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# NORTH AYRSHIRE COUNCIL

22 January 2020

## Local Review Body

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**Title:** Notice of Review: 18/01044/PP – Middleton Farm, Perceton Gate, Irvine

**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.

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### 1. Executive Summary

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

### 2. Background

2.1 A Notice of Review was submitted in respect of Planning Application 18/01044/PP – the erection of 2 storey dwellinghouse with attached double garage.

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.

##### **Human Resources**

4.2 None.

##### **Legal**

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

##### **Equality/Socio-economic**

4.4 None.

##### **Environmental and Sustainability**

4.5 None.

##### **Key Priorities**

4.6 None.

##### **Community Benefits**

4.7 None.

#### **5. Consultation**

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

Craig Hatton  
Chief Executive

For further information please contact **Hayley Clancy, Committee Services Officer**, on **01294 324136**.

#### **Background Papers**

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North Ayrshire Council  
Comhairle Siorrachd Àir a Tuath

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100144292-002

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:

Ref. Number:

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

First Name: \*

Building Name:

Last Name: \*

Building Number:

Telephone Number: \*

Address 1  
(Street): \*

Extension Number:

Address 2:

Mobile Number:

Town/City: \*

Fax Number:

Country: \*

Postcode: \*

Email Address: \*

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Brian"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Gorman"/>	Address 1 (Street): *	<input type="text"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="I"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

## 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="Site to South of Middleton Farm"/>
Address 2:	<input type="text" value="Perceton Gate"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="Irvine"/>
Post Code:	<input type="text" value="KA11 2AJ"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="641127"/>	Easting	<input type="text" value="236402"/>
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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)

Erection of 1.75 storey dwellinghouse and double garage.

## 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.

Our Client is always willing to work with North Ayrshire Council, where the drawings & specification were revised to comply (email correspondence attached). They are a young family trying to build an affordable house, which would support the housing shortage within the area and contributing to the regeneration. Full Notice of Review letter has been enclosed with this application.

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)

Planning correspondence (15no emails) Coal Mining Risk Assessment Drainage Assessment Non-Residential Mining Report SEPA Registration K180070-PL 01 (Design & Planning Statement) K180070-PL 03 (Notice of Review) K180070-PL01f (Ground Floor Plan) K180070-PL02f (First Floor Plan) K180070-PL04f (Elevations) K180070-PL09e (Site Plan) K180070-PL10d (Location Plan)

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

18/01044/PP

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

23/11/2018

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

24/10/2019

## Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

Yes  No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? \*

Yes  No

Is it possible for the site to be accessed safely and without barriers to entry? \*

Yes  No

## Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. \*

Yes  No

Have you provided the date and reference number of the application which is the subject of this review? \*

Yes  No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

Yes  No  N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

Yes  No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*

Yes  No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

## **Declare – Notice of Review**

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

Declaration Name: Mr Andrew Mowat

Declaration Date: 15/11/2019

## REPORT OF HANDLING



North Ayrshire Council  
Comhairle Siorrachd Àir a Tuath

**Reference No:** 18/01044/PP  
**Proposal:** Erection of 2 storey dwellinghouse with attached double garage  
**Location:** Site To South Of Middleton Farm Perceton Gate, Irvine, Ayrshire,

**LDP Allocation:** Countryside/Rural Community  
**LDP Policies:** ENV2 / General Policy /

**Consultations:** Yes

**Neighbour Notification:** Neighbour Notification carried out on 23.11.2018  
 Neighbour Notification expired on 14.12.2018

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

**Previous Applications:** None

**Appeal History Of Site:** None

### Relevant Development Plan Policies

ENV2  
 POLICY ENV 2: HOUSING DEVELOPMENT IN THE COUNTRYSIDE

Single houses in rural areas

Proposals for a single new stand alone house within its own established setting in a rural

area shall not accord with the LDP unless it can be demonstrated that:

- (a) the proposal demonstrates outstanding quality of design; AND
  - (b) is distinctive and responsive to its setting, making a positive contribution to the locality of the area; AND
  - (c) the proposal integrates with, complements and enhances the established character of the area and the cumulative impact on the landscape of the development is acceptable;
- AND

(d) is located a sufficient distance from a village, existing grouping, building or settlement to ensure that the development is considered as part of an established rural landscape;  
AND  
(e) account has been taken of the possibility of converting, rehabilitating or replacing an existing building in the countryside or of locating a new building in a brownfield location;  
AND  
(f) the development is not proposed in an area of 'sensitive countryside' (see glossary), is not of a suburban character and takes cognisance of the Rural Design Guidance;  
AND  
(g) the proposal has been closely scrutinised and positively endorsed by a design review (internal to the Council) and/or Architecture and Design Scotland.

