
NORTH AYRSHIRE COUNCIL

2 September 2020

Local Review Body

Title: Notice of Review: 20/00077/PP – Site to West of Pirogue, Whiting Bay, Isle of Arran

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 20/00077/PP – Conversion of redundant agricultural building to form dwelling-house at the site to West of Pirogue, Whiting Bay, Isle of Arran.
- 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;
Appendix 4 - Planning Decision Notice; and
Appendix 5 - Further representations from interested parties.

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 these are attached at Appendix 5 to the report.

5.2 The applicant has had an opportunity to respond to the further representations.

Craig Hatton
Chief Executive

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

Background Papers



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 100226658-002

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="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mr & Mrs"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Mike and June"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Taylor"/>	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"/>
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"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

Site to West of Pirogue, Whiting Bay, Isle of Arran

Northing	<input type="text" value="624302"/>	Easting	<input type="text" value="204831"/>
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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)

Conversion of redundant agricultural building to form dwelling-house

Type of Application

What type of application did you submit to the planning authority? *

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? *

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

See separate document

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 proposals drawing Design Statement which accompanied the application Refusal notice Grounds for Review

Application Details

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

20/00077/PP

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

30/01/2020

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

26/03/2020

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

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

None

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 John Lamb

Declaration Date: 22/06/2020

Notice for Review of Decision
by North Ayrshire Council
to Refuse Planning Permission for the Conversion
of a Redundant Agricultural Building
to the West of Pirogue, Whiting Bay, Isle of Arran
(Application No. N.20/00077/PP)

JOHN LAMB
Architect 

The following are the grounds for requesting a review of the decision by North Ayrshire Council, taken on the 21st of January, 2019, to refuse an application by Mr & Mrs Mike Taylor, for planning permission to convert a redundant agricultural building at the Site to the West of Pirogue, Whiting Bay, Isle of Arran (application no. N.18/01034/PP)

REASONS FOR REFUSAL

The reasons for refusal were as follows:

1. That the proposed development would be contrary to Strategic Policy 2: Placemaking of the Adopted North Ayrshire Council Local Development Plan as the proposal does not reflect the positive characteristics of the surrounding landscape, topography or built form or the distinctive character of the place in which it would be located and would be detrimental to visual amenity.
2. The proposed development does not take cognisance of the Council's approved Rural Design Guidance and in terms of Section 37(2) of the Town and Country Planning (Scotland) Act 1997, as amended, this is a material consideration indicating that planning permission should not be granted.

LOCAL PLAN POLICY

The relevant policies in the Adopted North Ayrshire Local Development Plan are Strategic Policy 2: Placemaking and the Council's Rural Design Guidance. These are as follows:

STRATEGIC POLICY 2: PLACEMAKING

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

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

Safe and Pleasant The proposal creates attractive places by providing a sense of security, including by encouraging activity, considering crime rates, providing a clear distinction between private and public space, creating active frontages and considering the benefits of natural surveillance for streets, paths and open spaces. The proposal creates a pleasant, positive sense of place by promoting visual quality, encouraging social and economic interaction and activity, and by considering the place before vehicle movement. The proposal respects the amenity of existing and future users in terms of noise, privacy, sunlight/daylight, smells, vibrations, glare, traffic generation, and parking. The proposal sufficiently investigates and responds to any issues of ground instability.

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

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

Adaptable The proposal considers future users of the site and ensures that the design is adaptable to their needs. This includes consideration of future changes of use that may involve a mix of densities, tenures, and typologies to ensure

that future diverse but compatible uses can be integrated including the provision of versatile multi-functional greenspace.

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

Strategic Policy 2 also refers to establishing the principle of development in accordance with Strategic Policy 1, the relevant section of which is The Countryside Objective. This states:

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

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

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

The Council's Rural Design Guidance states:

North Ayrshire Rural Design Guidance – an explanation This Design Guidance is for **new** smaller developments of between one and four **new** homes in the North Ayrshire countryside - (designated as Rural areas in the Local Plan.) Although **new** housing can be accommodated in existing larger settlements there is a demand for smaller developments of **new** homes in the countryside. **This guidance aims to ensure that new development** does not detrimentally affect its setting and is appropriate in terms of design, scale, siting and character. This guidance aims to

promote development which compliments North Ayrshire's rural, landscape character; reconciling the requirements of a modern lifestyle with the principles underpinning traditional rural development while promoting "distinctive", good quality, contemporary design proposals. This Guidance has been formally adopted as supplementary guidance to the North Ayrshire Local Plan.

refers to the siting of single houses in the context of new properties, which is not relevant to this application. It refers to character, again in the context of new houses.

However, an example of an appropriate use of timber cladding bears a marked resemblance to the proposals with a simple pitched roof, rectangular plan form and timber cladding. The use of natural stone is also deemed appropriate.

GROUND'S FOR REVIEW

- 1 STRATEGIC POLICY 2: The proposals should have been assessed against the requirements of Strategic Policy 2: Placemaking. In relation to the 6 qualities in turn that developments should achieve:

Distinctive: The proposals involve the conversion of an existing building whose existing contribution to the landscape, topography, ecology, skyline, space and scale, street and building forms, and materials, of the surrounding area is already established. The proposals only change the use and materials from the status quo. Residential use will ensure a viable and sustainable use for the existing building while improving the amenity through ongoing regular maintenance while the replacement of the exterior finishes and materials, together with the parking and access proposals, will also make a significant improvement to the visual amenity of the building and its surroundings. **The proposals will therefore safeguard the environment quality and enhance the positive characteristics of the surrounding area, in keeping with the objectives of this quality.**

Safe and Pleasant: The proposals will regenerate a redundant and derelict agricultural building, removing any safety risks associated with inappropriate anti-social use and introducing small-scale residential activity to the surrounding area which is predominantly residential. The proposals will also significantly improve the appearance of the building, including its access and surroundings. **The proposals will make the area markedly more safe and pleasant.**

Resource Efficient: It makes use of a redundant building to add to the island's housing stock without using any other land resources. Its proposed use of a heat pump and solar panels to generate heat and energy make full use of natural resources to minimize the carbon footprint and the introduction of south and west facing glazing maximizes solar gain. **The proposal is an excellent example of maximising the efficient use of resources.**

Welcoming: This is perhaps not a relevant quality as the proposals only relate to a single house. Nevertheless, the improvement of the driveway will improve access and, together with the landscaping and significant visual improvement of the existing building itself will enhance the amenity of the immediate surrounding area, replacing an overgrown "track to nowhere" with an aesthetically pleasing driveway, sympathetically surfaced and landscaped for its rural setting. **The proposals consider the present and future users of the site, helping people to find their way around. It makes use of and enhances an existing gateway.**

Adaptable: Again, this quality is more appropriate to developments of several houses or mixed-use developments. However, the proposals provide a house suitable for family living, with access for mobility impaired occupants and also the capability to accommodate working from home. **The proposals consider the future users of the site and ensures that the design is adaptable to their needs.**

Easy to Move Around and Beyond: This quality is more relevant to larger developments than single houses. However, improvement of the access driveway will make walking access much easier. The building will also be more conveniently connected to the public road and the buses serving the surrounding group of houses. **The proposal considers the connectedness of the site and improves access to other forms of transport other than motor vehicles.**

With regard to the reference in Strategic Policy 2 to Strategic Policy 1 and the relevant section therein: **The Countryside Objective**, the proposals are for a new house formed by the conversion of a building outwith the identified towns or villages. **The proposals therefore accord with criterion h) of the objective and should therefore be supported.**

With regard to the **Council's Rural Design Guidance**, the introductory paragraph of this document makes it abundantly clear that it relates to new homes and is therefore **not relevant to the proposals which are the conversion of an existing building.**

Notwithstanding this, however, the proposed finishes are entirely consistent with the later sections on **retaining a locally distinctive character through contemporary design, integrating with existing developments and timber cladding.** In fact, the proposals are remarkably similar to some of the illustrations given of "good examples of contemporary timber-clad rural housing"

The proposals are therefore consistent with the requirements of the Council's Rural Design Guidance, despite this document being clearly described as relating to new homes rather than the conversion of existing buildings.

CONCLUSION

The Grounds for Review are therefore that, in terms of Local Plan Policy, the proposals satisfy all the criteria listed in the refusal and against which they have been assessed. In addition to the foregoing, the Design Statement which accompanied the application and is appended to this submission, amply demonstrates that the proposals are entirely appropriate in terms of the use of a redundant building, the development pattern in the surrounding area, the suitability of the building for conversion and the design of the proposals.

With regard to the first reason for refusal, it has been demonstrated that for each of the qualities listed in Strategic Policy 2: Placemaking, the proposals meet the requirements. The first reason for refusal is therefore invalid.

Furthermore, the Rural Design Guidance document referred in in the second reason for refusal states clearly that it applies to new homes within the rural environment. It is therefore irrelevant and this reason for refusal is also invalid. Nevertheless, it has also been demonstrated that, as far as the requirements of the Rural Design Guidance can be applied to a conversion of an existing building, and the current application in particular, the proposals comply.

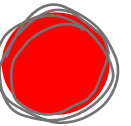
It is respectfully submitted that the grounds for refusal are invalid and that the decision to refuse be overturned.

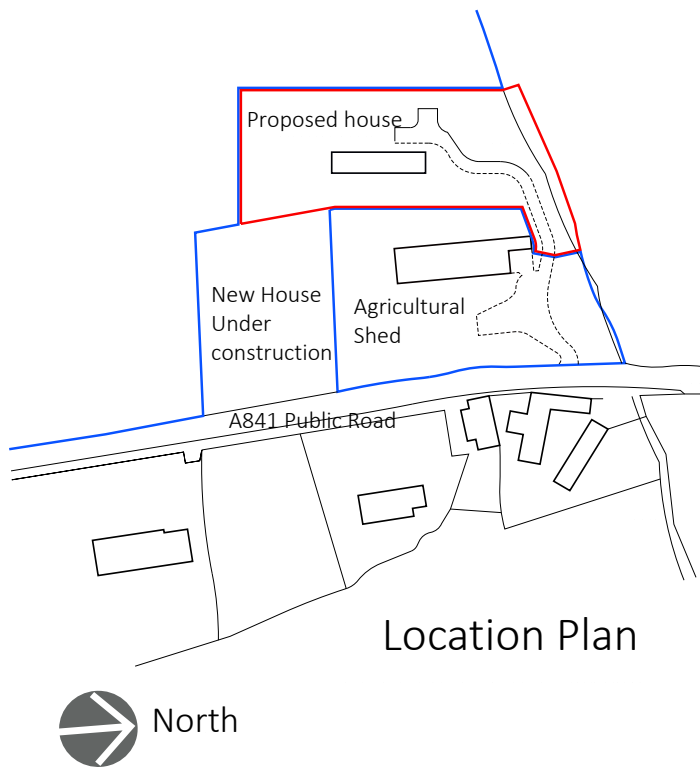
Proposed Conversion of Redundant Agricultural Building
to Form Dwelling-house
at Dippenhead Farm, Whiting Bay, Isle of Arran



SUPPORTING STATEMENT

JOHN LAMB
Architect





The site (identified by red arrow) as seen from the public road with the new house and green shed largely screening it from view



This is a Statement in support of a re-application for detailed planning permission by Mr & Mrs Taylor, , for the conversion of a redundant agricultural building to form a dwelling-house.

The proposals were the subject of a previous application (ref. 18/01034/PP) and subsequent review by the LRB. However, since then, two significant circumstances have changed: a new house to the south-east of the site has changed the development pattern in the immediate vicinity and visual impact of the proposed conversion and the Council has adopted a new Local Development Plan in which many of the criteria for conversions of redundant agricultural buildings have been omitted.

