

# 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: 10/0544/PP

TO: Mrs Eleanor Young  
per  
Gordon McNeil  
26 Wellington Square  
Ayr  
KA7 1HH

#### REFUSAL OF PLANNING PERMISSION

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

Removal of Condition 1 of planning consent 05/0098/FL which controls the occupancy of the dwellinghouse for agricultural purposes as indicated in the plans:

Plan Type	Reference	Version No	Received Date
Locality Plan			

AT

Clover View, Holehouse Farm Access Road, Hollybush, East Ayrshire, KA6 7ED


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 proposal is contrary to Policy SD 3 of the Adopted East Ayrshire Local Plan (2003) as it would not therefore accord with Policy RES 13, for the reasons outlined below. In addition, the proposal would not comply with the terms of the Ayrshire Joint Structure Plan 2007, or the Council's Community Plan. This could result in development which does not have a justified need for a countryside location.
2. The proposal is contrary to Policy RES13 of the Adopted East Ayrshire Local Plan (2003) as the removal of the condition would result in a unjustified dwellinghouse in the countryside. The residential unit was only permitted due to the agricultural justification demonstrated by the Planning Application 05/0098/FL which justified the erection of the farmworker's house and agreement that the building was tied, via the planning condition, to the adjacent farm.

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

3. The proposal is contrary to Policy RES 10 of the Alteration to the East Ayrshire Local Plan (2009) as the removal of the condition would result in a unjustified dwellinghouse in the countryside. The residential unit was only permitted due to the agricultural justification demonstrated by the Planning Application 05/0098/FL which justified the erection of the farmworker's house directly on the land to which the house relates and whose presence is essential to the operation of the farm on a 24 hour a day basis, and agreement that the building was tied, via the planning condition, to the adjacent farm.
4. The proposal is contrary to Policy RES 12 of the Alteration to the East Ayrshire Local Plan (2009) as without an agricultural tie to the host farm, it could not be demonstrated that this dwelling was justified, neither would it be on an area of brownfield or derelict land. This could result in the inappropriate development in the countryside and the residential development of greenfield sites in preference to brownfield sites in the Rural Diversification Area.

Dated this 23rd September 2010

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.