#### Small scale growth of existing rural housing groups

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:

- (a) the proposal constitutes a small-scale, sympathetic addition to an existing well-defined nucleated group 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. Expansion of such a group will be limited to 50% of dwellings existing in that group as of 1 January 2005 up to a maximum of four new housing units (rounded down where applicable); AND  
(b) the proposal is not suburban in character and takes cognisance of the approved Rural Design Guidance; AND  
(c) any individual proposal does not prejudice a future development opportunity; AND  
(d) the proposal complies with relevant Roads Guidelines.  
(e) the proposal is not located within an area of 'sensitive countryside' (see glossary).  
The sensitive infilling of any available gap sites consolidating existing groups will be particularly encouraged.

#### Housing for workers engaged in a rural business

Proposals for housing for workers engaged in an appropriate rural business (such as agriculture, forestry, or other operations provided for under Policy ENV 1) shall accord with

the LDP subject to the following criteria:

1. The dwelling is for a farmer who owns and operates a viable agricultural holding full time which has no farmhouse at present; OR
2. A farmer is the owner and occupier of an agricultural holding and proposes to erect a dwelling for a family member in full time employment on the farm and who intends to

take over the farm in time; OR

3. A genuine operational need for a worker to live on site in pursuance of an established

rural business has been demonstrated; AND

4. All proposals will also be required to demonstrate that:

(a) accommodation cannot be reasonably provided by another existing dwelling on site or

in the area (including by any buildings after re-use, replacement, conversion or rehabilitation at reasonable cost) or within existing rural housing groups suitable for expansion under the other provisions of this policy;

(b) there are no existing planning consents (not time expired) for residential developments

which have not commenced and would provide a suitable accommodation arrangement;

(c) the siting, design and external appearance of the new development (including any

conversion) complements any existing building group on the site;

(d) the scale of the housing provided is commensurate with the need of the person or

persons who will occupy it; and

(e) cognisance has been taken of the Council's Rural Design Guidance.

Note:

In the case of housing for a worker engaged in a rural business, where an operational need

requires to be demonstrated, this should take the form of an independent report/business

plan prepared by a suitably qualified professional. This justification should demonstrate the

ongoing viability of the business and provide reasons why residential accommodation

located on site is essential to the functional needs of the business, and is not merely for

convenience.

For housing justified as 'housing for workers engaged in a rural business', occupation of

such shall be limited to persons employed (and any dependents) in agriculture, forestry or

other rural activities allowed under Policy ENV 1 and this will be secured via planning

condition and/or legal agreement as appropriate.

All proposals will require to be supported by a design statement, inclusive of landscaping

proposals particularly in regard to urban fringe sites, to assist the Council to fully assess

the proposal.

The submission of an area landscape capacity evaluation will normally be required for all

development in the countryside.

It will be a condition that the development be commenced within two years to prevent land

banking.

In the case of single houses in rural areas, permitted development rights may be removed in recognition of the high standard of design required from the development.

No applications for planning in principle shall be accepted for development. Pre-application discussions are encouraged prior to the submission of a full application. Provision of temporary accommodation for an agreed period in pursuance of a viable rural business, requiring an operational need for a worker to live on-site, will be in accordance with the Plan subject to compliance with other policies.

## General Policy GENERAL POLICY

### (a) Siting, Design and External Appearance:

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

### (b) Amenity:

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

Regard should be given to the impact on amenity of:

- Lighting;
- Levels and effects of noise and vibration;
- Smell or fumes;
- Levels and effects of emissions including smoke, soot, ash, dust and grit or any other environmental pollution;
- Disturbance by reason of vehicular or pedestrian traffic.

