**County Buildings**
**Wellington Square**
**AYR KA7 1DR**
**Tel No: 01292 612189**

15 February 2022

**To:- Councillors Connolly (Chair), I. Campbell, Cavana, Clark, Fitzsimmons, Kilpatrick, Mackay, McGinley and Toner.**

Dear Councillor

# SOUTH AYRSHIRE LOCAL REVIEW BODY

You are requested to participate in the above Panel to be held on **Tuesday, 22 February 2022 at 2.00 p.m**. for the purpose of considering the undernoted business. **Please note that a briefing meeting for all Panel Members will take place online at 1.40 p.m.**

In light of the current COVID-19 pandemic, this meeting will be held remotely in accordance with the provisions of the Local Government (Scotland) Act 2003. The meeting will be live-streamed and available to view at https://south-ayrshire.public-i.tv/

**Yours sincerely**

**Catriona Caves**
**Head of Legal, Human Resources and Regulatory Services**

**B U S I N E S S**

1. Declarations of Interest.

2. Minutes of previous meetings of 26 October 2021 and 16 November 2021.

3. New Case for Review – Planning permission in permission of erection of Dwellinghouse and Garage at Jellieston Farm B742 from Council boundary to A70 junction at Hillhead Coylton Ayr South Ayrshire KA6 6ES (21/00705/APP) (copy of correspondence herewith).

   Application Summary

For more information on any of the items on this agenda, please telephone Committee Services on 01292 612189, at Wellington Square, Ayr or e-mail: localreviewbody@south-ayrshire.gov.uk
www.south-ayrshire.gov.uk

**Webcasting**

Please note: this meeting may be filmed for live and subsequent broadcast via the Council's internet site. At the start of the meeting, the Chair will confirm if all or part of the meeting is being filmed.

You should be aware that the Council is a Data Controller under the Data Protection Act 2018. Data collected during this webcast will be retained in accordance with the Council's published policy, including, but not limited to, for the purpose of keeping historical records and making those records available via the Council's internet site.

Generally, the press and public will not be filmed. However, by entering the Council Meeting, you are consenting to being filmed and consenting to the use and storage of those images and sound recordings and any information pertaining to you contained in them for webcasting or training purposes and for the purpose of keeping historical records and making those records available to the public.

If you have any queries regarding this and, in particular, if you believe that use and/or storage of any particular information would cause, or be likely to cause, substantial damage or distress to any individual, please contact Committee.Services@south-ayrshire.gov.uk

**Copyright**

All webcast footage is the copyright of South Ayrshire Council. You are therefore not permitted to download footage nor upload it to another website nor take still photographs from this footage and distribute it without the written permission of South Ayrshire Council. Please be aware that video sharing websites require you to have the permission of the copyright owner in order to upload videos to their site.

# SOUTH AYRSHIRE LOCAL REVIEW BODY.

Minutes of meeting held remotely
on 26 October 2021 at 2.00 p.m.

Present: Councillors Brian Connolly, Craig Mackay, Iain Campbell, Ian Cavana, Alec Clark, Ian Fitzsimmons, Mary Kilpatrick, Brian McGinley and Margaret Toner.

Attending: L. McChristie, Solicitor (Legal Adviser); D. Hearton (Planning Adviser – Items 4 and 6); S. Curran (Planning Adviser – Item 5) D. Mulgrew, Committee Services Assistant and C. McCallum, Committee Services Assistant.

## 1. Opening Remarks

The Chair took the sederunt, confirmed to Members the procedures to conduct this meeting and advised that the meeting was being broadcast live.

## 2. Declarations of Interest.

There were no declarations of interest by Members of the Body in terms of Council Standing Order No. 17 and the Councillors' Code of Conduct.

## 3. Variation in order of business.

In terms of Council Standing Order No. 13(2), the Panel agreed to vary the order of business as hereinafter minuted.

