

APPENDIX 2

DN3 - PP(Local Development)(Refusal)

Department of Neighbourhood Services
Head of Planning and Economic Development Service
Alan Neish Dip TP



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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 2008

Application Reference Number: 10/0922/PP

TO: D Lindsay
per
Ross McKay Architect

REFUSAL OF PLANNING PERMISSION

With reference to your application validated on **20th December 2010** for planning permission under the above-mentioned Act and Regulations for the following development:

Proposed development of two houses as indicated in the plans:

Plan Type	Reference	Version No	Received Date
Location Plan	0805:01		11.11.2010
Block Plan	0805:02		11.11.2010
Elevations	0805:07		11.11.2010
Elevations	0805:08		11.11.2010
Site Plan Existing	0805:05		11.11.2010
Site Plan Proposed	0805:06		11.11.2010

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Land Adj Barrmill Cottage, Maxwood Road/Castleview Avenue, Galston, East Ayrshire

East Ayrshire Council in exercise of their powers under the above mentioned Act hereby **REFUSE** planning permission for the said development. The reasons for the Council's decision are:-

1. The proposed development would be contrary to Policy SD3 of the East Ayrshire Local Plan 2010 as the proposal partially falls outwith the settlement boundary of Galston and has presented no justified need for a countryside location.
2. The proposed development would be contrary to Policy RES 3 of the East Ayrshire Local Plan 2010 as the

Elizabeth Morton, Depute Chief Executive/Executive Director of Neighbourhood Services

proposed development will have;A. An adverse impact on the surrounding built environment in general and on the adjacent residential properties in particular;B. Adverse transportation implications as the applicant has failed to demonstrate that an adequate access to the site is achievable.C. Is not compatible with the immediate surrounding house types in terms of design.D. Does not comply with the Councils approved Design Guidance as the development does not reflect the built form of the surrounding area, the design does not reflect the scale, design features or storey height of surrounding buildings and the proposal does not reflect or respect the landform characteristics of the area nor has it been designed to minimise the extent of land shaping and land engineering operations.

3. The proposed development would be contrary to Policy ENV 9 of the Adopted East Ayrshire Local Plan 2010 as the proposal does not comply with the Councils approved Design Guidance as; A. The development does not reflect the built form of the surrounding area.B. The design does not reflect the scale, design features or storey height of surrounding buildings C. The proposal does not reflect or respect the landform characteristics of the area nor has it been designed to minimise the extent of land shaping and land engineering operations.
4. The proposed development would be contrary to Policy RES 5 of the Adopted East Ayrshire Local Plan 2010 as the proposal will adversely affect the amenity, character and appearance of the area and will adversely affect the amenity and privacy of the dwellings to the west of the development site.
5. The proposed development would be contrary to Policy T3 of the Adopted East Ayrshire Local Plan 2010 as the proposal does not meet with the Councils standards as roads authority as the access is unable to accommodate a refuse vehicle accessing and exiting in forward gear and part of the land required to achieve this is outwith the control of the applicant.
6. The proposed development is contrary to RES 9 as the development does not constitute any of the stated types of acceptable development.
7. The proposed development is contrary to RES 20 (iv) as the proposed development, would constitute an inappropriate or unacceptable extension of development into the countryside from the existing settlement boundary.

Dated this 18th February 2011

Signed.. ..

Alan Neish *AN*

Head of Planning and Economic Development

Notes to Applicant

1. If the applicant is aggrieved by the decision of the Planning Authority 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**. A Notice of Review form for this purpose is available for download from the Councils website (<http://www.east-ayrshire.gov.uk/devser/planandbuild/online.asp>) or on request by contacting the offices listed above. The completed Notice of Review form should be sent to the **Head of Democratic Services, East Ayrshire Council, Council Headquarters, London Road, Kilmarnock, KA3 7BU**.
2. If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by the Scottish Ministers, 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.

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