Development should avoid significant adverse impact on biodiversity and upon natural heritage resources, including those outwith designated sites and within the wider

countryside. Development proposals should further have regard to the preservation and planting of trees and hedgerows, and should also have regard to their potential to contribute to national and local green network objectives. In relation to neighbouring properties regard should be taken of privacy, sunlight and daylight.

(c) Landscape Character:

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

(d) Access, Road Layout, Parking Provision:

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

(e) Safeguarding Zones:

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

(f) The Precautionary Principle

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

g) Infrastructure and Developer Contributions

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

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

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

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

#### h) 'Natura 2000' Sites

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

#### i) Waste Management

Applications for development which constitutes "national" or "major" development under the terms of the Planning Etc. (Scotland) Act 2006 will require the preparation of a Site

Waste Management Plan (SWMP), which will be secured by a condition of the planning consent.

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## Description

The application site is located in an open agricultural field located to the northeast of Perceton Gate and to the South of Middleton Farm just outside of Irvine. The site is roughly square in shape with an area of approximately 3250sqm. It is bounded on the north by the B769 road from Irvine to Stewarton. The field is flat and open in character with the only notable features being hedging and mature deciduous trees along the boundaries with the road and with a neighbouring group of housing at Perceton Gate. Perceton Gate is a converted farm steading which has been subdivided into five dwellinghouses. Middleton Farm lies on the opposite side of the road and comprises of a large modern farmhouse and numerous agricultural buildings.

It is proposed to erect a two storey detached dwellinghouse and attached double garage. The house would be located in the western corner of the field and would be oriented to face the B769 and set back approximately 15m from the road edge. The layout of the house would comprise of a central one and a half storey section containing the majority of the rooms, with two smaller wings on either side. The northeastern wing would be a single storey element and would house the lounge whilst the southwestern wing would be a double garage with an additional bedroom in the loft space above. The total floor area of the house would be approximately 170sqm. The roof design of the house would be gabled, and the central section would be approximately 8.2m in height to ridge. Finishing materials would be slate effect tile on the roof, smooth white render for the walls and uPVC doors, windows, fascia and soffits. A new access would be formed onto the B769 leading to a parking and turning area of hardstanding. Foul water drainage would be to a treatment tank and partial soakaway while surface water drainage would discharge to a local watercourse.

The site is located in a countryside allocation in the adopted North Ayrshire Local Development Plan and subsequently requires to be assessed against policy ENV 2, Housing Development in the Countryside. The proposal would also be assessed against the relevant criteria of the General Policy, in this case (a) Siting, Design and External Appearance, (b) Amenity and (c), Landscape Character and (d), Access, Road Layout and Parking Provision.

The applicant initially made a planning application to erect a house in a nearby field (18/00587/PP), however, this application was made without the benefit of pre-application advice. On the recommendation of Officers, the applicant withdrew this application in October 2018 as it would have been contrary to Policy ENV 2 of the adopted Local Development Plan, as it did not relate to an existing rural housing group nor was it a single house of outstanding design merit.

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Pre-application planning advice was given in November 2018 (18/00953/PREAPP) which suggested there may be scope for the erection of a house on the current site under policy ENV 2. The pre-application advice stated that the proposed house design was suburban in character and would not be supported under policy ENV 2 or criteria (a) of the General policy.

The design has evolved considerably from the original submission and has gone through several revisions. The applicant was asked to radically alter the design in order to make it comply with the Council's approved Rural Design Guidance.

### **Consultations and Representations**

Neighbour notification was undertaken in accordance with statutory requirements which included an advertisement in a local newspaper. One letter of objection has been received, the points raised in which are summarised below:

1. The proposed development would overlook adjacent properties leading to a loss of privacy.

Response: The proposed house would not have any windows on the elevation facing the neighbouring properties at Perceton Gate so there would be no overlooking.

2. The proposed house would be overbearing and excessive in scale.

Response: Agreed. See analysis.

3. The design would not be in-keeping with the area.

Response: Agreed. See analysis.

Consultations:

Active Travel and Transportation: No objections, subject to conditions.

Response: Noted.

The Coal Authority: The Coal Authority initially objected the to the proposal on the grounds that it would be located in a high risk area for coal mining activities and no Coal Mining Risk Assessment had been provided. Following the provision of a Coal Mining Risk Assessment by the applicant, the Coal Authority has withdrawn the objection subject to conditions.