## 4. New Case for Review – Installation of external stair to dwellinghouse at 39 Charlotte Street, Ayr, South Ayrshire, KA7 1EA (20/00871/APP)

There were submitted the relevant papers (issued) relating to a request to review the decision to refuse a planning application for the installation of external stair to dwellinghouse at 39 Charlotte Street, Ayr, South Ayrshire, KA71EA (20/00871/APP)

Having heard the Chair, the Legal Adviser to the Body and the Planning adviser to the Body, the Body considered the papers relating to the Review.

**Decided:** to refuse the Review and uphold the decision made by the Appointed Officer to refuse planning permission.

## 5. New Case for Review – Change of use, alterations an extension to office to form dwellinghouse at Temple Mount B743 from A77T at Whitletts roundabout to Mauchline road, Mossblown, Ayr, South Ayrshire, KA65HN (21/00038/APP)

There were submitted the relevant papers (issued) relating to a request to review the decision on conditions imposed on consent by Appointed Officer for change of use, alternations and extension to office to form dwellinghouse at Temple Mount B743 from A77T at Whitletts roundabout to Mauchline road, Mossblown, Ayr, South Ayrshire, KA65HN (21/00038/APP).

DRAFT

Having heard the Chair, the Legal Adviser to the Body and the Planning Adviser to the Body, the Body considered the papers relating to the Review.

**Decided:** to grant the Review and overturn the decision made by the appointed officer and remove condition 3 attached to the grant of planning permission. Therefore, Planning Permission is granted subject to conditions for the reasons listed below.

(1) That the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority.

(2) That prior to the commencement of development, samples or a brochure of all materials to be used on external surfaces, in respect of type, colour and texture, shall be submitted for the prior written approval of the Planning Authority.

**Reasons:**

(1) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.

(2) In the interests of visual amenity.

**Advisory Notes:**

- In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), this planning permission lapses on the expiration of a period of 3 years beginning with the date on which the permission is granted unless development to which the permission relates is begun before that expiration.

- A site notice to be displayed in accordance with Section 27C(1) of The Town and Country Planning (Scotland) Act 1997 and Regulation 38 and Schedule 7 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 shall be completed, printed on durable material, and be displayed in a prominent place (readily visible to members of the public) at or in the vicinity of the site while the development hereby approved is in progress. This requirement is in order to ensure that members of the public are made aware of the background to the development in progress and have access to the necessary contact details. A template for the Site Notice is attached to this decision notice. An electronic version is also available on the Council's web site as follows www.south-ayrshire.gov.uk/planning/forms.aspx 'Notice to be displayed while development is in progress'.

- The person who intends to carry out the development hereby approved shall, as soon as practicable after deciding on a date on which to initiate the development, complete the attached form entitled 'Notification of Initiation of Development' and submit it to the Planning Authority before commencement of the development. For the avoidance of doubt, failure to submit the required notice would constitute a breach of planning control under S123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended). This notification is required to ensure compliance with the requirements of planning legislation as contained in Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended).

- The developer is required in carrying out the development hereby approved to submit to the Planning Authority a formal written 'Notification of Completion of Development' as soon as practicable after the development has been completed. This notification shall include the reference number of the planning permission, the site address and the date of completion. This requirement is to ensure compliance with the requirements

DRAFT

of planning legislation as contained in Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).

- The developer is required in carrying out the development hereby approved to submit to the Planning Authority a formal written Notification of Completion of Phases of Development as soon as practicable after completion of each phase of the development and subsequently a Notification of Completion of Development as soon as practicable after the whole development has been completed. These notifications shall include the reference number of the planning permission, the site address and the date of completion of the relevant phase. This requirement is to ensure compliance with the requirements of planning legislation as contained in Section 27B(1) and Section 27B(2) of the Town and Country Planning (Scotland) Act 1997 (as amended).

