

APPENDIX 2

DN24 - PPP(Local Development)(Refusal)

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



Postal address: EAC Planning & Economic Development, PO Box 26191,
Kilmarnock, KA1 9DX
E-mail address: submittoPlanning@east-ayrshire.gov.uk

Office location: The Johnnie Walker Bond, 15 Strand Street, Kilmarnock, KA1 1HU
(if calling in person) Phone 01563 576790 Fax 01563 554592

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: 11/0232/PPP

TO: Residence Scotland Ltd
per

REFUSAL OF PLANNING PERMISSION IN PRINCIPLE

With reference to your application validated on 26th April 2011 for planning permission under the above mentioned Act and Regulations for the following development:

Erection of nursing home as indicated in the plans:

Plan Type	Reference	Version No	Received Date
Location Plan	01	A	
Block Plan	02	A	

AT

Proposed Nursing Home, Kilmaurs Road, Knockentiber, East Ayrshire,

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 proposal does not accord with the sustainable ideals of Policy STRAT 1 of the Ayrshire Joint Structure Plan 2007 and Policy SD 1 of the East Ayrshire Local Plan 2010, in that, as a new development, the proposal would have an unacceptable adverse impact on the character and appearance of its particular location; and the environment and amenity of local communities and residents of the area.
2. The proposal is outwith the settlement boundary of Knockentiber, has not demonstrated any justified need for such a location, and therefore the proposal is contrary to Policy SD 3 of the East Ayrshire Local Plan

2010, and as such, would not maintain or improve the integrity, vitality or viability of the settlement or its rural setting.

3. The proposal is contrary to Policy SD5 of the East Ayrshire Local Plan 2010 in that it does not:[i] comprise an acceptable residential development under Policy RES 9:[ii] contribute to rural diversification as a development with a justified need for a rural location:[iii] contribute to farm diversification:[iv] demonstrate benefit to the vitality and viability of local rural communities; and [v] provide of the operational needs of agriculture or forestry, and without a demonstrated need for the location outwith the settlement boundary would result in an unacceptable form of development in the rural area.
4. The proposal is contrary to Policy RES 30 of the East Ayrshire Local Plan 2010 in that the proposals for the provision of community care housing shall be directed to identified sites within the local plan, and outwith such sites will only be acceptable where sites are in close proximity to a Post Office, local shops and services, and subject to:[i] impact on surrounding uses:[ii] transportation and infrastructure implications; and [iii] loss of maintained open space. In this instance, the village of Knockentiber has only one shop, a public house and no Post Office, and is served by a relatively infrequent bus service, and the proposal would have an unacceptable impact on surrounding uses and services.

Dated this 8th August 2011

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*.