Response: Noted.

### **Analysis**

Policy ENV 2 allows for the small-scale growth of existing rural housing groups subject to the proposal satisfying a number of criteria as detailed at the beginning of this report.

With regards to criterion (a), it is considered that there is an existing rural housing group at Perceton Gate comprising of 6 dwellings: nos. 1-5 Perceton Gate and Middleton Farm. These dwellings were all extant or in the process of being developed before the 1st of January 2005. Middleton Farm is somewhat removed from the rest of the houses at Perceton Gate being on the opposite side of the road and set back from the road edge, however, it is still clearly identifiable as part of the group due to the open character of the area and its visual prominence. The character of the existing group is of a small farm steading cluster on the edge of a larger settlement. The proposed house would be on the same side of the road as Perceton Gate and would face directly onto Middleton Farm. It would be approximately 50m away from the nearest house at Perceton Gate and 60m away from Middleton Farm. The land in between the proposed house and Perceton Gate is garden ground and thus despite the distance between buildings, the curtilage of the proposed house would directly border onto existing housing curtilage. It is considered that the proposed house would be a small scale, sympathetic addition to an existing rural housing group, and furthermore would help to consolidate the connection between the two existing elements of the group (Perceton Gate and Middleton Farm). The proposal complies with criterion (a).

With regards to criterion (b), the core of proposed design attempts to replicate a traditional Ayrshire farmhouse. This design ambition is hampered by the excessive scale of the proposal, inauthentic detailing and poor finishing material choice. In terms of the scale, the applicant has attempted to break up the overall massing by having two 'wings' to either side of the main house section. Unfortunately, this has the effect of creating a very long frontage which is not something commonly seen in traditional rural architecture which more often has clusters of buildings set at angles adjacent to each other. A large contributor to the excessive massing is the double integral garage which is particularly suburban in appearance. The case officer had suggested splitting the garage off from the house and designing it in the manner of a farm outbuilding, but this approach was not agreed by the applicant.

With regards to the inauthentic detailing, the proposed wallhead dormers are wider than would be the case in traditional rural architecture and are more similar to the proportions of dormers in late 20th century architecture. The proportion of the window groupings generally have a horizontal emphasis despite the individual window openings having a vertical emphasis. Again, this arrangement is more reminiscent of contemporary suburban architecture as opposed to the vernacular rural design that the applicant is attempting to replicate. The windows are single pane brown uPVC casement units which would be at odds with the more typical design typology involving two panel sash and case windows, usually painted white or black. Similarly, the doors would be brown uPVC in a modern design. The rooflights would also be a modern design which would protrude upwards from the roof plane, rather than flush fitted.

As previously discussed, the proposed use of brown uPVC for the windows, doors, fascia and soffits is not considered acceptable, and in order to be authentic, these elements would be timber painted in white or black. While a slate effect roof tile and smooth white render may be acceptable depending on their texture and quality, insufficient details have been provided to demonstrate that these finishing materials would be appropriate. The proposal does not accord with criterion (b).

It is not considered that the proposed development would prejudice against any further development as it is to be sited in an open field with no planning history and

no other likely potential uses. On this criterion, the proposal would therefore accord with ENV 2.

The Council's Active Travel and Transportation service has not objected to the proposal. It is therefore considered that, in terms of access and parking, the development would be in accordance with the relevant Roads Guidelines and with criterion (d) of Policy ENV 2.

The site is not located in an area of sensitive countryside and so the proposal would comply with criterion (e).

In summary, the proposal has demonstrated compliance with all of the criteria of policy ENV 2 other than criterion (b) which requires that the design is not suburban and takes cognisance of the Rural Design Guidance. Criterion (b) is possibly the most critical and essential criterion contained in the policy (the others being more technical in nature). Despite numerous attempts to revise the design to meet these requirements, the applicant has failed to produce a design which would be suitable for the rural location of the site. Therefore, on balance, the proposal does not comply with Policy ENV 2 on design grounds.

Turning to the General Policy and in terms of criterion (a), the scale and design of the proposed house has already been discussed above and is considered to be out-of-keeping with the rural location. The proposal does not comply with criterion (a).

