

# APPENDIX 2

DN24 - PPP(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: 10/0154/PPP

TO: Mr Alan Wilson  
Waterstore Cottage  
Kilmarnock Road  
Mauchline  
KA5 5DD

#### REFUSAL OF PLANNING PERMISSION IN PRINCIPLE

With reference to your application validated on 16th March 2010 for planning permission under the above mentioned Act and Regulations for the following development:

Erection of dwellinghouse as indicated in the plans:

Plan Type	Reference	Version No	Received Date
Location Plan			16.03.2010
Block Plan			16.03.2010

AT

The Water Store Cottage, Kilmarnock Road, Mauchline, East Ayrshire, KA5 5DD

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

1. The proposed development is contrary to Policy COMM5 of the Ayrshire Joint Structure Plan as the proposed house has not been justified as acceptable within the Rural Protection Area. There is no over-riding reason to depart from development plan policy.
2. The proposed development represents a residential development in the Rural Protection Area out with the settlement boundary of Mauchline for which no justification pertaining to an economic or agricultural need case has been submitted. The development would therefore be contrary to Policy SD3 and Policy RES13 of the East Ayrshire Local Plan. There is no over-riding reason to depart from development plan policy.

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

3. The proposed development is contrary to SD5 and Policy RES9 of the Alteration to the East Ayrshire Local Plan Finalised Version with Modifications as the proposed house has not been justified as acceptable within the Settlement Protection Area. There is no over-riding reason to depart from development plan policy.

Dated this 7th June 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.