**Reason for Decision**

The LRB decided that the proposal accords with the Adopted South Ayrshire Local Plan: LDP Policy: Spatial Strategy (Core Investment Area); LDP Policy: Sustainable Development; LDP Policy: Greenbelt; LDP Policy: Rural Housing; and LDP Policy: Estates; the proposals are consistent with Scottish Planning Policy (SPP) and South Ayrshire Council's Supplementary Guidance (SG) on Rural Housing; and that the proposed dormer window is in keeping with the size and scale of the wrap around extension and would not be overlarge and unsympathetic to the overall design ethos of the property.

**List of Approved Plans:**

Drawing - Reference No (or Description): 2001-00-001-TM
Drawing - Reference No (or Description): 2001-00-010-TM
Drawing - Reference No (or Description): 2001-00-011-TM
Drawing - Reference No (or Description): 2001-00-100-TM
Drawing - Reference No (or Description): 2001-00-101-TM
Drawing - Reference No (or Description): 2001-EX-100-TM
Drawing - Reference No (or Description): 2001-EX-110-TM
Drawing - Reference No (or Description): 2001-EX-400-TM
Drawing - Reference No (or Description): 2001-EX-PHOTOS-TM
Drawing - Reference No (or Description): 2001-GA-100-TM
Drawing - Reference No (or Description): 2001-GA-110-TM
Drawing - Reference No (or Description): 2001-GA-130-TM
Drawing - Reference No (or Description): 2001-GA-400-TM
Drawing - Reference No (or Description): 2001-GA-401-TM
Drawing - Reference No (or Description): 2001-GA

**6. New Case for Review – Erection of dwellinghouse at Threave Farm U58 from B741 Junction near Drumquhill North via Threave to C31 Junction at Threave Cottage, Crosshill, South Ayrshire, KA197QA (20/01031/APP).**

There were submitted the relevant papers (issued) relating to a request to review the decision to refuse a planning application for the erection of dwellinghouse at Threave Farm U58 from B741 Junction near Drumguhill North via Threave to C31 Junction at Threave Cottage, Crosshill, South Ayrshire, KA19 7QA (20/01031/APP).

Having heard the Chair, the Legal Adviser to the Body and the Planning Adviser to the Body, the Body considered the papers relating to the Review.

Councillor Campbell, seconded by Councillor Clark, moved that the Review be upheld and planning permission granted, subject to conditions. By way of an Amendment, Councillor McGinley, seconded by Councillor Connolly, moved that the decision of the Appointed Officer be upheld to refuse planning permission.

On a vote being taken by electronic means, four Members voted for the Amendment and four for the Motion. The Chair then exercised his casting vote in favour of the Amendment.

**Decided:** , to uphold the decision by the Appointed Officer to refuse planning permission.

The meeting ended at 3.15 p.m.

DRAFT

**SOUTH AYRSHIRE LOCAL REVIEW BODY.**

Minutes of meeting held remotely
on 16 November 2021 at 2.00 p.m.

Present: Councillors Brian Connolly, Ian Cavana, Alec Clark, Ian Fitzsimmons, Mary Kilpatrick, Craig Mackay and Brian McGinley.

Apologies: Councillors Iain Campbell and Margaret Toner.

Attending: L. McPartlin, Solicitor (Legal Adviser); A. McGuinness, Planning Co-ordinator (Planning Adviser); B. Horwill, Planner (Planning Adviser); D. Mulgrew, Committee Services Assistant and C. McCallum, Committee Services Assistant.

## 1. Opening Remarks.

The Chair took the sederunt, confirmed to Members the procedures to conduct this meeting and advised that the meeting was being broadcast live.

## 2. Declarations of Interest.

In terms of Council Standing Order No. 17 and the Councillors' Code of Conduct, Councillor Fitzsimmons declared an interest in item 4 of this minute entitled "Alterations, replacement windows, replacement doors and re-painting of building at 2-4 High Street, Girvan, South Ayrshire, KA26 9HD" as he had previously provided assistance to the applicants.