In terms of criterion (b), the proposed building would be approximately 50m away from the nearest house and would not therefore result in any overshadowing. There would be no windows on the elevation facing Perceton Gate and so there would be no overlooking. The development accords with criterion (b).

There is existing hedging on the boundary of the site with the road as well as several mature trees. These are to be retained (with the exception of an area of hedging removed to form the access) which is considered appropriate. No boundary treatments are proposed to the east and south of the house. It is considered that boundary treatments would need to be erected to enclose the curtilage in order to ensure an appropriate boundary between the housing grouping and the open countryside; this could be ensured via condition. The proposal would accord with criterion (c).

The formation of a new access onto the B769 would be acceptable subject to the maintenance of suitable visibility splays. An appropriate level of parking has been provided with the double garage and there is a sufficient area for the turning of a vehicle on site. No details have been provided in regards to surfacing; the first 6m metres of the access requires to be surfaced in a hard bituminous material. The proposal would accord with criterion (d).

The emerging North Ayrshire Proposed Local Development Plan is a material consideration, and the proposal has been assessed against the terms of the Proposed LDP. In this instance, assessing the proposal against the terms of the Proposed LDP would not alter the conclusion of the assessment of the proposal against the adopted LDP, because the policies in the Proposed LDP are substantially similar to those in the adopted LDP, and it does not raise any new issues that would alter the assessment of the proposal.

In conclusion, the proposed development does not accord with policy ENV2 or criterion (a) of the General Policy and is therefore contrary to the adopted Local Development Plan. Notwithstanding continued attempts, since the application was submitted in November 2018, to seek appropriate amendments to the design to meet the terms of the Council's approved Rural Design Guidance, the applicant has failed to submit the required amendments. Therefore it is recommended that the application be refused on this basis. There are no material considerations which would outweigh the provisions of the development plan in this case.

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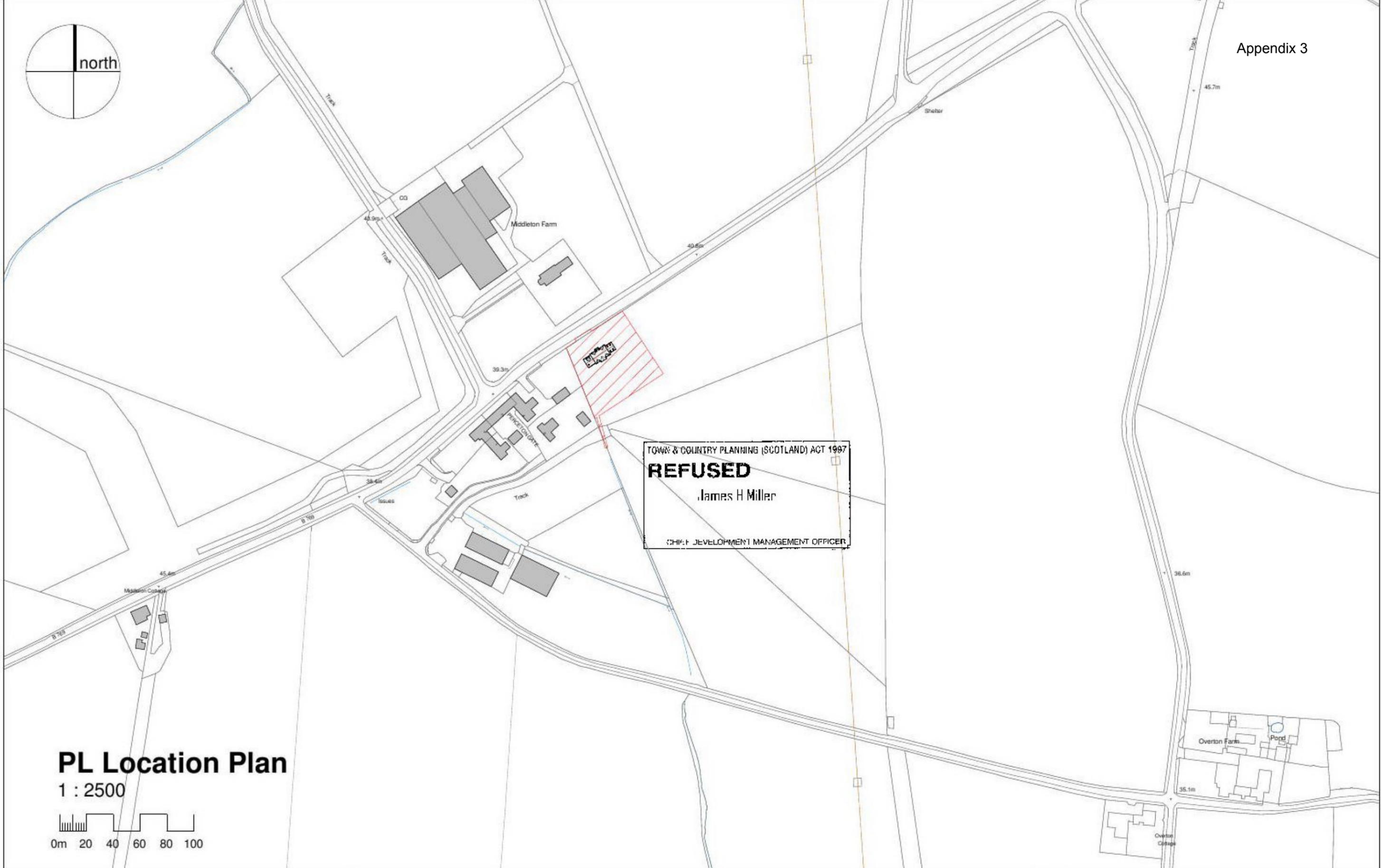
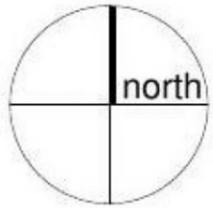
## **Decision**

