

**PLEASE NOTE THAT THE MINUTE REQUIRES TO BE APPROVED AS A  
CORRECT RECORD AT THE NEXT COUNCIL MEETING AND MAY BE  
AMENDED**

## **EAST AYRSHIRE COUNCIL**

### **LOCAL REVIEW BODY**

**MINUTES OF MEETING HELD ON WEDNESDAY 17 DECEMBER 2025 AT 1000  
HOURS IN THE COUNCIL CHAMBERS, COUNCIL HEADQUARTERS, LONDON  
ROAD, KILMARNOCK/BY VIDEO CONFERENCE**

**MEMBERS PARTICIPATING:** Councillors Graham Barton, John McGhee, Peter Mabon, William Lennox, and Neill Watts.

**OFFICERS PARTICIPATING:** Craig Young, Team Leader - Litigation and Advice (acting as Legal Adviser); Amy Bristow and Rachel Hall, Senior Planning Officers (acting as Planning Advisers); and Lynne Pearson, Democratic Services Officer.

**CHAIR:** Councillor Graham Barton, Chair.

### **DECLARATIONS OF INTEREST**

1. No declarations of interest were intimated by the Members participating in relation to the items of business on the Agenda.

### **PROCEDURE**

2. There was submitted and noted the Procedure to be followed at the meeting in respect of the following items of business (circulated).

**APPLICATION REF: 25/0026/LRBREF: PROPOSED ERECTION OF NEW  
DWELLING WITH ASSOCIATED PARKING AND GARDEN GROUND AT LAND  
ADJACENT TO 40 ANDREW LUNDIE PLACE, GALSTON, BY MR DAVID  
MURDOCH, HIGHER GRADE HOMES (PLANNING APP REF: 25/0256/PP)**

3. There was submitted a Position Statement (circulated) in respect of a Notice of Review application for the proposed erection of new dwelling with associated parking and garden ground at land adjacent to 40 Andrew Lundie Place, Galston, by Mr David Murdoch (planning application ref: 25/0256/PP).

The Notice of Review Application Form; and Notice of Review Appeal Statement; plans; Decision Notice; Report of Handling; representations received from interested parties in relation to the original planning application; a representation received from an interested party in relation to the Notice of Review; and suggested Planning Conditions were all circulated.

The Local Review Body heard from the Planning Adviser in relation to the Notice of Review application.

The Local Review Body determined that they had sufficient information before them to proceed to determine the application, without further procedure, in terms of the Town and Country Planning (Schemes of Delegation and Local Review Body Procedure) (Scotland) Regulations 2013.

It was agreed having considered matters including the application assessment which had been carried out by the Planning Officer within the Report of Handling, and having considered this against the Notice of Review application form and the circulated

documentation, as previously detailed, that the application did not comply with the following policies of the East Ayrshire Local Development Plan 2 (2024):-

1. Policy SS2 (i) and (ii): Overarching Policy;
2. Policy RES1: New Housing Developments;
3. Policy RES3: Residential Amenity;
4. Policy DES1: Development Design; and
5. Policy T1: Transport requirements in New Developments.

The application also did not comply with the following policies of the National Planning Framework 4:-

1. Policy 14: Design, Quality and Place; and
2. Policy 16: Quality Homes.

There were no material considerations to indicate otherwise.

As a consequence, the Local Review Body determined that the application be refused and accordingly dismissed.

**APPLICATION REF: 25/0027/LRBREF: PROPOSED DWELLINGHOUSE AND GARAGE AT MARTINSHILL COTTAGE, MAUCHLINE BY MR DAVID MCGINN  
(PLANNING APP REF: 25/0221/PP)**

4. There was submitted a Position Statement (circulated) in respect of a Notice of Review application for the proposed dwellinghouse and garage at Martinshill Cottage, Mauchline, by Mr David McGinn (planning application ref: 25/0221/PP).

The Notice of Review Application Form; Notice of Review Appeal Statement; Supporting Statement; Preliminary Ecological Appraisal; plans; Decision Notice; Report of Handling; representations received from interested parties in relation to the original planning application; and suggested Planning Conditions were all circulated.

