

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE : 30 NOVEMBER 2001 01/0589/LB : PROPOSED CONSERVATION WORKS TO REDUNDANT GATES AND GATE PIERS AT SKELDON HOUSE, DALRYMPLE FOR S E BRODIE, ESQ

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Listed Building Consent is sought for the removal of the gates, piers, flanking railings and dwarf walls from their current location to a location approximately 1.2 kilometres to the south east. The proposed location marks the start of the original driveway to Skeldon House and the submitted plans and supporting material show the gates, piers, flanking railings and dwarf walls re-erected as they currently stand. The applicant's agent has indicated that the original driveway is now used once again as the only means of access to Skeldon House whilst the access from Barbieston Road is redundant in so far as access to Skeldon House is concerned. This access would however continue to serve the Category B Listed lodge house.

2. RECOMMENDATION

2.1 **It is recommended that the application be approved, subject to notification to Historic Scotland under the Listed Buildings and Buildings in Conservation Areas (Scotland) Regulations 1987 and subject to the condition indicated on the attached sheet.**

3. CONTRARY DECISION

3.1 Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning and Building Control, the application will not require to be referred to the Development Services Committee as such a decision would be in strict compliance with Council policy.

4. SUMMARY OF ANALYSIS

4.1 As is indicated at paragraph 5.2 of the report, the application is considered to be contrary to the development plan. Therefore, given the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate otherwise. As is indicated in Section 6 of the report, there are material considerations relevant to the determination of this application.

4.2 Given the age of the Adopted Catrine/Sorn Local Plan, the Council has agreed that the EALP should be considered as a prime material consideration. In this instance, the proposal is also contrary to the provisions of the EALP. Nevertheless, it is considered appropriate that the gates are relocated, kept in use and continue to benefit Skeldon House as originally intended. Furthermore, given that the gates are to be re-erected elsewhere as they presently stand, their removal will not, in this instance, result in their loss.

4.3 No adverse consultation replies have been received.

Alan Neish
Head of Planning and Building Control

Note: This document combines key sections of the associated report for quick reference and should not in itself be considered as having been the basis for recommendation preparation or decision making by the Planning Authority.

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Report by Head of Planning and Building Control

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination a Listed Building Consent application which is to be considered by the Local Planning Committee under the Scheme of Delegation as the proposed development is recommended for approval whilst representing a minor departure from policy.

2. APPLICATION DETAILS:

2.1 **Site Description:** The application site comprises the Skeldon Estate and lies adjacent the south west edge of Dalrymple. The gates and gate piers are located at the entrance to the estate, on Barbieston Road, Dalrymple, adjacent to the former lodge house. The gates and the lodge are Category B Listed Buildings. The gates and flanking railings consist of decorative white painted cast iron and four stone piers and dwarf walls.

2.2 **Proposed Development:** Listed Building Consent is sought for the removal of the gates, piers, flanking railings and dwarf walls from their current location to a location approximately 1.2 kilometres to the south east. The proposed location marks the start of the original driveway to Skeldon House and the submitted plans and supporting material show the gates, piers, flanking railings and dwarf walls re-erected as they currently stand. The applicant's agent has indicated that the original driveway is now used once again as the only means of access to Skeldon House whilst the access from Barbieston Road is redundant in so far as access to Skeldon House is concerned. This access would however continue to serve the Category B Listed lodge house.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division has no objection to the proposal.

Noted.

3.2 The Architectural Heritage Society of Scotland has no objection to the proposal. It does however note that, should the gates etc be relocated,

consideration should be given to alternative boundary treatment in respect of the redundant access.

The applicant's agent has indicated that new gates are proposed to be installed at the start of the redundant driveway. However, that development would, in itself, require to be the subject of applications for planning permission and listed building consent. It is therefore considered that, should this application be approved, a condition can be included on the listed building consent requiring that the gates are not relocated until such time as the application for the erection of the replacement gates has been submitted to and approved by the Planning Authority. It should be noted that formal planning permission will also be required for the relocation of the gates to the new position should this application be approved.

3.3 Historic Scotland has stated that it would be unlikely to object to the proposals in the event that they are submitted to them for formal consideration.

Noted.

4. REPRESENTATIONS

4.1 No representations have been received.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that applications for Listed Building Consent be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this application, the development plan comprises the Approved Ayrshire Joint Structure Plan (1999) and the Adopted Dalmellington/Patna/Dalrymple Local Plan (1989). The Adopted Plan was prepared in the context of the then emerging Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan, the application falls to be determined with regard to Policy 6.28B. This policy states that there will be a presumption against the demolition or partial demolition of Listed Buildings.