The redundant building is a former chicken shed and is located to the West of the A841 at Dippenhead, near Whiting Bay on the Isle of Arran. The building sits to the West of a large metal clad agricultural shed and a new house which is currently under construction, and is largely obscured by these buildings. It is accessed by a track leading from an existing access from the public road.

There are a number of houses to the east of the site on the opposite side of the public road as well as the new detached house under construction immediately to the South-East of the site. To the North, there are several houses adjacent to the public road with 3 other houses set higher on the hillside behind these.

The design brief is to utilise the existing building to create a contemporary three bedroomed home, taking full advantage of the panoramic views over the Firth of Clyde, and using sustainable materials and renewable energy technology to minimise the building's carbon footprint, bedding the building into the surrounding landscape and transforming an otherwise run down brownfield site in the countryside into a positive contribution to the amenity of the area.



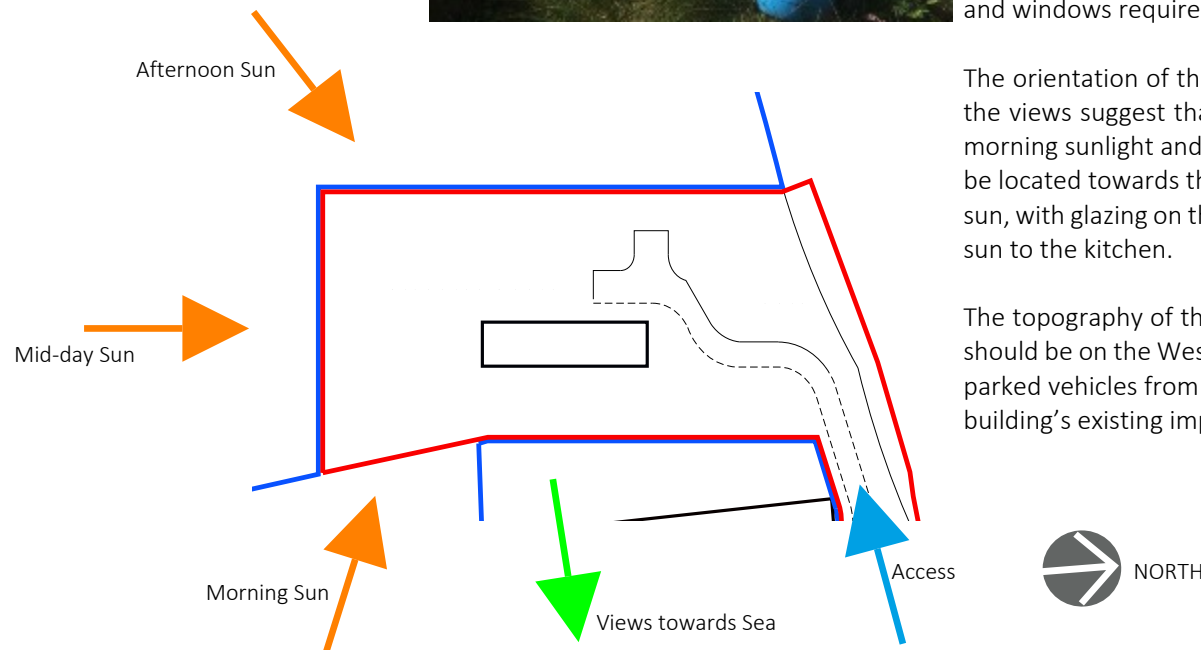
The existing building is a single storey timber framed and timber clad structure with a corrugated asbestos roof. It runs in a North-South direction with panoramic views over the Firth of Clyde to the East and views over countryside in all other directions.

Access is currently via an existing track which will require to be re-aligned to reduce the gradient and turning radii, as well as being appropriately surfaced.

The building is structurally sound although some of the shutters and windows require repair and maintenance.

The orientation of the building, with regard to direct sunlight and the views suggest that the bedrooms should face East, attracting morning sunlight and enjoying sea views. The public rooms should be located towards the South end to catch mid-day and afternoon sun, with glazing on the East wall to provide sea views and morning sun to the kitchen.

The topography of the site dictates that the parking and entrance should be on the West of the building, which will also serve to hide parked vehicles from the public road, and avoid any change to the building's existing impact on the landscape.



The building occupies a “brownfield” site as defined by Planning Aid for Scotland as “a site which has previously been developed or used for some purpose which has ceased” and as defined in the Scottish Government’s Scottish Planning Policy, 2014, as “land which has previously been developed. The term may cover vacant or derelict land, land occupied by redundant or unused buildings

While there is no specific guidance on the use of brownfield sites in rural locations in national planning policy with regard to housing, it is acknowledged that the re-use of such sites enhances an area’s environmental quality and that proposals to bring vacant or derelict land back into productive use for development or to create more attractive environments should be supported.

In its newly adopted Local Development Plan 2, North Ayrshire Council sets out its Countryside Objective as follows:

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

And, in Policy 1: Spatial Strategy (Countryside Objective) the Local Development Plan states that “In principle, we will support proposals outwith our identified towns and villages for: h) new housing in the countryside where it is a replacement or converted building or it is a house of exceptional design quality”

In contrast, the grounds for refusal of the previous application were:

1. *That the proposed development would be contrary to criteria (a), (b) and (f) of policy ENV3 of the North Ayrshire Council Local Development Plan as: (a) the existing building is not in an acceptable location or of appropriate scale and character for conversion to a dwellinghouse; (b) the building does not possess sufficient architectural or historic interest to make a significant positive contribution to the visual amenity of the rural landscape; and (f) the proposals do not take cognisance of the Rural Design Guidance.*

2. *That the proposed development would be contrary to criteria (a) and (c) of the General Policy of the North Ayrshire Council Local Development Plan as: (a) the proposed siting does not have regard to the visual effects of the development on the surrounding landscape; and (c) the development would have a significant adverse impact on the landscape character of the area.*

Reason 1 refers to clauses a, b and f in Policy ENV3 of the previous Local Development Plan which have been omitted from the current Local Development Plan and are therefore no longer relevant criteria against which to assess the proposals. This supporting statement will go on to demonstrate how the proposals do take cognisance of the Rural Design Guidance which is supplementary to the new LDP.

Similarly, Reason 2 cites clauses from the previous LDP which have been omitted from the current LDP. This statement will also show that the proposals accord with the Countryside Objective of the Spatial Strategy in the current LDP and that the proposals will have no detrimental visual effect on the surrounding landscape and be entirely consistent with the landscape character of the area.

The proposals should therefore accord with the Countryside Objective of the new LDP, take cognisance of the Rural Design Guidance, have no adverse effect on the surrounding landscape and be consistent with the landscape character of the area. It is also important to demonstrate that the chicken shed is a “building” and that it is capable of conversion.

Is the chicken shed a building?

In the Report on Handling of the previous planning application, the Council states that:

“Whilst the site has no residential history, it is not disputed that the redundant chicken shed could be considered to be a building in terms of planning case law (the Barvis Test) due to the size of the development, its permanence and physical attachment to the site and thereby can be assessed against Policy ENV3 (Conversion, rehabilitation or replacement of existing buildings in the Countryside)”.

The conversion of a redundant water tank was granted planning permission by North Ayrshire Council in 2015. The Report on Handling of that planning application stated “Consideration has been given to the status of the redundant water tanks as to whether they could be considered to be a building and thereby allow assessment against Policy ENV3 (Conversion, rehabilitation or replacement of existing buildings in the Countryside). Planning Case Law (Barvis Test) offers guidance on what constitutes a building in planning terms and concludes that this can be defined by the size of the development, its permanence and physical attachment, and that this can include any structure or other erection and not just a traditional 'building'. The existing water tanks are of significant size, of permanent construction with a significant part of which being clearly visible above ground level, and accordingly it is considered that this would allow the tank structure, which is proposed to be converted to a dwellinghouse, to be considered to be a building and therefore allow consideration against Policy ENV3.”

The foregoing clearly demonstrates that the chicken shed is a “building” and has been recognised as such by the Council.

Can it be converted to the proposed use?

The proposed floor plan indicates that the building is capable of accommodating a logically laid out three bedroom house on one level with a floor area of 124 square metres which is an average size for such a house. The proposed method of conversion which is shown below also demonstrates that the building can be made suitable for the proposed use and will comply with all relevant Building Standards.

There is a popularly held notion that conversions of existing buildings in the countryside relate to old stone buildings. In fact, existing utilitarian agricultural buildings, by their very nature, make an appropriate contribution to the landscape and can often result in more appropriate architectural solutions than modern kit houses which are commonly built in the countryside. Other examples of conversions of redundant agricultural buildings on Arran include a former brick piggery at Corriegills and a derelict concrete block barn in Torbeg.



