

# 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: 07/0708/FL

TO: Mr A Dunsmuir & Mr R Watters  
5 CAMERON CRESCENT  
CUMNOCK  
AYRSHIRE  
KA183TA

#### REFUSAL OF PLANNING PERMISSION

With reference to your application validated on **24th July 2007** for planning permission under the above-mentioned Act and Regulations for the following development:

Erection Of Two Dwellings as indicated in the plans:

Plan Type	Reference	Version No	Received Date
Location Plan			24.07.2007
Site Plan			12.07.2007
Elevations			12.07.2007

AT

WELLHILL COTTAGES, NEW CUMNOCK, 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 erection of two dwellinghouses at this location would be contrary to Policy RES14 of the adopted East Ayrshire Local Plan 2003 in that the proposal fails to meet any of the criteria specified within that policy that would result in support of the development. The proposal fails to provide any justification for the principle of residential development in the Rural Diversification Area and would result in inappropriate new residential development in the Rural Diversification Area to the detriment of the surrounding countryside.
2. The proposed erection of two dwellinghouses at this location would be contrary to Policy RES10 of the Alteration to the East Ayrshire Local Plan (Finalised Draft with Modifications) 2009 in that the proposal fails to meet any of the criteria specified within that policy that would result in support for the development.

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

Dated this **25th October 2010**

Signed...  .....

**Alan Neish** <sup>128</sup>

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.