Whilst the provisions of Policy 6.28B are noted, it is considered appropriate that the gates are kept in use and continue to benefit Skeldon House as originally intended. Notwithstanding the applicant's obligations under the Planning (Listed Building and Conservation Areas) Act 1997, it is considered that the gates, if kept in daily use will be less likely to deteriorate or become the

subject of vandalism. The applicant's agent has indicated that the gates, in their current location, have been the subject of vandalism in the past. Furthermore, given that the gates etc are to be re-erected elsewhere as they currently stand, their removal will not, in this instance, result in their loss to Skeldon House.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principal material considerations relevant to the determination of the application are the East Ayrshire Local Plan (Finalised Version with Modifications) and the consultation replies.

6.2 The Adopted Local Plan is considerably out of date and therefore it is considered appropriate that greater weight should be attached to more recent expressions of policy. The Council has agreed that the East Ayrshire Local Plan (Finalised Version with Modifications), 2001, (EALP) should be considered as a prime material consideration.

East Ayrshire Local Plan

6.3 The application falls to be determined with regard to Policy ENV 2 of the EALP which states:-

The Council will actively encourage the retention, restoration, renovation and re-use of listed buildings, unlisted buildings in Conservation Areas and other locally important buildings especially traditional older properties, throughout the area. There will be a presumption against the demolition or partial demolition of all such properties.

See response to 5.2 above.

Consultation Replies

6.4 There are no consultation responses that would indicate that the application should be resisted.

7. FINANCIAL OR LEGAL IMPLICATIONS

7.1 There are no financial or legal implications for the Council in the determination of this application.

8. CONCLUSIONS

8.1 As is indicated at paragraph 5.2 of the report, the application is considered to be contrary to the development plan. Therefore, given the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, the application should be refused unless material considerations indicate

otherwise. As is indicated in Section 6 of the report, there are material considerations relevant to the determination of this application.

8.2 Given the age of the Adopted Catrine/Sorn Local Plan, the Council has agreed that the EALP should be considered as a prime material consideration. In this instance, the proposal is also contrary to the provisions of the EALP. Nevertheless, it is considered appropriate that the gates are relocated, kept in use and continue to benefit Skeldon House as originally intended. Furthermore, given that the gates are to be re-erected elsewhere as they presently stand, their removal will not, in this instance, result in their loss.

8.3 No adverse consultation replies have been received.

9. RECOMMENDATION

9.1 It is recommended that the application be approved, subject to notification to Historic Scotland under the Listed Buildings and Buildings in Conservation Areas (Scotland) Regulations 1987 and subject to the condition indicated on the attached sheet.

Alan Neish
Head of Planning and Building Control
19 November 2001
DS/SMB
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form and plans.
2. Statutory Notices/Certificates.
3. Consultation Replies.
4. East Ayrshire Local Plan (Finalised Version with Modifications).
5. Adopted Dalmellington/Patna/Dalrymple Local Plan.
6. Approved Strathclyde Structure Plan
7. Approved Ayrshire Joint Structure Plan.

Anyone wishing to inspect the background papers listed above, should contact Mr Derek Scott on 01563 555483.

Implementation Officer : Dave Morris

Form TP24A

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application no: 01/0589/LB

Location	Skeldon House Skeldon Estate DALRYMPLE
Nature of Proposal:	Proposed conservation works to redundant gates and gate piers
Name and Address of Applicant:	S E Brodie Esq Skeldon Estate DALRYMPLE KA6 6AT
Name and Address of Agent	A R P Lorimer & Associates 11 Wellington Square AYR KA7 1ET

DPO's Ref: [Derek Scott]
PPO's Ref; []

Subject to [\[notification to the Scottish Ministers \]](#)

The above LISTED BUILDING application should be granted subject to the following condition:-

1. No works shall be undertaken to the gates, piers, flanking railings or dwarf walls until such time as applications for planning permission and Listed Building Consent in respect of the replacement gates and other boundary treatment at the redundant access have been submitted to and approved by the Planning Authority or Scottish Ministers as required.

REASON – In the interests of visual amenity and to safeguard the character of the existing Listed Lodge House.

Note to Applicant:

The applicant will require to make a formal planning application for the erection of the gates in their new position.

AGENDA

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN LUGAR. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 555320.**