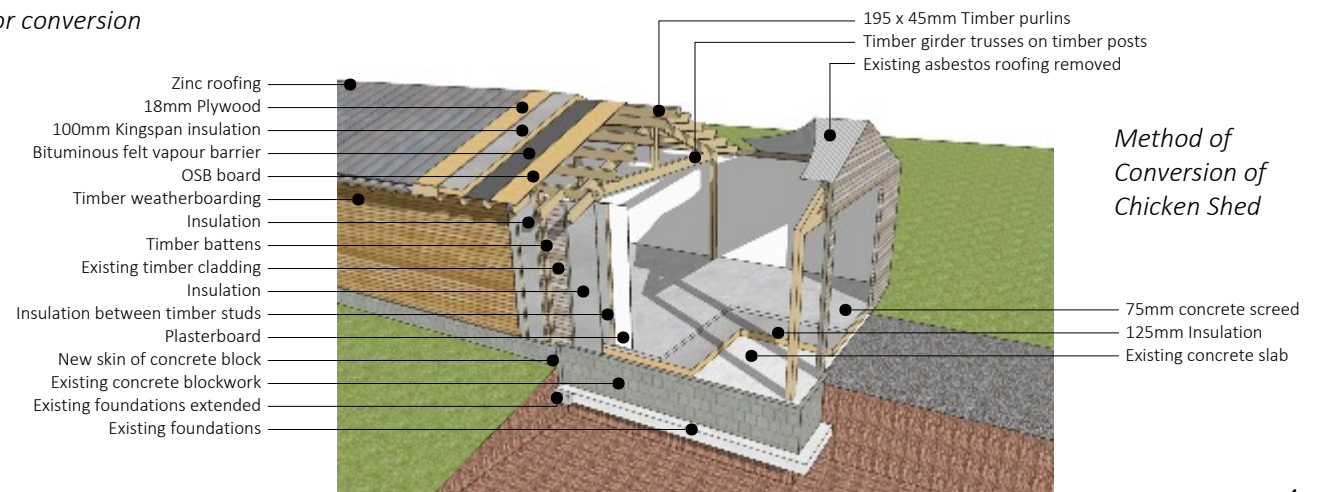
Converted water tank



Concrete block barn near Blackwaterfoot granted consent for conversion



Former piggery at Corriegills granted consent for conversion



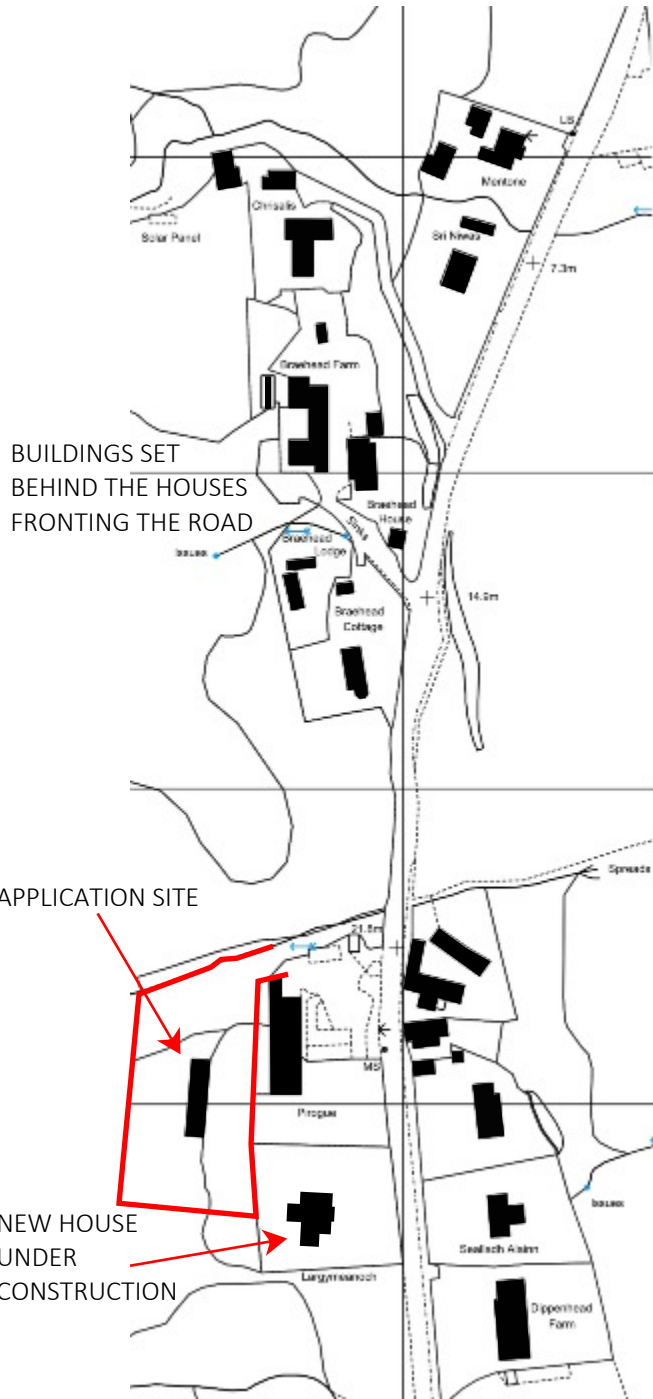
Are the proposals consistent with the Landscape Character of the Area?

The existing landscape character of the area is of a mixture of agricultural and wooded land sloping down to the sea. Running across the slope from North to South is a public road. Developments of a mix of traditional and modern houses have taken place. To the North these are restricted to the West or upper side of the road, with additional houses and other buildings sited behind these, further up the slope. The houses to the East of the development site were restricted to the lower side of the road. However, the construction of the new house to the South East of the application site has supplemented the existing agricultural shed and the application site on the upper side of the road so that there is now an established pattern of development on both sides of the road.

The green agricultural shed which sits immediately to the East of the application site, together with the new house close to it, follow the same pattern as the houses to the North and the application site, sitting behind the new house and the agricultural shed, replicates the development pattern of the buildings to the North which sit behind and above the houses fronting the road.

The map to the left shows the development pattern with houses and buildings set on the slope behind the road fronting buildings to the North and with the application site replicating this pattern, behind the new house under construction and the agricultural shed.

The top left photograph below shows the chicken shed set behind the new house and green shed while the other photographs show the buildings set behind the houses fronting the road to the North. The development pattern is consistent.



As an existing building within this landscape, the application site is already a part of the landscape and contributes to its character. The only question would be whether it is incongruous within the established landscape character.

That the existing building was granted planning permission in 2007 (ref. 07/0000/09) demonstrates that the Council did not regard it as incongruous at that time and, as the only visible change to the existing building will be renewal of the cladding and increased fenestration, the proposed conversion will be entirely similar in appearance to the existing building and therefore there is no reason to suggest that the building will be any less an appropriate part of the landscape now than it was in 2007.

The building is therefore an existing part of the landscape, has already been acknowledged as being appropriate and forms part of the established development pattern, especially with the introduction of the new house to the South East.

The building's change of use from agricultural to residential will have no impact on the landscape character as there is an existing access and parking will be out of sight to the West of the building.

The proposals are therefore consistent with the landscape character of the area.

Will the proposals have an adverse effect on the surrounding landscape?

As has been stated above, the building is already part of the landscape. That it was granted planning permission in 2007 demonstrates that it was regarded then as being appropriate and having no adverse effect on the surrounding landscape. The renovation and refurbishment of the building will improve its appearance, restoring its condition to a similar standard as the other buildings in the area and the proposals will, if anything, have a positive effect on the surrounding landscape.

The illustration below shows that the building is largely obscured by the landscape, the new house and the existing agricultural shed in front of it so that any effect on the surrounding landscape is minimal. They also demonstrate that the converted building will be no more obtrusive and will restore its visual appearance to a standard consistent with the other buildings in the vicinity.





Examples from the Rural Design Guidance



Examples of successful rural conversions the right hand example shortlisted in the RIBA House of the Year



Examples of successful new houses in rural locations



Do the Proposals take cognisance of the Rural Design Guidance?

Most of the Council's Rural Design Guidance is concerned with new buildings in the countryside, rather than refurbishment of existing ones. However, the proposed conversion of the Chicken Shed does involve alterations, with regard to the fenestration and the introduction of stone cladding and zinc roofing.

The low single storey building is understated and has little prominence in the landscape due to buildings and planting screening it from the public road. Interventions such as windows, the stone cladding and entrance do not increase this prominence. The latter two elements are hidden from view on the West elevation and the windows simply articulate the existing structure. Similarly, the parking and turning area is hidden from view on the West side of the building and cut into the slope of the ground, screening it from the West.

The proposal meets the criteria in the Rural Design Guidance for planting and boundaries as existing planting, which partially screens the building, will remain untouched, as will the boundaries. Similarly, with the parking situated behind the building, out of sight, the proposals accord with the Guidance. The existing building is a simple narrow rectangle on plan with a double pitched roof, cited as typical of the rural character with a low horizontal massing. The proposed materials, timber, stone and zinc roofing, are consistent with the Guidance while the floor to ceiling glazing, with vertical emphasis, is also consistent with the contemporary approach recommended, maximising daylight and solar gain.

The proposals therefore take cognisance of and are consistent with the approach recommended in the Rural Design Guidance.



Views of the proposed conversion demonstrate its Similarity with the other examples and consistency with the Rural Design Guidance

Do the Proposals accord with the Countryside Objectives set out in the New Local development Plan?

The Countryside Objective is set out as follows:

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

The proposals provide the opportunity of a home. The existing building and its curtilage contribute nothing to the countryside as a derelict building and associated land. The proposals, however, represent a sustainable development, utilising an existing redundant building to provide a useful asset, reinforced by the use of sustainable materials and the use of renewable energy. As such the proposals represent an improvement and will help to restore this site.

The proposed conversion will bring about an improvement to the visual amenity of the area and, although small, provides an opportunity for the rural community to grow without detriment to the valuable countryside asset.

Conclusions on observance of relevant planning issues

It has been demonstrated that the existing building is a “building” and has been recognised as such by the Council. It has also been demonstrated that it is capable of re-use and conversion to provide a single storey three bedroom house, taking cognisance of the Council’s Rural design Guidance and meeting the requirements of the Scottish Building Standards.

As an existing building, it already forms part of the landscape and contributes to its character. Re-cladding and conversion will not change this and, as the building is substantially screened by planting and other buildings, its impact on the landscape is, in any case, not significant. Consequently, the proposals will not have any adverse effect on the surrounding landscape. In fact the proposed conversion will make a positive contribution to the surrounding landscape.

The building’s shape and massing are consistent with types of rural buildings in North Ayrshire identified in the Rural Design Guidance and the external alterations, which are restricted to cladding, fenestration and parking, are all in accordance with the recommendations set out in the Guidance.

The proposals accord with the Countryside Objective set out in the new Local Development Plan by enhancing the immediate environs and providing a sustainable opportunity for growth.

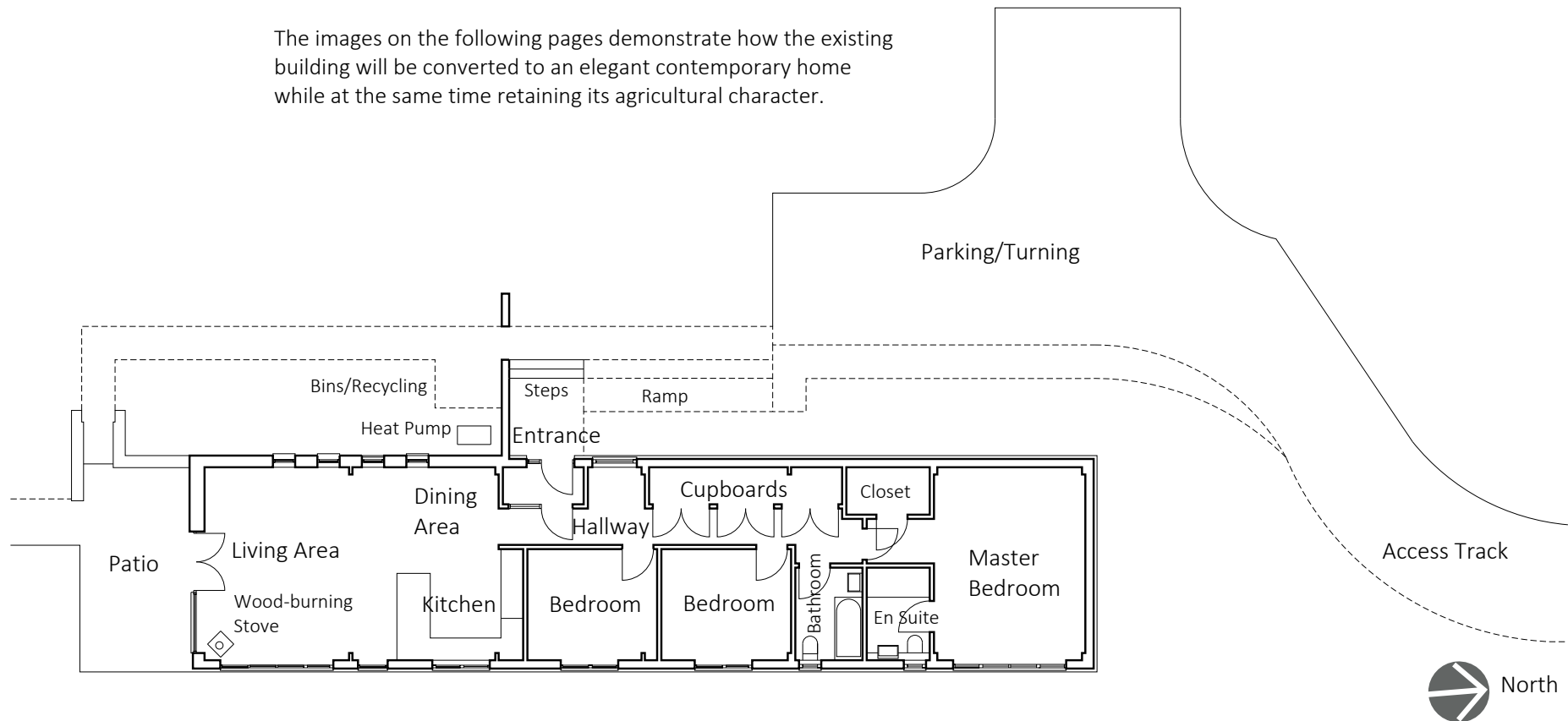
The foregoing demonstrates that the proposals accord with all the relevant planning issues contained in the New Local Development Plan and Supplementary Guidance.

