

# APPENDIX G

DN3 - PP(Local Development)(Refusal)

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



East Ayrshire  
COUNCIL

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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: 10/0058/PP

TO: Mr Darren Young  
per  
Stephen McQuiston  
44 Lainshaw Avenue  
Kilmarnock  
KA1 4RZ

### REFUSAL OF PLANNING PERMISSION

With reference to your application validated on 4th March 2010 for planning permission under the above-mentioned Act and Regulations for the following development:

Change of use from B.T.exchange unit to internet cafe and formation of a service layby as indicated in the plans:

Plan Type	Reference	Version No	Received Date
Location Plan			01.03.2010
Block Plan Existing	DY01		04.03.2010
Block Plan Proposed	DY02		04.03.2010
Proposed Visibility Splay Details	DY02		26.04.2010
Proposed Access Details	DY03		04.03.2010
Existing and Proposed Sections	DY04		04.03.2010
Existing Elevations and Layout	DY05		08.04.2010
Existing & Proposed Elevations & Layout	DY06		08.04.2010

AT

Former BT Exchange Unit, Polwarth Street, Galston, East Ayrshire, KA4 8PB

East Ayrshire Council in exercise of their powers under the above mentioned Act hereby **REFUSE** planning

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

permission for the said development. The reasons for the Council's decision are:-

1. The proposed development would be contrary to Policy SD 3 of the Adopted East Ayrshire Local Plan as the proposal has not demonstrated a site specific location need within the Rural Protection Area.
2. The proposed development would be contrary to Policy SD 3 of the Adopted East Ayrshire Local Plan as the proposed development cannot be fully justified in terms of a social or economic benefit to the community.
3. The proposed development would be contrary to Policy RTC 1 of the Adopted East Ayrshire Local Plan as the proposed development is located in an out of town centre location and no sequential approach has been submitted to justify the proposed location.
4. The proposed development would be contrary to Policy RTC 5 of the Adopted East Ayrshire Local Plan as no sequential approach has been adopted by the developer, the proposal would adversely effect the vitality and viability of the town centre and furthermore is not compatible with other local plan policy objectives.
5. The proposed development would be contrary to Policy IND 6 of the Adopted East Ayrshire Local Plan as the proposal would cause unacceptable transportation implications because of the restricted visibility when exiting the layby due to the close proximity of the layby to the adjacent hump back bridge.
6. The proposed development would be contrary to Policy SD 5 of the Alteration to the Adopted East Ayrshire Local Plan as the proposal does not fall within one of the classes of acceptable development within the Rural Protection Area.
7. The proposed development would be contrary to Policy RTC 1 of the Alteration to the Adopted East Ayrshire Local Plan as the proposed development is located in an out of town centre location and no sequential approach has been submitted to justify the proposed location.
8. The proposed development would be contrary to Policy RTC 2 of the Alteration to the Adopted East Ayrshire Local Plan as the proposal is a Schedule 6(i) use and is not located within the service centre of Galston
9. The proposed development would be contrary to Policy RTC 9 of the Alteration to the Adopted East Ayrshire Local Plan as the proposal is not a Class 1 use of the Use Classes Order that is acceptable to be located in an out of centre location.

Dated this 26th May 2010

Signed.....

**Alan Neish**

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.