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East Ayrshire  
COUNCIL

## NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN  
RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS  
THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)  
(SCOTLAND) REGULATIONS 2008  
THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

**IMPORTANT: Please read and follow the guidance notes provided when completing this form.**  
**Failure to supply all the relevant information could invalidate your notice of review.**

Use **BLOCK CAPITALS** if completing in manuscript

### Applicant(s)

Name Address Postcode Contact Telephone 1 Contact Telephone 2 Fax No E-mail\* 

### Agent (if any)

Name Address Postcode Contact Telephone 1 Contact Telephone 2 Fax No E-mail\* 

Mark this box to confirm all contact should be  
through this representative:

\* Do you agree to correspondence regarding your review being sent by e-mail?

Yes  No

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application

Date of decision (if any)

**Nature of application**

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

**Reasons for seeking review**

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

**Review procedure**

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

Examination of my proposal against Policy RES10. Assessment against Policy RES12 in respect of the fact that the application site constitutes an area of derelict or brownfield land. Giving the nature of the site and the reference to neighbouring properties, I would consider it a benefit if the local review body conduct a site visit prior to a decision.

**Site inspection**

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- |  | Yes                                 | No                       |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land?                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

**Statement**

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

Housing within Rural Diversification Areas Policy RES 10:-The Council will be supportive of small scale residential developments, where it can be demonstrated that the proposed development would constitute a limited addition to an existing, clearly defined group of four or more houses.

The land in question is in my opinion bordered by four houses, each of them more or less looking on to the respective land. Furthermore taking into consideration the layout of the existing four properties, whereby three are directly opposite and within 170 metres of each other, therefore the addition of the two houses on the adjacent piece of land would, in my opinion, complement the area. As you can also see from the copies enclosed, that at one time, some foundations still remaining, here stood the buildings of Wellhill Tile Works. I consider that the existing four dwellings in the vicinity of the site also constitute a defined group of four dwellings in the locality of Wellhill. Consequently therefore I do not consider the proposal to be contrary to RES10 and the proposed two consolidate the existing group.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes No  
 Y

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

EVIDENCE THAT THE LAND IS BROWNFIELD SITE AS OPPOSED TO GREENFIELD SITE AS SHOWN BY COPIES OF THE FACT THAT WELLSHILL TILE WORKS WAS SITUATED ON THIS LAND.

**List of documents and evidence**

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

Copies of extracts about Wellhill enclosed.

Notes.

1. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.
2. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.
3. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

**Checklist**

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

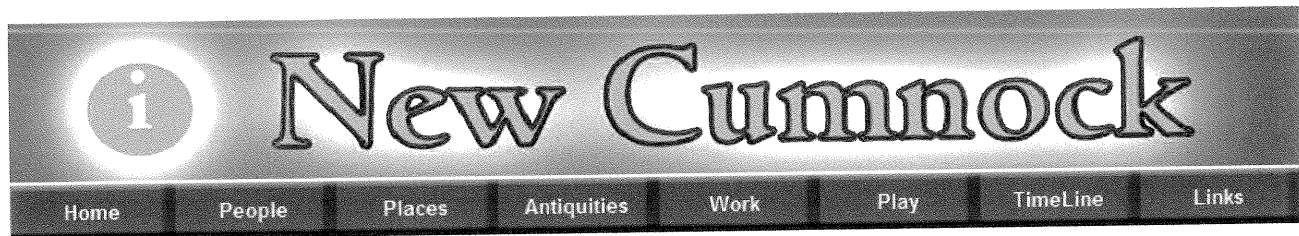
- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

**Please complete and return this form to Head of Democratic Services, East Ayrshire Council, Council Headquarters, London Road, Kilmarnock, KA3 7BU.**

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed  Date 1/12/2010



## WORK

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### Brick and Tile Works: Wellhill Brick and Tileworks

Wellhill and neighbouring Benston were two of the many properties in the parish of New Cumnock owned by the Marquis of Bute. While limestone was quarried at Benston, to improve the quality of the soil, a furnace was set up at Wellhill in the early 1800's [1], for the manufacture of tiles to improve the drainage of the land,

A valuable insight into life in a tileworks is given by Mauchline-born Adam B. Todd [2]. Although he is best remembered as one of the leading literary figures in New and Old Cumnock, as a 16 year-old in 1838 he was a "washer-off" to a tile-burner in the parish of Galston. Four o'clock starts on a Monday and Tuesday for the emptying and filling of kilns, with a penny fine imposed for being late. It was five o'clock starts the rest of the week and a seven o'clock finish with half hour breaks for breakfast and dinner. Tile-moulders were paid by the thousand and 'thus made slaves of themselves, and greater slaves of their boys, to increase their earnings, which were large from 7s 6d to 10s a day.'

Six years later Todd was engaged as a tile burner and assistant manager to Hugh Meikle at Wellhill Tileworks. It appears clay was in the Todd family blood. An older brother managed a tileworks and limeworks, while a younger brother went to the Isle of Bute to start a new tile works, although this proved to be unsuccessful - 'the machinery incomplete and the clayfield had no proper fall for the water.' Todd's partnership with his brother-in-law in an extensive brick and tile works at Dalquharran, on Grivan Water also proved to be a loss maker.

However, the Wellhill tileworks was paying well. Todd, at a cost of £350, had erected a large new kiln, new pan rollers and installed other machinery. In the 1851 Census, Adam Todd is recorded as a Tile Manufacturer, employing 15 labourers. Living with him and his widowed mother at Wellhill Tileworks was 20 year old Hugh Harris, - a tile-maker, born in the parish of New Cumnock. Hugh, would later emigrate to Australia where he became a prosperous farmer and served as a magistrate.

In the previous census of 1841, prior to Todd moving to Wellhill, Andrew Hodge and William Febrew and six members of his family are found at Wellhill Tileworks.

Todd recalled a fatal injury to James McCulloch one of his best workmen. The silk napkin that he wore round his neck got caught on the shaft of the pipe-tile machinery, whirling him around violently to such an extent that he later died of his internal injuries.

In the 1861 Census, A.B. Todd, is described as a Tile Manufacturer employing 4 labourers and a farmer of 86 acres employing 2 men. Two years later the tileworks and the nearby farm of Taiglem were taken from him, and from there he moved to Afton Bridgend for a short spell, before moving to Cumnock.



Tile fragments at Wellhill



Tile fragments at Wellhill



The overgrown site of Wellhill Tile works with Wellhill Cottage