Working from the appraisal of the existing building on page 2, the main spaces are orientated towards the East to enjoy views over the sea and to maximise morning sunlight in the Bedrooms and Kitchen. The addition of glazing in the South gable allows mid-day sun into the Living/Dining/Kitchen area and the addition of vertical full height windows in the West elevation of the Living/Dining area allows afternoon and evening sun to enter as well as affording views over the fields to the West. The Entrance is located on the West, leading from the parking area at the top of the access track, hiding vehicles from view from the public road.

The introduction of stone cladding to the South West corner creates interest as well as providing a robust rainscreen towards the prevailing winds and extension of this stonework to the West separates the public space from the private as well as screening the bins storage area and the heat pump.

The remainder of the building is clad in timber to maintain the aesthetic and character of the existing building while a zinc roof preserves the agricultural character at the same time as enhancing the quality of the building.

The images on the following pages demonstrate how the existing building will be converted to an elegant contemporary home while at the same time retaining its agricultural character.

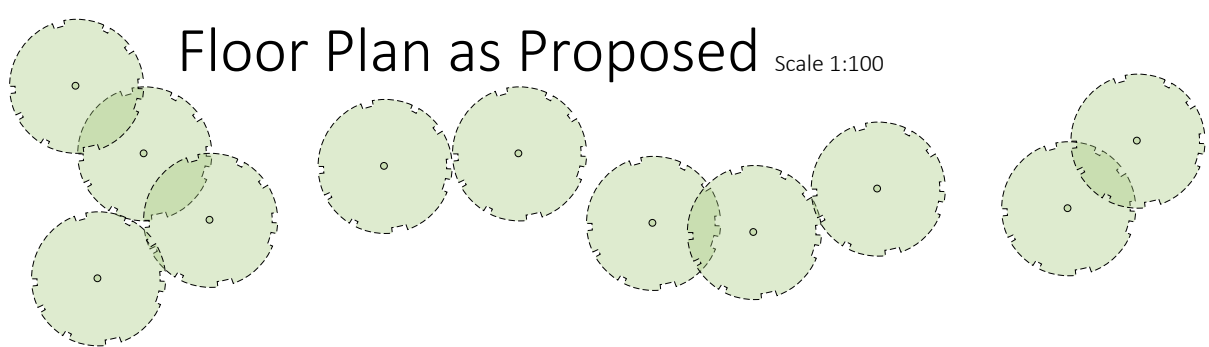
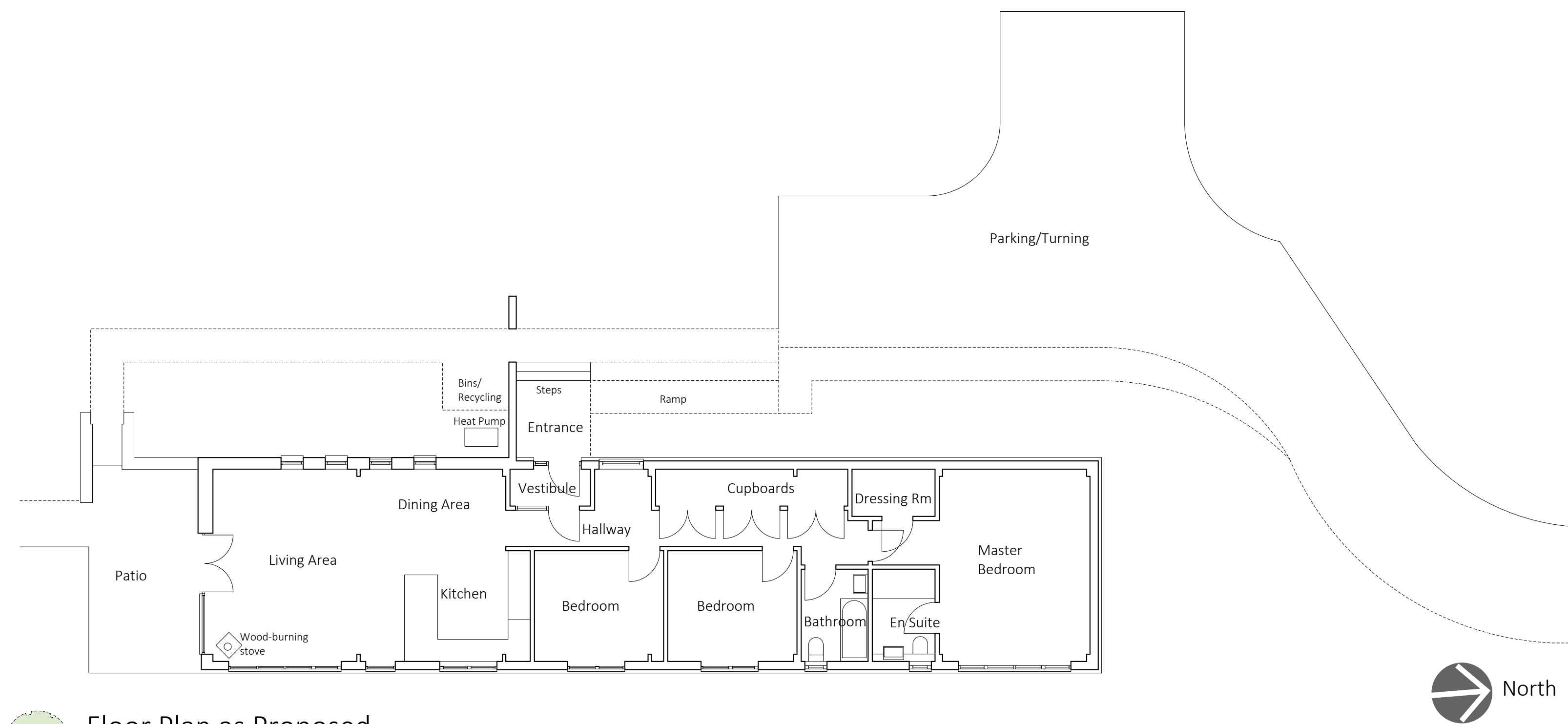




