

EAST AYRSHIRE COUNCIL

LOCAL REVIEW BODY

MINUTES OF MEETING HELD ON FRIDAY 12 NOVEMBER 2010 AT 1300 HOURS IN THE COUNCIL CHAMBERS, COUNCIL HEADQUARTERS, LONDON ROAD, KILMARNOCK

PRESENT: Councillors Alan Brown, Tom Cook and Douglas Reid.

ATTENDING: Fiona Finlay, Principal Planning Officer; Avril Forrest, Solicitor; and Christine Baillie, Senior Administrative Officer.

APOLOGY: Councillor Maureen McKay.

CHAIR: Councillor Alan Brown, Chair.

PROCEDURE

1. The Senior Administrative Officer outlined the procedure to be followed at the meeting.

APPLICATION NO LRB 10/0544/PP: CLOVER VIEW, HOLLYBUSH, NEAR AYR

2. There was submitted a position statement (circulated) in respect of the removal of Condition 1 of planning consent 05/0098/FL which controlled the occupancy of the dwellinghouse for agricultural purposes at Clover View, Holehouse Farm Access Road, Hollybush. The Notice of Review submission, the Decision Notice and the Planning Officer's Report of Handling were also circulated.

EXCLUSION OF PRESS AND PUBLIC

3. The Local Review Body resolved "That under Section 50A(4) of the Local Government (Scotland) Act 1973, as amended, the Press and public be excluded from the meeting for the undernoted Supporting Statement by the applicant on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 3 of Schedule 7A of the Act".

RE-ADMITTANCE OF PRESS AND PUBLIC

4. The press and public were re-admitted to the meeting at this point.
5. The Local Review Body taking account of the material produced, agreed that it had sufficient information before it and that the review application could be determined without further procedure in terms of the Town and Country Planning (Schemes of Delegation and Local Review Body Procedure) (Scotland) Regulations 2008.

ADJOURNMENT/RECONVENTION OF MEETING

6. The Local Review Body adjourned at 1320 hours and reconvened at 1335 hours with the same Members and Officers present and in attendance.
7. The Local Review Body considered the terms of the Decision Notice dated 23 September 2010 and the Report of Handling together with the Notice of Review and Supporting Statement submitted by the applicant dated 13 October 2010.

Having done so, the Local Review Body determined that the Appointed Officer had made the correct decision to refuse the request as the removal of the agricultural occupancy condition would not be compliant with the policies of the Development Plan. However, the Local Review Body considered that there was a material consideration which would justify approval of the application, in respect that the condition was not secured by a Section 75 Agreement tying the house to Holehouse Farm and given that the farm had been sold separately from the dwellinghouse, the Local Review Body considered that the condition was now redundant and unenforceable.

Having considered all the information before it, the East Ayrshire Local Review Body did not uphold the Appointed Officer's determination of the application and granted permission for removal of Condition 1 of planning consent 05/0098/FL which controlled the occupancy of the dwellinghouse for agricultural purposes.

The meeting terminated at 1339 hours.