Refused

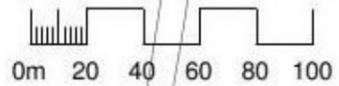
Case Officer - Mr John Mack

**Appendix 1 - Drawings relating to decision**

<b>Drawing Title</b>	<b>Drawing Reference (if applicable)</b>	<b>Drawing Version (if applicable)</b>
Proposed Floor Plans	K180070-PL01-REV F	
Proposed Floor Plans	K180070-PL02-REV F	
Proposed Elevations	K180070-PL04-REV F	
Block Plan / Site Plan	K180070-PL09-REV E	
Location Plan	K180070-PL10-REV D	



**PL Location Plan**  
1 : 2500



**PTARMIGAN HOMES**

A Castle House, Fairways Business Park, Inverness, IV2 6AA  
T 01463 611050  
W PtarmiganHomes.com

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CLIENT  
Brian Gorman

PROJECT  
Land beside 2 Perceton Gate, Irvine, KA11 2AJ  
Lismore (Amended)

PROJECT No.  
K180070

SCALE  
1 : 2500      A3

DATE  
16 Nov 2018

DRAWING No.  
PL10

DRAWN	CHECKED	APPROVED
AM	MR	MR

REV.	DESCRIPTION	ISSUED	DATE
0	Revised to suit PL observations	AM	20 Aug 2018
1	Revised to suit PL observations	AM	04 Sep 2018
2	Revised to suit PL observations	AM	15 Feb 2019
3	Revised to suit PL observations	AM	11 Apr 2018



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

KAREN YEOMANS : Executive Director (Economy & Communities)

No N/18/01044/PP

(Original Application No. N/100144292-001)

Type of Application: Local Application

**REFUSAL OF PLANNING PERMISSION**

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 Brian Gorman  
c/o Ptarmigan Homes Fao Andrew Mowat  
Castle House  
Fairways Business Park  
Inverness  
IV2 6AA

With reference to your application received on 23 November 2018 for planning permission under the above mentioned Acts and Orders for :-

Erection of 2 storey dwellinghouse with attached double garage

at Site To South Of Middleton Farm Perceton Gate  
Irvine  
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 does not accord with criterion (b) of Policy ENV 2 nor criterion (a) of the General Policy and is therefore contrary to the adopted Local Development Plan on the grounds that the design of the house would be excessively suburban in character, and the proposed development fails to achieve the design standards sought for housing in the countryside in terms of the Council's Rural Design Guidance.

Dated this : 24 October 2019

.....  
for the North Ayrshire Council

(See accompanying notes)



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

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

KAREN YEOMANS : Executive Director (Economy & Communities)

**FORM 2**

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