DESIGN PROPOSALS

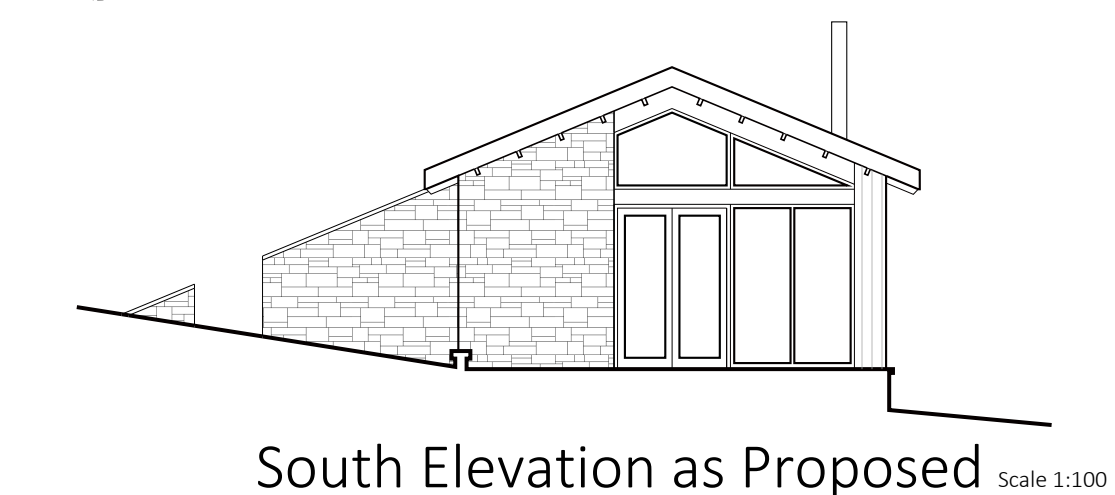


DESIGN PROPOSALS



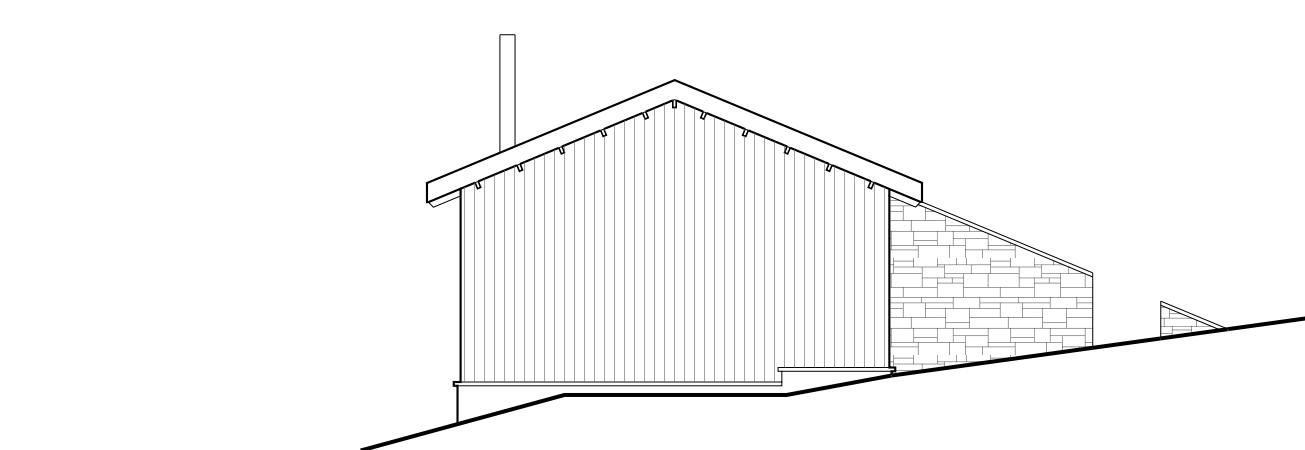
Floor Plan as Proposed

Scale 1:100



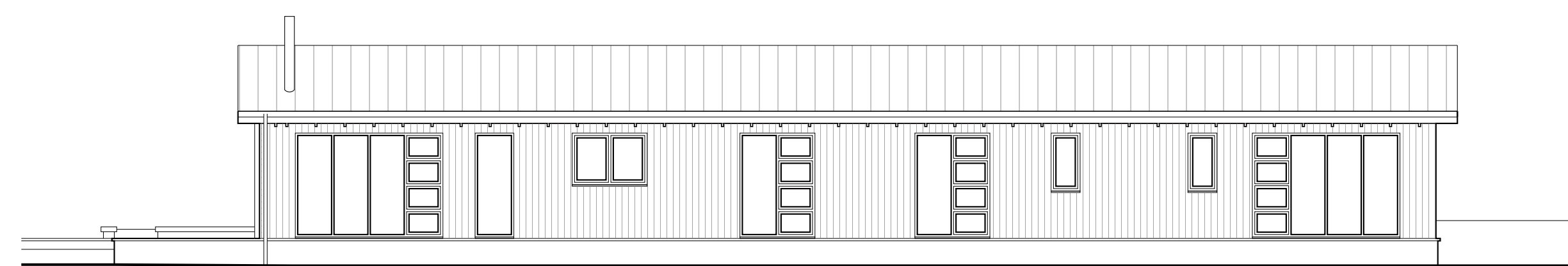
South Elevation as Proposed

Scale 1:100



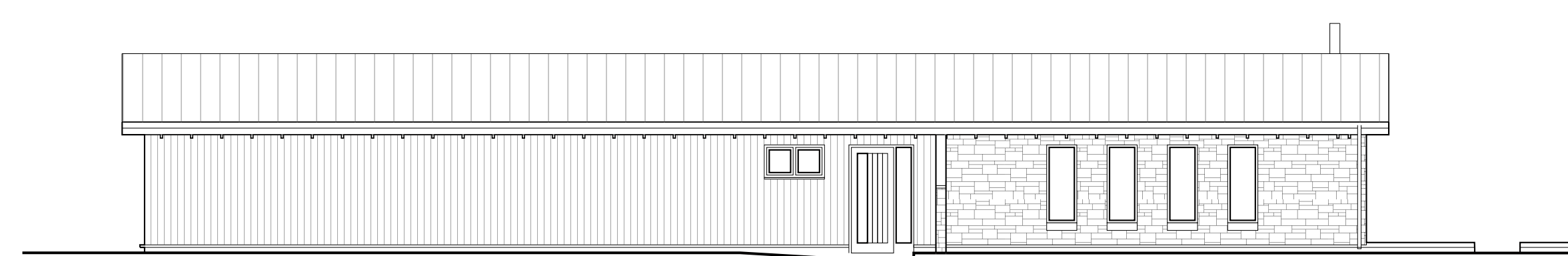
North Elevation as Proposed

Scale 1:100



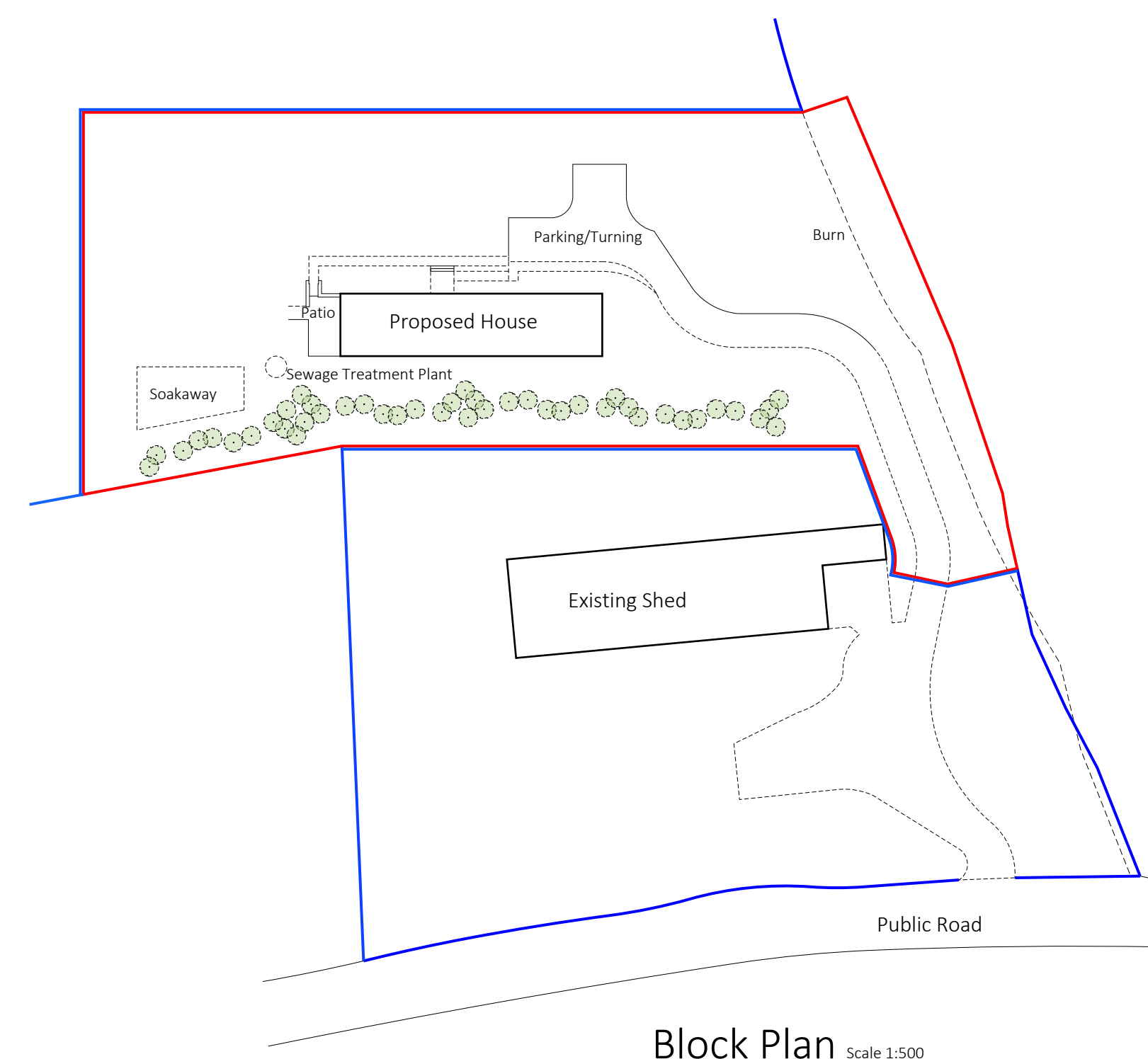
East Elevation as Proposed

Scale 1:100



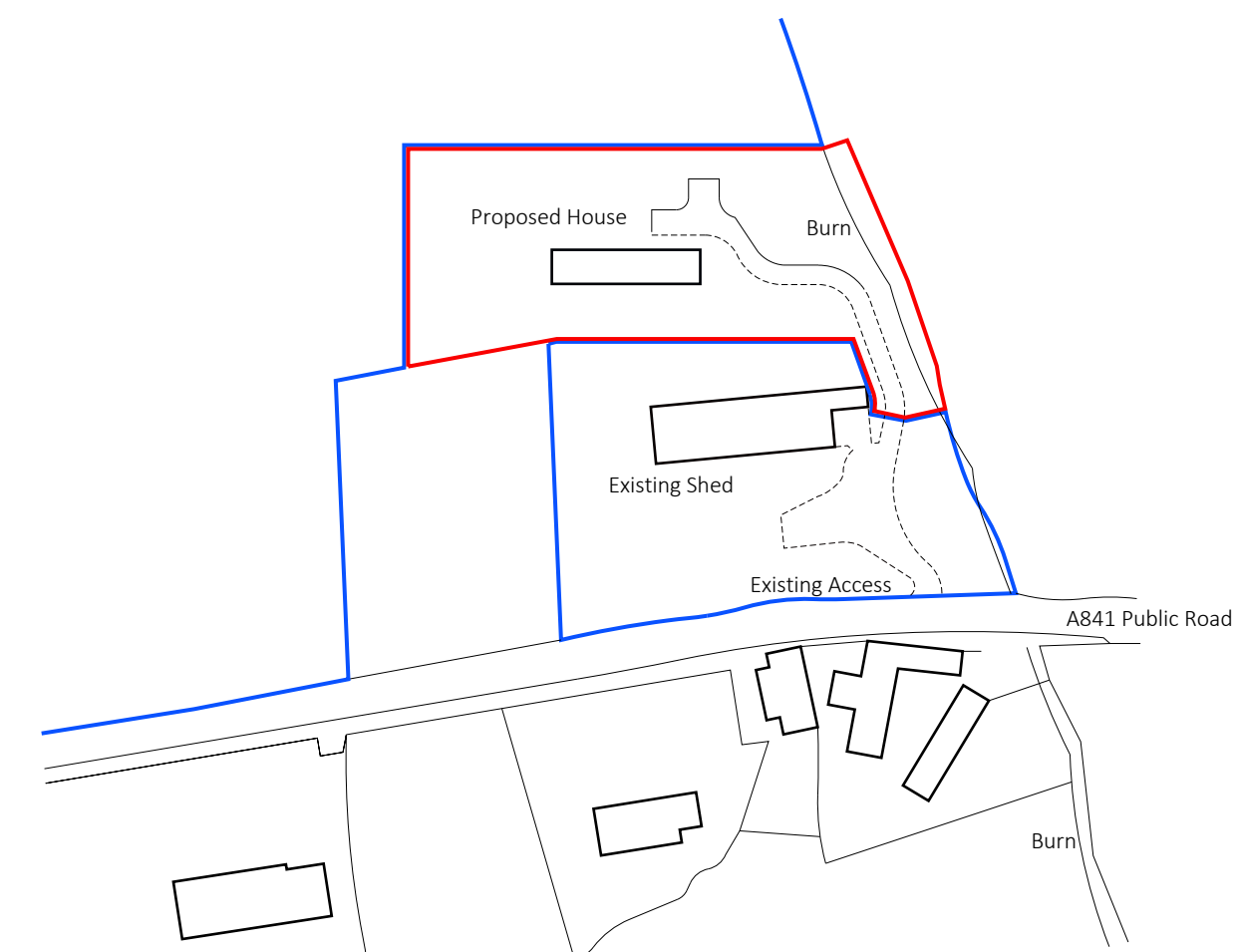
West Elevation as Proposed

Scale 1:100



Block Plan

Scale 1:500



Location Plan

Scale 1:1250

PROPOSED FINISHES

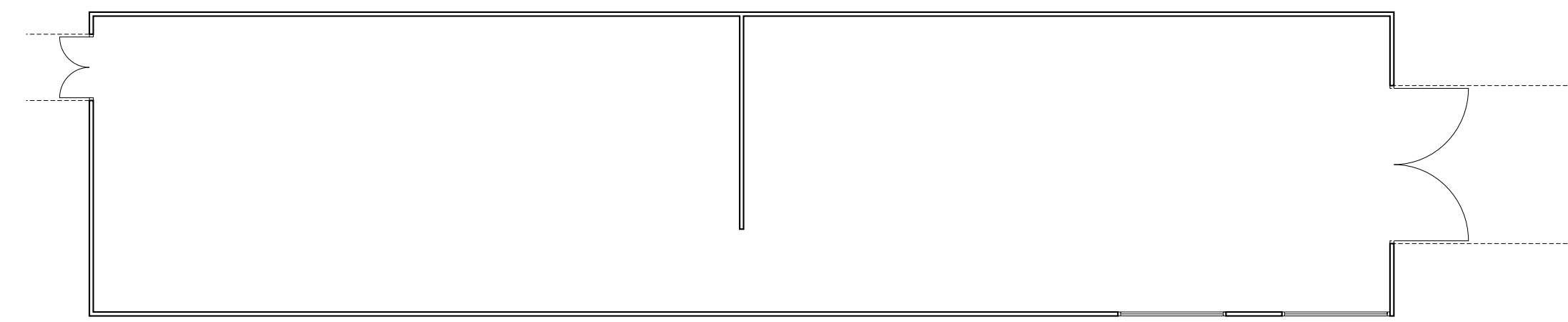
ROOF:
AnthraZinc cladding - colour anthracite grey
Aluminium fascias and bargeboards - colour anthracite grey
Exposed timber rafters - colour anthracite grey