## 3 New Case for Review – Erection of field shelters at Tunnoch Farm B7023 from Crosshill Road, Maybole to King Street, Crosshill, Maybole South Ayrshire KA19 7PD (21/00100/APP)

There were submitted the relevant papers (issued) relating to a request to review Condition (3) imposed on consent by an Appointed Officer for the erection of field shelters at Tunnoch Farm B7023 from Crosshill Road, Maybole to King Street, Crosshill, Maybole, South Ayrshire, KA19 7PD (21/00100/APP)

Having heard the Chair, the Legal Adviser to the Body and the Planning adviser to the Body, the Body considered the papers relating to the Review.

Councillor McGinley, seconded by Councillor Clark, moved that Condition (3) be removed.

By way of Amendment, Councillor Mackay, seconded by Councillor Cavana, moved that the time period in Condition (3) be amended from 5 years to 10 years.

On a vote being taken by electronic means, four Members voted for the Amendment and three for the Motion. The Amendment was accordingly declared carried.

**Decided:** to grant the Review and vary the decision made by the Appointed Officer by changing the time period referred to in Condition (3) from 5 years to 10 years and by the addition of advisory note (6) below as a courtesy to the applicant. Therefore Planning Permission is granted subject to the following Conditions for the reasons listed below:

DRAFT

**Conditions:**

(1) That the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority.

(2) That this planning permission shall enure for the benefit of the applicant, namely Mrs Jane McCulloch only.

(3) That the approval for the proposed timber field shelters is limited to 10 years; when the structures shall be removed from the site and the land be restored to its former condition in accordance with a written specification, including a timescale within which the works shall be implemented, to be submitted for the prior written approval of the Planning Authority.

(4) That notwithstanding the plans hereby approved, no permission is granted for the proposed metal food storage container to the satisfaction of the Planning Authority, and the permission relates to the siting of 3 timber field shelters only.

**Reasons:**

(1) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.

(2) The development is only considered to be acceptable on the basis of a personal permission.

(3) The timber field shelters are of a temporary nature and are only acceptable as a temporary expedient.

(4) To define the terms of the permission and in the interests of visual amenity.

**Advisory Notes:**

(1) In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), this planning permission lapses on the expiration of a period of 3 years beginning with the date on which the permission is granted unless development to which the permission relates is begun before that expiration.

(2) A site notice to be displayed in accordance with Section 27C(1) of The Town and Country Planning (Scotland) Act 1997 and Regulation 38 and Schedule 7 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 shall be completed, printed on durable material, and be displayed in a prominent place (readily visible to members of the public) at or in the vicinity of the site while the development hereby approved is in progress. This requirement is in order to ensure that members of the public are made aware of the background to the development in progress and have access to the necessary contact details. A template for the Site Notice is attached to this decision notice. An electronic version is also available on the Council's web site as follows www.south-ayrshire.gov.uk/planning/forms.aspx 'Notice to be displayed while development is in progress'.

DRAFT

(3) The person who intends to carry out the development hereby approved shall, as soon as practicable after deciding on a date on which to initiate the development, complete the attached form entitled 'Notification of Initiation of Development' and submit it to the Planning Authority before commencement of the development. For the avoidance of doubt, failure to submit the required notice would constitute a breach of planning control under S123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended). This notification is required to ensure compliance with the requirements of planning legislation as contained in Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended).

(4) The developer is required in carrying out the development hereby approved to submit to the Planning Authority a formal written 'Notification of Completion of Development' as soon as practicable after the development has been completed. This notification shall include the reference number of the planning permission, the site address and the date of completion. This requirement is to ensure compliance with the requirements of planning legislation as contained in Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).

(5) The developer is required in carrying out the development hereby approved to submit to the Planning Authority a formal written Notification of Completion of Phases of Development as soon as practicable after completion of each phase of the development and subsequently a Notification of Completion of Development as soon as practicable after the whole development has been completed. These notifications shall include the reference number of the planning permission, the site address and the date of completion of the relevant phase. This requirement is to ensure compliance with the requirements of planning legislation as contained in Section 27B(1) and Section 27B(2) of the Town and Country Planning (Scotland) Act 1997 (as amended).

