is not well served by public transport. Each dwellinghouse would be served by a private driveway with parking space for two vehicles, and a re-aligned access track serving The Stables would be formed between the two dwellings. Transport Scotland have objected to the proposal due to the proximity of the proposed driveways to the junction between the Thirdpart Road and the A78 trunk road, which could result in road safety issues. The applicant has stated that renewable technologies such as an air source heat pump and solar photovoltaic panels would be utilised for the proposed houses. The do not propose connecting to a public drainage system and therefore private surface and foul water drainage arrangements would need to be made, however, no details have been provided. Such details could be ensured by conditions were Planning Permission granted.

While the design or the proposed dwellinghouses is considered acceptable and it is not considered that the proposal would result in any significant amenity issues, the fundamental issue of the inappropriate siting of new houses in countryside location as discussed previously in this report means that the proposal cannot be said to be in accordance with the qualities of successful places. In particular it is not considered that the proposed development is distinctive, welcoming or safe and pleasant as the inappropriate siting would detract from the appearance of the rural setting. The proposal is therefore contrary to Strategic Policy 2: Placemaking of the LDP and Policy 14: Design, Quality and Place, of NPF4.

The proposed development is not considered to be a gap site, nor would it accord with any of the other instances where new housing in the countryside might be supported under The Countryside Objective of Strategic Policy 1: Spatial Strategy, of the LDP. The proposed development would therefore be inappropriate residential development in a countryside location which would detract from the rural character of the area. For the same reasons, the proposal would not accord with Strategic Policy 2: Placemaking of North Ayrshire Local Development Plan or with polices 14: Design, Quality and Place, and Policy 17: Rural Homes, of the National Planning Framework 4. In addition, Transport Scotland object to the proposal on road safety grounds due to the proximity of the proposed driveways to the junction with the trunk road. There are no material considerations which would outweigh this failure to accord with the relevant policies of The Development Plan, and it is therefore recommended that the application be refused.