WALLS:
Larch timber cladding - colour natural
Random stone walling - colour grey

WINDOWS & DOORS:
Timber frames - colour anthracite grey

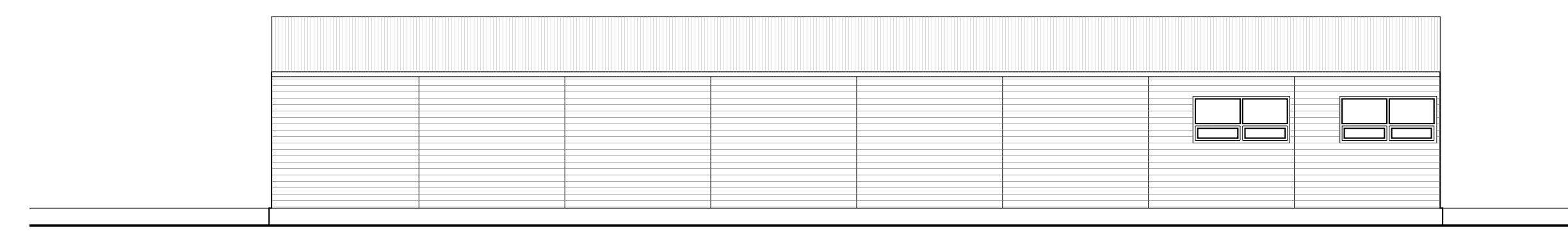
PAVING:
Stone paving slabs - colour light grey
Concrete copings - colour mid grey
Concrete pavers to driveway - colour grey
Gravel to parking area - colour grey multi

FENCES:
Timber post and wire



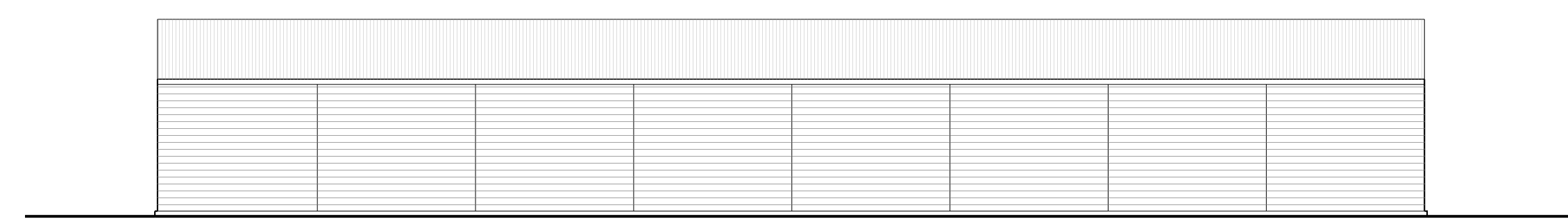
Floor Plan as Existing

Scale 1:100



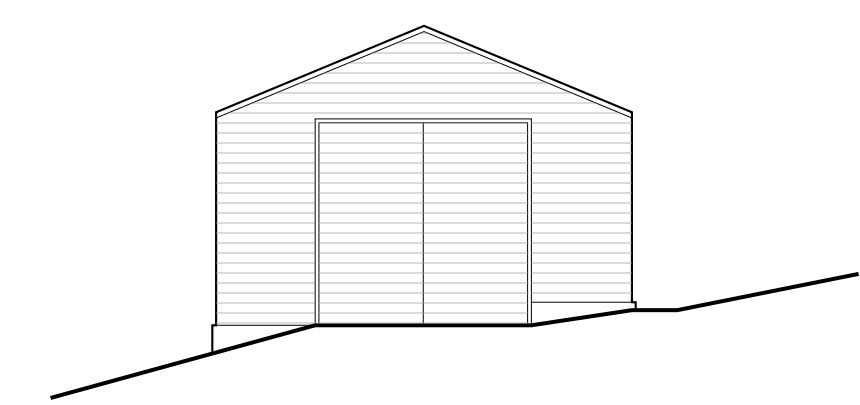
East Elevation as Existing

Scale 1:100



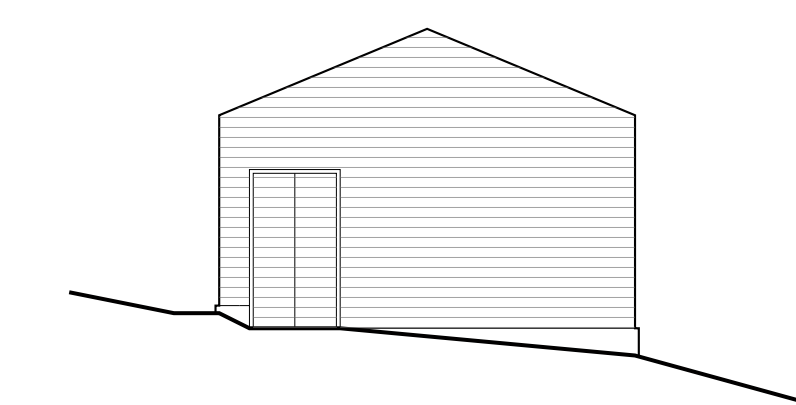
West Elevation as Existing

Scale 1:100



North Elevation as Existing

Scale 1:100



South Elevation as Existing

Scale 1:100



PROJECT Conversion of Redundant Agricultural Building to form Dwelling-house

LOCATION Dippenhead Farm, Whiting Bay, Isle of Arran

TITLE Planning Proposals

DATE November 2018

SCALE As Shown

DRAWING No.

18.09.01

REVISION



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Caitriona McAuley : Head Of Service (Economic Development & Regeneration)

No N/20/00077/PP

(Original Application No. N/100226658-001)

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 & Mrs Mike & June Taylor
c/o John Lamb Architect

With reference to your application received on 30 January 2020 for planning permission under the above mentioned Acts and Orders for :-

Conversion of redundant agricultural building to form dwelling house

at Site To West Of Pirogue
Whiting Bay
Brodick
Isle Of Arran

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

1. That the proposed development would be contrary to Strategic Policy 2: Placemaking of the Adopted North Ayrshire Council Local Development Plan as the proposal does not reflect the positive characteristics of the surrounding landscape, topography or built form or the distinctive character of the place in which it would be located and would be detrimental to visual amenity.
2. The proposed development does not take cognisance of the Council's approved Rural Design Guidance and in terms of Section 37(2) of the Town and Country Planning (Scotland) Act 1997, as amended, this is a material consideration indicating that planning permission should not be granted.

Dated this : 26 March 2020

.....
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**

Caitriona McAuley : Head Of Service (Economic Development & Regeneration)

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.

REPORT OF HANDLING



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Reference No:	20/00077/PP
Proposal:	Conversion of redundant agricultural building to form dwelling house
Location:	Site To West Of Pirogue, Whiting Bay, Brodick, Isle Of Arran
LDP Allocation:	Countryside/Rural Community
LDP Policies:	SP1 - The Countryside Objective / Strategic Policy 2 /
Consultations:	Yes
Neighbour Notification:	Neighbour Notification carried out on 30.01.2020 Neighbour Notification expired on 20.02.2020
Advert:	Regulation 20 (1) Advert Published on:- 07.02.2020 Expired on:- 28.02.2020
Previous Applications:	18/01034/PP for Conversion of redundant agricultural building to form dwelling house LRB Dismissed on 21.01.2019
Appeal History Of Site:	None

Relevant Development Plan Policies

SP1 - The Countryside Objective
The Countryside Objective

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

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

We also recognise that, in general, countryside areas are less well suited to unplanned residential and other developments because of their lack of access to services, employment and established communities. We will seek to protect our

prime and locally important agricultural land from development except where proposals align with this spatial strategy.

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

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

Strategic Policy 2

Placemaking

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

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

Six qualities of a successful place

Distinctive

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

Welcoming

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

Safe and Pleasant

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

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

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

Adaptable

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

Resource Efficient

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

Easy to Move Around and Beyond

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

Description

Planning permission is sought for the conversion of a redundant timber chicken shed building to form a detached single storey dwellinghouse accessed from a private track.

The proposed three bedroomed house would measure 24.4m by 5.8m (142m²) and would have a pitched roof measuring 2.8m high at the eaves and 4m at the ridge. It would be externally finished in a mix of larch timber cladding and random stone wall

cladding with timber door and window frames with anthracite grey (Anthrazinc) roof cladding, and aluminium grey fascias.

It would be sited in the center of an elevated 2780m² plot and accessed from an existing farm track at the north east of the site which would be re-aligned within the plot to reduce the gradient.

The disused shed occupies an elevated position some 53m west of the A841. The site is agricultural in character and slopes uphill from east to west. It is adjoined by agricultural land on three sides. Downhill to the east is a steel clad agricultural shed; to the southeast is a recently built detached house (18/00615/PP); to the east, across the A841 are established dwellinghouses.

Supporting Statement

A supporting planning statement was submitted with the application which updates and expands the Statement submitted with a previous planning application in 2018. The Statement claims that changes in the Local Development Plan policy context and the construction of a house on an adjoining site are both material factors not considered in the previous refusal of planning permission. It covers the previous planning history of the site and outlines the design brief to utilise the existing rural building to create a contemporary house.

The statement advises that the building is designed to take advantage of the panoramic views from the site over the Firth of Clyde and claims that by using sustainable materials and renewable energy technology to minimise its carbon footprint, the proposal seeks to transform a run-down 'brownfield' site to make a positive contribution to the amenity of the countryside area. Parking and the entrance are to the west of the building, as determined by the topography of the site. The statement confirms that the shed is structurally sound albeit in need of some repair and maintenance.

The statement then goes into some detail on the reasons for the re-submission of the proposal following an earlier refusal of planning permission:

18/01034/PP was refused in January 2019 as being contrary to Policy ENV3 and the General Policy of the previous Local Development Plan (LDP). The statement argues that the wording of these policies has not been replicated in the new Adopted 2019 LDP and that the proposal accords with Strategic Policy 1: the Countryside Objective and Strategic Policy 2: Placemaking of the new LDP.

It also details a nearby house, currently under construction, which it claims is a new material consideration which was not considered in the previous application. It claims that the house to the south-east of the application site (15/00189/PP) supplements the existing housing grouping and establishes that development to the west side of the road is consistent with the rural landscape. The statement also makes reference to the chicken shed having only being granted planning permission in 2007 as evidence that it has already been deemed appropriate with no adverse effect on the landscape. These arguments are considered in the following Analysis.

The statement then lists some examples of converted countryside buildings including examples in Wales, Cumbria and Yorkshire and a redundant water tank previously approved by North Ayrshire Council for conversion to a single house (14/00715/PP). It also details new houses in the countryside of Arran, which it

20/00077/PP

considers to be of similar character and settings in the rural landscape, including a concrete block barn at Torbeg near Blackwaterfoot and a former piggery at Corriegills which have been previously approved by North Ayrshire Council.

The statement continues to state that the resulting building would be understated but concedes that it would have prominence in the landscape due to the elevated siting. It further considers that the use of materials such as stone, timber and zinc roofing maintain an agricultural character consistent with the aims of the Council's Rural Design Guidance. The statement concludes that the proposed design complies with all relevant LDP policies and guidance.

Local Development Plan

The site is located within an area of countryside, as identified within the Adopted 2019 North Ayrshire Council Local Development Plan ("the LDP") and is unaffected by any site-specific policies or proposals therein. Strategic Policy 1: Spatial Strategy (the Countryside Objective) of the LDP is relevant, as is Strategic Policy 2: Placemaking.

Planning History

Planning permission (18/01034/PP) was previously refused, for essentially the same proposal, in January 2019 as contrary to the Local Development Plan and the refusal was upheld by the Local Review Board of the Council on 30th July 2019. This application was made in January 2020 on the basis that a new Local Development Plan has been adopted in the November 2019, an adjacent approved house site is now being built and the applicants consider that these are material considerations which justify re-application and that the proposal complies with the policies of the new Adopted LDP.

Consultations and Representations

NAC Active Travel and Transportation: No objection on transport related grounds, subject to conditions requiring the private access/driveway to be hard surfaced and designed so as to prevent water issuing onto the public road. A Road Opening Permit would also be required.

Response: Noted. Appropriate planning conditions and informative notes could be applied to any planning permission.

Scottish Water: No objection.