(6) The applicant is entitled to apply to the planning authority at the relevant time to seek renewal of the planning permission for an additional time period, if desired. It is the applicant's responsibility to submit an Application for Further Planning Permission for this purpose, for due assessment by the planning authority, in advance of the expiry of this planning permission on 16.11.2031. Any further planning application submitted shall be liable for the relevant planning application fee as per the prevailing Schedule of Fees enacted by the Scottish Government at the time of application. Further advice on procedure may be sought at the relevant time by contacting the planning authority.

**Reason for Decision:**

The siting and design of the development hereby approved is considered to accord with the provisions of the development plan and there is no significant adverse impact on the amenity of neighbouring land and buildings.

DRAFT

**List of Plans Determined/or List of Approved Plans:**

Drawing - Reference No (or Description): Approved Context Location Plan
Drawing - Reference No (or Description): Approved Location Plan
Drawing - Reference No (or Description): Approved Shelter 1 Floor Plan
Drawing - Reference No (or Description): Approved Shelter 1 Front Elevation
Drawing - Reference No (or Description): Approved Shelter 1 Side Elevation
Drawing - Reference No (or Description): Approved Shelter 2 Floor Plan
Drawing - Reference No (or Description): Approved Shelter 2 Front Elevation
Drawing - Reference No (or Description): Approved Shelter 2 Side Elevation
Drawing - Reference No (or Description): Approved 3-Sided Shelter Floor Plan
Drawing - Reference No (or Description): Approved 3-Sided Shelter Side Elevation
Drawing - Reference No (or Description): Approved Proposed Metal Container Floor Plan
Drawing - Reference No (or Description): Approved Proposed Metal Container Front Elevation
Drawing - Reference No (or Description): Approved Proposed Metal Container Side Elevation
Drawing - Reference No (or Description): Approved 3-Sided Shelter Front Elevation
Other - Reference No (or Description): Approved Photographs as existing
Other - Reference No (or Description): Approved Personal Statement
Other - Reference No (or Description): Approved Animal Welfare Statement

Councillor Fitzsimmons left the meeting at this point.

**4. New Case for Review – Alterations, replacement windows, replacement doors and re-painting of building at 2-4 High Street, Girvan, South Ayrshire, KA26 9HD (21/00061/APP)**

There were submitted the relevant papers (issued) relating to a request to review the decision to refuse a planning application for the replacement windows, replacement doors and re-painting of building at 2-4 High Street, Girvan, South Ayrshire, KA26 9HD (21/00061/APP)

Having heard the Chair, the Legal Adviser to the Body and the Planning Adviser to the Body, the Body considered the papers relating to the Review.

**Decided:** to overturn the decision made by the Appointed Officer, and to grant Planning Permission subject to the following condition:

(1) That the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority.

**Reason:**

(1) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.

DRAFT

**Advisory Notes:**

- In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), this planning permission lapses on the expiration of a period of 3 years beginning with the date on which the permission is granted unless development to which the permission relates is begun before that expiration.

- A site notice to be displayed in accordance with Section 27C(1) of The Town and Country Planning (Scotland) Act 1997 and Regulation 38 and Schedule 7 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 shall be completed, printed on durable material, and be displayed in a prominent place (readily visible to members of the public) at or in the vicinity of the site while the development hereby approved is in progress. This requirement is in order to ensure that members of the public are made aware of the background to the development in progress and have access to the necessary contact details. A template for the Site Notice is attached to this decision notice. An electronic version is also available on the Council's web site as follows www.south-ayrshire.gov.uk/planning/forms.aspx 'Notice to be displayed while development is in progress'.

- The person who intends to carry out the development hereby approved shall, as soon as practicable after deciding on a date on which to initiate the development, complete the attached form entitled 'Notification of Initiation of Development' and submit it to the Planning Authority before commencement of the development. For the avoidance of doubt, failure to submit the required notice would constitute a breach of planning control under S123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended). This notification is required to ensure compliance with the requirements of planning legislation as contained in Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended).