Decision

Refused

Case Officer - Mr John Mack

Appendix 1 - Drawings relating to decision

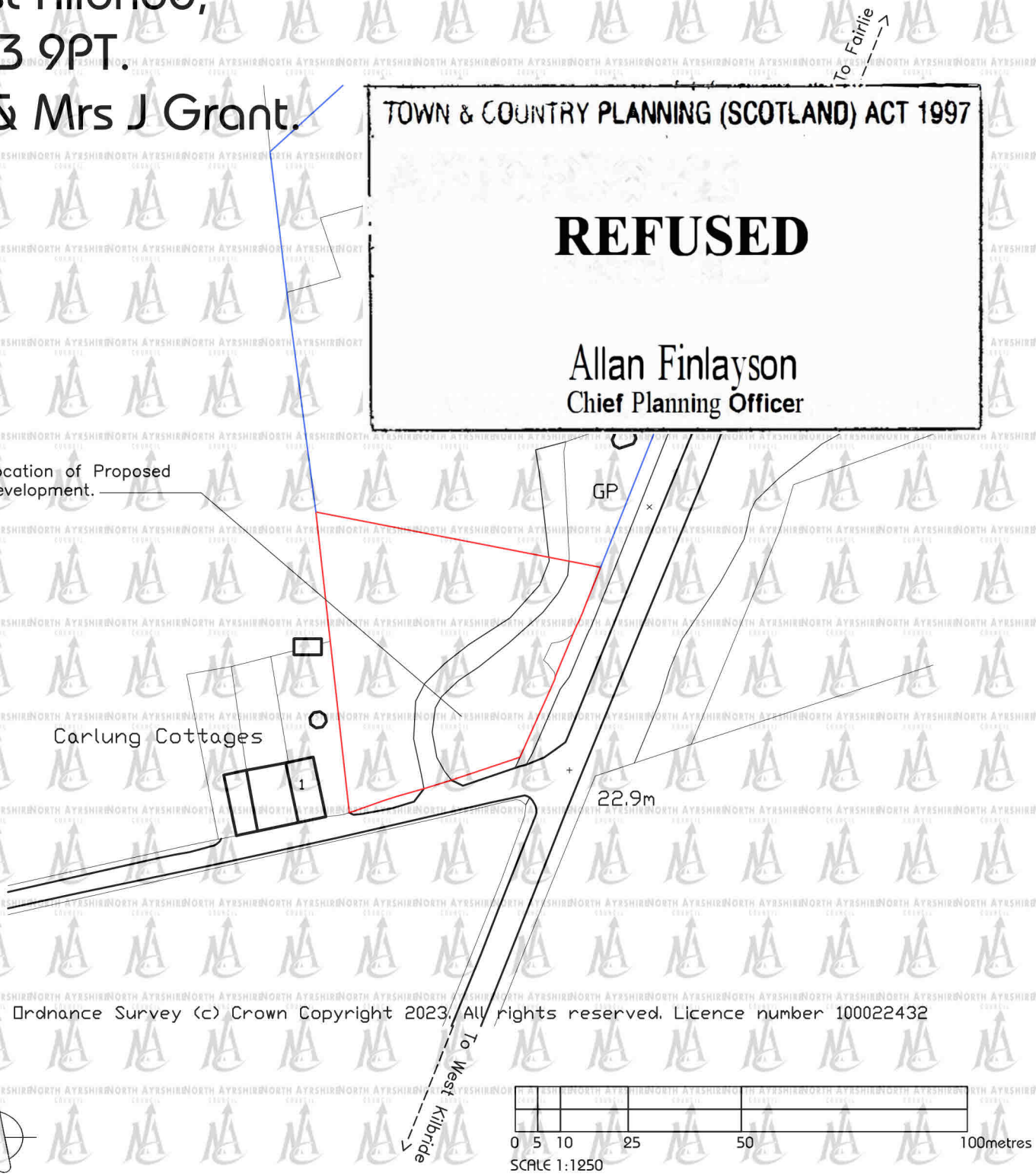
Drawing Title	Drawing Reference (if applicable)	Drawing Version (if applicable)
Location Plan	E00	
Block Plan / Site Plan	E01	
Block Plan / Site Plan	PL02	
Proposed Floor Plans	PL03	
Proposed Elevations	PL04	

Proposed Erection of 2no. Houses to Gap Site at:
Land to the South of The Stables, Highthorne, West Kilbride, KA23 9PT.
Mr & Mrs J Grant.

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

REFUSED

Allan Finlayson
Chief Planning Officer



Location Plan - E 00

1:1250

James Harper Architect
The Langslie, Langstilly Road, Lochwinnoch, Renfrewshire, PA12 4DR.
Telephone / Fax: 01505 843007 E-mail: mail@harperarchitect.co.uk

North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

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

No N/24/00288/PP
(Original Application No. N/100666706-001)

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 James Grant
c/o James Harper Architect
Langslie
Langstilly Road
Lochwinnoch
PA12 4DR

With reference to your application received on 3 April 2024 for planning permission under the above mentioned Acts and Orders for :-

Erection of two detached dwelling houses

at Site To South Of Highthorne Cottage
West Kilbride
North Ayrshire

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

1. The proposed development would be contrary to the provisions of The Countryside Objective of Strategic Policy 1: Spatial Strategy, of the North Ayrshire Local Development Plan in respect of the following: The site is not considered to be a gap site, nor would it accord with any of the other instances where a new house in the countryside might be supported under this policy. The proposed development would therefore be inappropriate residential development in a countryside location which would detract from the rural character of the area. For the same reasons, the proposal would not accord with Strategic Policy 2: Placemaking of North Ayrshire Local Development Plan or with polices 14: Design, Quality and Place, and Policy 17: Rural Homes, of the National Planning Framework 4.

2. The proposed development would result in a road safety issues due to the proximity of the proposed driveways to the junction with the A78 trunk road. Vehicles entering and egressing the proposed driveways would come into conflict with vehicles turning from the A78 onto the Thirdpart road.

Dated this : 4 June 2024

[redacted]

.....
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.