The statutory neighbour notification was carried out and the application was advertised in the local press (Arran Banner) on 7th February 2020. Five objections were received raising similar points, which can be summarised as follows:

Objection 1: The application claims that the previously approved house to the south-east which is currently being constructed is the first of two significant changes in the planning context since the previous refusal. This approval was referred to in the supporting statement of the previous application which was subsequently refused and so is not a new element at all.

Response: Agreed. The approved house to the SE was referred to in the supporting statement for 18/01034/PP and was considered in that planning application as part of the surrounding context.

Objection 2: The second claimed "significant change" refers to the change of policy wording in the new LDP. It is clear from the strategies and policies that run through the LDP that support for buildings in the countryside being converted to housing will be selective, particular and based on planning merit. It is ridiculous to suggest that the Council will now support the conversion of the myriad of buildings in the countryside. The LDP approach is to support "the right development in the right place... to direct development to towns and villages ... and to resist development outwith existing settlements". The LDP sets a 'high bar' for housing in the countryside and this application falls well short.

Response: This point is covered further in the following Analysis.

Objection 3: The large chicken shed was only assembled on the site around 12 or 15 years ago. It is in poor repair and, as a building, does not have any architectural merit or design connection to Arran building types. The proposal is essentially a full new building with little of the existing construction remaining and only the shed's prominent and poor siting, scale and low roof pitch, alien to much of the island's housing, would remain. It is not appropriate for conversion.

Response: The Countryside Objective of the LDP in principle supports conversion or replacement of buildings in the countryside to housing, subject to compliance with the rest of the LDP. This issue is considered further in the following Analysis.

Objection 4: The shed is poorly sited in a prominent position. It does not relate well to other buildings in the vicinity. Consideration should be given to its removal, restoration of habitats and improvement of the path to enable access to the forestry track. This would not only assist with water retention but also carbon sequestration.

Response: Siting and appearance is considered further in the following Analysis. Removal of the shed from the site would be a matter for the owner(s) of the site and is not a material consideration in this planning application.

Objection 5: The access track is not suitable for upgrading.

Response: Active Travel and Transportation did not object to the principle of re-using the track.

Objection 6: The Council's policies mean that the existing group of four houses, as of 2005, could be extended by two houses. The sixth is now being built.

Response: Criterion (i) of SP1: The Countryside Objective allows small scale growth of existing rural housing groups although it is agreed that the limit has been reached for this group. However, this application has been made in terms of criterion (h) of the same policy which refers to new housing in the countryside created by replacement or converted buildings and does not relate to the number of dwellings in the overall group.

Objection 7: Landscape and Seascape. Another additional house at Largymeanoch would have a detrimental cumulative impact on the local landscape.

Response: The site is not within any designated landscape protection areas. The application is assessed against Strategic Policy 2: Placemaking in the following Analysis.

Objection 8: Contrary to Strategic Policy 1: The Coast Objective which states that development should avoid damage to coastal areas unless economic benefits outweigh the environmental impacts.

Response: Not material to this application. This is not considered to be a coastal site.

Objection 9: Flood risk. Largymeanoch is within an area vulnerable to flooding.

Response: The site is not identified in the SEPA Flood risk maps. The plans identify treatment options for drainage within the site which could be secured by planning condition, if approved.

Objection 10: Sustainable transport and active travel. The proposal would increase water run-off from hard surfaces and would add to traffic related problems.

Response: Active Travel and Transport was consulted and did not object. A planning condition regarding driveway construction and prevention of water run off could be applied, if the application were approved.

Objection 11: Contrary to LDP Policy 29: Energy Infrastructure Development. The proposal would further restrict wild bird habitats; isolate the barn lower down the hill from agricultural fields and be within the 2km 'buffer zone' around Whiting Bay, all contrary to policy 29.

Response: Not material considerations in this planning application. Policy 29 relates to the assessment of proposals for energy infrastructure development and not to proposals for housing in the countryside.

Objection 12: Contrary to the Locality planning priorities for Arran: affordable housing, transport and social isolation. It is unlikely that the proposed dwelling would be affordable to someone on the average wage.

Response: Strategic Policy 4 in the LDP states that Locality Priorities are given appropriate consideration in development proposals. Criterion (g) of the Countryside Objective acknowledges the Arran priority for affordable housing in providing for small scale expansion of settlements for community led housing proposals. Affordable housing is not a material consideration in proposals for a single dwellinghouse. Active Travel and Transport was consulted on the application and did not object. The site is adjacent to an existing rural housing group and less than 1km from Whiting Bay. It is not agreed that social isolation is a material consideration in this proposal.

Objection 13: As the proposal would isolate the barn downhill from the rest of the farm it may lead to a future application to develop the barn site.

Response: Not material to this application. This application is for conversion of the chicken shed to a single house at this site only and must be considered on its merits. Any other future planning proposals on other sites would require to be considered on their planning merits at the time.

Analysis

Section 39 of the Town and Country Planning (Scotland) Act 1997, as amended, requires that, in dealing with planning applications, the planning authority shall have regard to the development plan and to any other material considerations.

As outlined above, the application proposal is, essentially, the same as that refused in 2019 (18/01034/PP) and this re-application has been made as the applicants feel that two significant material changes in the planning context indicate that the proposal should be approved: (i) a new house to the south east has changed the development pattern in the immediate vicinity and the visual impact of the proposed conversion; and (ii) the Council has adopted a new Local Development Plan in which many of the criteria for conversions of redundant agricultural buildings have been omitted.

With regard to the point (i) above, at the time of the previous application, the neighbouring house to the south east was approved but had not yet commenced on-site. It was referred to in the supporting statement of that application and was fully considered as part of the surrounding context before that planning application was refused. It is not therefore agreed that this is a new element of the planning context.

The main determining issues in the application are therefore considered to be whether the development accords with Strategic Policy 1: The Countryside Objective and Strategic Policy 2: Placemaking of the 2019 Adopted North Ayrshire Local Development Plan (adopted in November 2019 and referred to in this report as LDP2) and whether any other material considerations indicate that planning permission should be granted.

18/01034/PP was refused for two reasons: (1) as being contrary to criteria (a), (b) and (f) of policy ENV3; and (2) as contrary to criteria (a) and (c) of the General Policy of the previous LDP (adopted on 20th May 2014 and referred to in this report as LDP1).

ENV3 stated that "proposals for conversion, rehabilitation or replacement of existing buildings in the countryside shall accord with the LDP in principle, subject to meeting the following criteria." The list of criteria included "(a) the building must be suitable for the proposed use, in an acceptable location and of an appropriate scale and character; AND (b) the property must have substantial residual fabric (as advised in Supporting Information Paper 8); AND (f) the proposals must take cognisance of the Council's Rural Design Guidance. Criterion (a) of the General Policy related to Siting, Design and External Appearance and criterion (c) related to Landscape Character.

The supporting statement contrasts the wording of policy ENV3 of the LDP1 with the wording of Strategic Policy 1: the Countryside Objective of the new LDP2 which states "in principle, we will support housing proposals outwith our identified towns and villages for: (h) new housing in the countryside where it is a replacement or converted building or it is a house of exceptional design quality."

It argues that, as the criteria of ENV3 are not replicated in the Countryside Objective of LDP2 they are no longer relevant to assessment of the proposals. It similarly argues that the criteria of the General Policy have not been replicated in the current LDP and that the proposals accord with the Countryside Objective, would have no

adverse effect on the surrounding landscape and would be entirely consistent with the landscape character of the area.

As established in the previous planning refusal, whilst the site has no residential history, it is not disputed that the redundant chicken shed can be considered to be a building in terms of planning case law (the Barvis Test) due to its size, permanence and physical attachment to the site.

Criterion (h) of the Countryside Objective indicates that new housing in the countryside where it is a replacement or converted building shall accord with the LDP. The principle of the development could therefore accord with the LDP.

The existing houses in the vicinity further downhill are grouped around the common feature of the road with no nearby examples of individual houses in more isolated positions within the landscape. It is not considered that the proposal has drawn upon the positive characteristics of the surrounding area topography, landscape etc to sympathetically blend with the sense of identity of the existing place. It would result in the loss of an area of agricultural greenspace and, would elongate and visually detract from the cohesive grouping of houses which has developed through the implementation in successive LDPs of the policy to allow sympathetic additions to existing nucleated groups of rural houses.

In terms of Strategic Policy 2: Placemaking in the LDP, it is not therefore considered that the proposal would meet the identified six qualities of a successful place, in particular under the section 'Distinctive'.

With regard to the Council's Rural Design Guidance, the RDG aims to ensure that new development does not detrimentally affect its setting and is appropriate in terms of design, scale, siting and character. The guidance aims to promote development which compliments North Ayrshire's rural landscape character by reconciling the requirements of modern lifestyles with the principles underpinning traditional rural development. In terms of siting of single houses, it states that no new properties should be located where they visually dominate their setting and assume a prominence which is generally associated with more important and imposing building types (eg, churches, stately homes etc). It is not considered that conversion of this functional rural building to a permanent house would comply with the Rural Design Guidance.

Whilst the application claims that the previous approval of the shed is evidence that it has already been deemed acceptable in the landscape, the previous acceptance was of a functional agricultural building. Indeed, the previous planning refusal considered that, while a timber building could, on occasion, be appropriate for conversion to residential use and the design in this case introduced stone detailing in an attempt to give a more rural appearance, the building itself is of utilitarian character and was not considered to be representative of the Arran rural character. In addition, the elevated position would not have been considered to be an acceptable location for expansion of this existing housing group if it was being considered on that basis. It is not considered that these factors have changed in the interim.

The remaining factor is the quoted examples of similar developments. As previously, the quoted examples from England and Wales are not considered to be material considerations. 13/00205/PP related to a different form of development: a completely new house which established its own appropriate rural setting; 14/00715/PP was a conversion which was considered to constitute a positive

20/00077/PP

improvement to the visual amenity of its rural setting, by removal of an unacceptably visually prominent development. This proposal relates to a functional timber agricultural building. It is not considered that any of these represent precedent for approval of the current proposal or are material considerations which outweigh the LDP considerations above.

In conclusion, the proposed developed does not accord with Strategic Policy 2: Placemaking of the Adopted LDP. Neither does it take cognisance of the Council's approved Rural Design Guidance and this is also considered to be a material consideration indicating that planning permission should not be granted. In view of the foregoing, planning permission should therefore be refused.