- The developer is required in carrying out the development hereby approved to submit to the Planning Authority a formal written 'Notification of Completion of Development' as soon as practicable after the development has been completed. This notification shall include the reference number of the planning permission, the site address and the date of completion. This requirement is to ensure compliance with the requirements of planning legislation as contained in Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).

- The developer is required in carrying out the development hereby approved to submit to the Planning Authority a formal written Notification of Completion of Phases of Development as soon as practicable after completion of each phase of the development and subsequently a Notification of Completion of Development as soon as practicable after the whole development has been completed. These notifications shall include the reference number of the planning permission, the site address and the date of completion of the relevant phase. This requirement is to ensure compliance with the requirements of planning legislation as contained in Section 27B(1) and Section 27B(2) of the Town and Country Planning (Scotland) Act 1997 (as amended).

**Reason for Decision**

The siting and design of the development hereby approved is considered to accord with the provisions of the development plan and there is no significant adverse impact on the amenity of neighbouring land and buildings.

DRAFT

**List of Approved Plans:**

Drawing - Reference No (or Description): **Approved** LOCATION PLAN
Drawing - Reference No (or Description): **Approved** BLOCK PLAN
Other - Reference No (or Description): **Approved** REFURBISHMENT WORKS
Other - Reference No (or Description): **Approved** REPLACEMENT WINDOWS AND DOORS
Other - Reference No (or Description): **Approved** SUPPORTING STATEMENT

Councillor Fitzsimmons re-joined the meeting at this point.

Due to connectivity issues, Councillor Mackay left the meeting and the Panel agreed to continue consideration of the remaining application.

**5. New Case for Review – Alterations and extension to dwellinghouse at 7 Barns Street, Ayr, South Ayrshire, KA7 1XB (21/00277/APP).**

There were submitted the relevant papers (issued) relating to a request to review the decision to refuse a planning application for alterations and extension to dwellinghouse at 7 Barns Street, Ayr, South Ayrshire, KA7 1XB (21/00277/APP .

Having heard the Chair, the Legal Adviser to the Body and the Planning Adviser to the Body, the Body considered the papers relating to the Review.

**Decided:** to overturn the decision made by the Appointed Officer, and grant Planning Permission subject to the following condition :

(1) That the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority

**Reason:**

(1) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.

**Advisory Notes:**

(1) In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), this planning permission lapses on the expiration of a period of 3 years beginning with the date on which the permission is granted unless development to which the permission relates is begun before that expiration.

(2) A site notice to be displayed in accordance with Section 27C(1) of The Town and Country Planning (Scotland) Act 1997 and Regulation 38 and Schedule 7 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 shall be completed, printed on durable material, and be displayed in a prominent place (readily visible to members of the public) at or in the vicinity of the site while the development hereby approved is in progress. This requirement is in order to ensure that members of the public are made aware of the background to the development in progress and have access to the necessary contact details. A template for the Site Notice is attached to this decision notice. An electronic version is also available on the Council's web site as follows www.south-ayrshire.gov.uk/planning/forms.aspx 'Notice to be displayed while development is in progress'.

DRAFT

(3) The person who intends to carry out the development hereby approved shall, as soon as practicable after deciding on a date on which to initiate the development, complete the attached form entitled '*Notification of Initiation of Development*' and submit it to the Planning Authority before commencement of the development. For the avoidance of doubt, failure to submit the required notice would constitute a breach of planning control under S123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended). This notification is required to ensure compliance with the requirements of planning legislation as contained in Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended).

(4) The developer is required in carrying out the development hereby approved to submit to the Planning Authority a formal written '*Notification of Completion of Development*' as soon as practicable after the development has been completed. This notification shall include the reference number of the planning permission, the site address and the date of completion. This requirement is to ensure compliance with the requirements of planning legislation as contained in Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).