The Local Review Body heard from the Planning Adviser in relation to the Notice of Review application.

The Local Review Body determined that they had sufficient information before them to proceed to determine the application, without further procedure, in terms of the Town and Country Planning (Schemes of Delegation and Local Review Body Procedure) (Scotland) Regulations 2013.

It was agreed having considered matters including the application assessment which had been carried out by the Planning Officer within the Report of Handling, and having considered this against the Notice of Review application form and the circulated documentation, as previously detailed, that the application did not comply with the following policies of the East Ayrshire Local Development Plan 2 (2024):-

1. Policy SS1: Climate Change;
2. Policy SS2 (iii): Overarching Policy;
3. Policy RES1: New Housing Developments;
4. Policy RH2: Housing in the Rural Diversification Area;
5. Policy RH5: Housing in the Countryside;

6. Policy T1: Transport requirements in New Developments; and
7. Policy NE11: Soils.

The application also did not comply with the following policies of the National Planning Framework 4:-

1. Policy 1: Tackling the Climate and Nature Crisis;
2. Policy 2: Climate Mitigation and Adaptation;
3. Policy 17: Rural Homes;
4. Policy 9(b): Brownfield, Vacant and Derelict Land and Empty Buildings;
5. Policy 13: Sustainable Transport; and
6. Policy 5: Soils.

There were no material considerations to indicate otherwise.

As a consequence, the Local Review Body determined that the application be refused and accordingly dismissed.

**APPLICATION REF: 25/0028/LRBREF: CHANGE OF USE FROM PUBLIC OPEN SPACE TO DOMESTIC GARDEN GROUND AND ERECTION OF ASSOCIATED FENCE AT 17A BURNTON ROAD, DALRYMPLE BY THE TRUSTEES OF THE REBECCA MCKINLAY DISCRETIONARY FUND (PLANNING APP REF: 25/0238/PP)**

### **5.1 Consideration of Item**

There was submitted a Position Statement (circulated) in respect of a Notice of Review application for the change of use from public open space to domestic garden ground and erection of associated fence at 17A Burnton Road, Dalrymple, by the Trustees of the Rebecca McKinlay Discretionary Fund (planning application ref: 25/0238/PP).

The Notice of Review Application Form; Planning Appeal Statement (redacted with new information); Decision Notice; Report of Handling; and suggested Planning Conditions; were all circulated.

### **5.2 Preliminary Matter**

The Democratic Services Officer advised that the applicant had submitted within the Notice of Review submission, information which had not been before the Appointed Officer at the time the application had been determined. The new information referred to was Planning Appeal Statement; Location Plan; Site Plan as Existing; Site Plan as Proposed; Topographical Survey; and 3D AXO Showing Change of Use of Site.

The information was not circulated to the Local Review Body prior to their consideration under Section 43(B) of the Town and Country Planning (Scotland) Act 1997, as amended.

The Democratic Services Officer advised that in terms of Section 43(B) of the Town and Country Planning (Scotland) Act 1997, as amended, a party to the Local Review Body proceedings should not raise any matter which was not before the Appointed Officer at the time the determination on the application which is subject to review was made unless that party can demonstrate (a) that the matter could not have been raised before that time or (b) that it not being raised before that time was as a consequence of exceptional circumstances.

The Legal Advisor then advised that the applicant had not provided reasons which were reported to the Local Review Body as to why the new information had not been before the Appointed Officer at the time of the planning application.

The Chair advised that it was now for the Local Review Body to determine therefore whether to accept the new information contained within the Notice of Review submission, and, if accepted, the new information would then be submitted to East Ayrshire Council's Chief Planning Officer, for further comments, with the applicant allowed to comment thereafter on the response.

### **5.3 Further Consideration of Item**

Following consideration, the Local Review Body determined that they would accept the new information identified in the Notice of Review submission.

The Local Review Body determined that further procedure was required and agreed (i) that the new information would be circulated to the Chief Planning Officer; and (ii) on receipt of the response from the Chief Planning Officer to (i) above, the applicant would be given the opportunity to comment thereafter and following the completion of the further procedures referred to in (i) and (ii) above, to continue the review to a future meeting for further consideration.

The meeting terminated at 1121 hours.