Decision

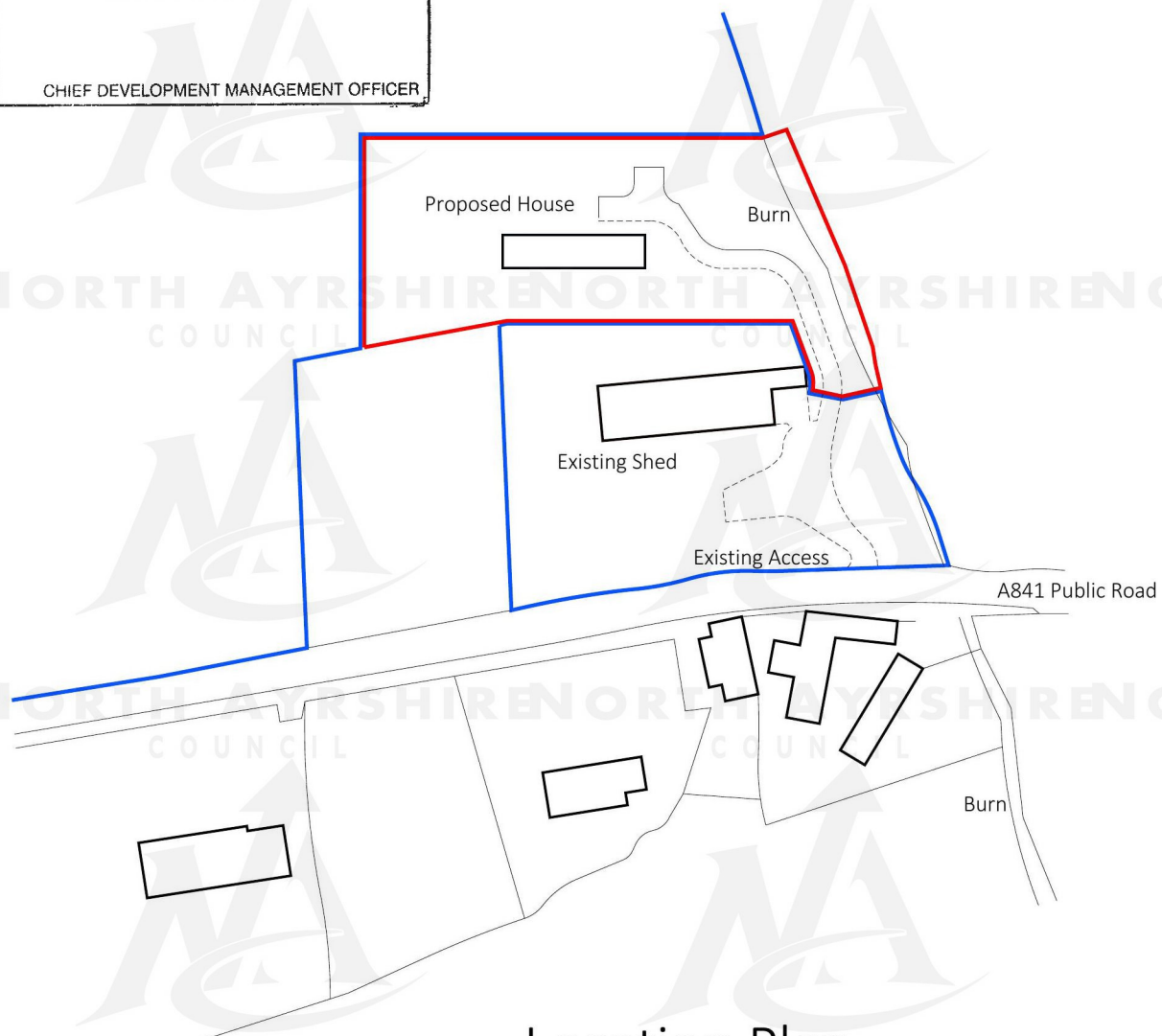
Refused

Case Officer - Mr Neil McAteer

Appendix 1 - Drawings relating to decision

Drawing Title	Drawing Reference (if applicable)	Drawing Version (if applicable)
Location Plan		
Proposed Plans and Elevations	18.09.01	

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997
REFUSED
 James H Miller
 CHIEF DEVELOPMENT MANAGEMENT OFFICER



Location Plan Scale 1:1250





North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Caitriona McAuley : Head Of Service (Economic Development & Regeneration)

No N/20/00077/PP

(Original Application No. N/100226658-001)

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 Mike & June Taylor
c/o John Lamb Architect
70 Woodside Drive
Waterfoot
Glasgow
G76 0HD

With reference to your application received on 30 January 2020 for planning permission under the above mentioned Acts and Orders for :-

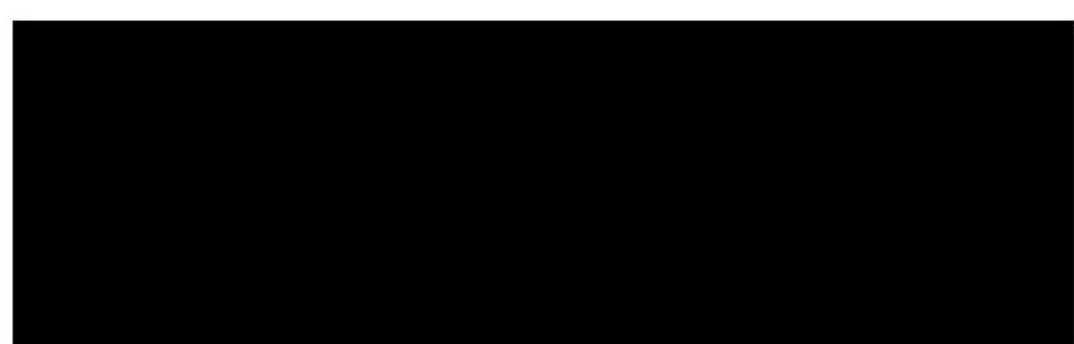
Conversion of redundant agricultural building to form dwelling house

at Site To West Of Pirogue
Whiting Bay
Brodick
Isle Of Arran

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

1. That the proposed development would be contrary to Strategic Policy 2: Placemaking of the Adopted North Ayrshire Council Local Development Plan as the proposal does not reflect the positive characteristics of the surrounding landscape, topography or built form or the distinctive character of the place in which it would be located and would be detrimental to visual amenity.
2. The proposed development does not take cognisance of the Council's approved Rural Design Guidance and in terms of Section 37(2) of the Town and Country Planning (Scotland) Act 1997, as amended, this is a material consideration indicating that planning permission should not be granted.

Dated this : 26 March 2020



.....
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

Caitriona McAuley : Head Of Service (Economic Development & Regeneration)

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.

From:
To: [Hayley Clancy \(Committee Services Officer / Committee & Member Serv \)](#)
Subject: 20/00077/PP - Notice of Review
Date: 03 July 2020 15:28:39

*** This email is from an EXTERNAL source. Please be cautious and evaluate before you click on links, open attachments, or provide credentials. ***

Dear Hayley Clancy,

Thank you for informing me that the applicant for the above scheme has submitted a Notice of Review.

For the avoidance of doubt:

- A planning application for the conversion of this wooden shed into a bungalow was made in November 2018
- Planning permission for this was refused under delegated powers in January 2019
- This decision to refuse planning permission was confirmed by the Local Review Body of elected members in July 2019
- A re-submission, of the same scheme, was made in January 2020. My understanding is that a local planning authority can dismiss vexatious and repeat applications out of hand. But on this occasion, and on balance, it concluded that because there had been changes in the Local Development Plan framework [but in effect only presentational changes insofar as the control of residential development in the countryside is concerned, with LDP 2 having been adopted in November 2019] it would formally reconsider this re-application
- That said, this January 2020 application was once again refused under delegated powers in March 2020.

Officers' and councillors' refusals of these proposals have been considered, rounded and comprehensive and in no way countermanded by the applicant. Moreover, these decisions have been at one with the numerous views repeatedly expressed, in our different ways but in writing, by we local objectors who are all neighbours to the site. I am unaware that there has ever been any local support for the application and it has always been seen as having no planning merit.

The authority should not lose sight of the fact that this is a large, second-hand wooden shed brought to the island and re-erected some 13 years ago. The grounds for getting planning permission as a chicken shed then related solely to its agricultural functions where the criteria for siting and form are very different and much less demanding than for residential development in the countryside. It remains poorly accessed, is without architectural merit, and lies freestanding in a rural area that is unattached to either Whiting Bay village or the Largiemnoch clachan.

The intentions behind the Council's sensitive policies of development in the countryside are not simply to allow the conversion into housing of any agricultural structure, however poorly located or sited or of whatever industrial form. To allow such "anything-goes" conversions would barely be a policy at all, would lead to extensive random rural development and to invite the subsequent development of further agricultural buildings to replace those lost.

Consequently I would ask that the Council's Local Review Body remains consistent with its policies, Plans and the three previous decisions that the Authority has made on this proposal over the last 18 months and clearly refuses planning permission for this wholly inappropriate proposal.

Yours sincerely,

From:
To: [Hayley Clancy \(Committee Services Officer / Committee & Member Serv \)](#)
Subject: 20/00077/PP - Notice of Review
Date: 07 July 2020 12:24:01

*** This email is from an EXTERNAL source. Please be cautious and evaluate before you click on links, open attachments, or provide credentials. ***

Dear Hayley Clancy,

As a near neighbour I am writing for the fourth time in 18 months to object in the strongest terms to this series of proposals and reviews.

Since I moved here in 1989 to fully refurbish and permanently occupy my home, I have witnessed in close proximity

- The building of a farm bungalow and its subsequent significant extension
- The erection of a large metal-clad farm barn
- The arrival and re-erection of a large second-hand wooden chicken shed
- The demolition of a seasonally-used cottage and its replacement by a larger property
- The building of two new additional houses.

I understand, even if I may not agree with, the planning grounds on which permissions for these significant developments were granted. But I fail to see that there are any possible grounds on which permission could be granted for the redevelopment into a bungalow of a failing and increasingly derelict chicken shed in open countryside. It was second-hand when brought to the island, it is made out of wood and corrugated sheets and has no architectural merit or connection to any building style on the island. It was re-erected on a poorly accessed, obtrusive site that is unattached to any existing group of buildings. Creating proper access to it from the road is likely to further detract from the area.

It would appear that North Ayrshire Council agrees having twice by officers and once by Local Review rejected proposals in the last 18 months to convert this shed. But to be clear, I ask again in the strongest possible terms that the Council refuses planning permission for this most inappropriate proposal.

Yours sincerely,

From:
To: [Hayley Clancy \(Committee Services Officer / Committee & Member Serv \)](#)
Subject: 20/00077/PP - Notice of Review
Date: 10 July 2020 08:49:09

*** This email is from an EXTERNAL source. Please be cautious and evaluate before you click on links, open attachments, or provide credentials. ***

Dear Hayley Clancy,

The building has no architectural or historical merit.

The clachan is built out under the 50% policy.

There are access issues and any non agricultural development would impact on the potential for any beneficial management of the surrounding land.

I feel that approval of this application would set a very unfortunate precedent for insensitive and unwanted residential development in rural areas of the island.

Yours sincerely,

From:
To: [Hayley Clancy \(Committee Services Officer / Committee & Member Serv \)](#)
Subject: 20/00077/PP - REVIEW
Date: 12 July 2020 12:29:19
Importance: High

*** This email is from an EXTERNAL source. Please be cautious and evaluate before you click on links, open attachments, or provide credentials. ***

Dear Ms Clancy,

I am writing to you to express my objection to planning permission being granted at the imminent review of the above application to convert a wooden chicken shed into a bungalow.

The building - a wooden chicken shed - has nothing to recommend it architecturally or historically. It is my understanding that Mr and Mrs Taylor were granted planning permission, within the recommended limits for Clachan development, for 2 houses. These have now been built and therefore the capacity has already been reached.

I trust that the Council's Local Review Body will uphold its 3 previous decisions on this application and unequivocally refuse planning permission.

Yours sincerely,

From:
To: [Hayley Clancy \(Committee Services Officer / Committee & Member Serv \)](#)
Subject: Planning application 20/00077/PP Notice of Review
Date: 13 July 2020 15:16:10

*** This email is from an EXTERNAL source. Please be cautious and evaluate before you click on links, open attachments, or provide credentials. ***

Dear Ms Clancy,

Please could you lodge the following on our behalf.

Our comment reads:

We wish to confirm that we remain opposed to the above application for the development of a dwelling house. We refer those considering the application to our three previous submissions and confirm that none of the conditions on which we based our arguments have changed. We support the officer's earlier findings that the proposed development is in breach of strategic policy 2 and does not take cognisance of rural planning guidelines. We also consider that ribbon development and rural infill will negatively impact on the reasons why many people choose to visit Arran.

We hope that the decision of this second review will confirm the results of the three previous decisions and that this matter can finally be laid to rest.

Thanks very much in anticipation for doing this for us.

Yours sincerely,



This email has been checked for viruses by AVG antivirus software.
www.avg.com