(5) The developer is required in carrying out the development hereby approved to submit to the Planning Authority a formal written *Notification of Completion of Phases of Development* as soon as practicable after completion of each phase of the development and subsequently a *Notification of Completion of Development* as soon as practicable after the whole development has been completed. These notifications shall include the reference number of the planning permission, the site address and the date of completion of the relevant phase. This requirement is to ensure compliance with the requirements of planning legislation as contained in Section 27B(1) and Section 27B(2) of the Town and Country Planning (Scotland) Act 1997 (as amended).

**Reason for Decision:**

The siting and design of the development hereby approved is considered to accord with the provisions of the development plan and there is no significant adverse impact on the amenity of neighbouring land and buildings.

**List of Plans Determined/or List of Approved Plans:**

Drawing - Reference No (or Description): **Approved** HDA-041-001
Drawing - Reference No (or Description): **Approved** HDA-041-002
Drawing - Reference No (or Description): **Approved** HDA-041-003BW (D)

The meeting ended at 3.15 p.m.

DRAFT

# SOUTH AYRSHIRE COUNCIL

# LOCAL REVIEW BODY

# NOTE of CURRENT POSITION

| | |
|---|---|
| **Site Address:** | JELLIESTON FARM B742 FROM COUNCIL BOUNDARY TO A70 JUNCTION AT HILLHEAD COYLTON AYR SOUTH AYRSHIRE KA6 6ES |
| **Application:** | 21/00705/APP<br>ERECTION OF DWELLINGHOUSE AND GARAGE |

| | |
|---|---|
| **Appointed Officer's Decision:** | **Refusal** |
| **Date Notice of Review Received:** | 29th November 2021 |

| | |
|---|---|
| **Current Position:** | New Case for Review |
| **Documentation:** | The following documents in relation to the review are attached:<br>Pages 1 to 6 – Report of Handling<br>Pages 7 to 64 – Notice of Review and Supporting Information<br>Pages 65 to 85 – Planning Application and Supporting Information<br>Pages 86 to 87– Decision Notice<br>Pages 88 to 99 – Interested Parties Correspondence<br>Page 100 – Agent Comments |
| **New Material:** | No |
| **Additional Material Any other Comments:** | N/A |
| **Dated:** | 15 February 2022 |

# South Ayrshire Council

## Place Directorate

## Report of Handling of Planning Application

**Application Determined under Delegated Powers where less than five objections have been received. The Council's Scheme of Delegation can be viewed at** http://www.south-ayrshire.gov.uk/committees/

| | |
|---|---|
| **Reference No:** | **21/00705/APP** |
| **Site Address:** | **Jellieston Farm<br>B742 From Council Boundary To A70 Junction At Hillhead<br>Coylton<br>Ayr<br>South Ayrshire<br>KA6 6ES** |
| **Proposal:** | **Erection of dwellinghouse and garage** |
| **Recommendation:** | **Refusal** |

### REASON FOR REPORT

This report fulfils the requirements of Regulation 16, Schedule 2, paragraphs 3 (c) and 4 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. The application has been determined in accordance with the Council's Scheme of Delegation as well as the Procedures for the Handling of Planning Applications.

**1. Site Description:**

The site of the proposed development is located within the lands of Jellieston Farm, approximately 1.6 kilometres south-west of Coylton, on the southern side of the B742 public road.

**2. Planning History:**

17/00226/MDO - discharge of minute of agreement (Section 75) of planning permission P/959/85 - permitted - this application sought to discharge the Section 75 legal agreement, which related to Jellieston Farmhouse, land at Jellieston Farm and Jellieston Cottage. The Section 75 restricted occupation of Jellieston Farmhouse and Jellieston Cottage to: "...persons owning/and or being employed in the agricultural and horticultural business operated on the said subjects [i.e. land formerly known as Jellieston Farm), and prohibited the sale or lease of either Jellieston Farmhouse or Jellieston Cottage unless such sale also incorporates the agricultural and horticultural business based at Jellieston Farm.
17/00227/FUR - further application so as not to comply with condition 3 of planning permission P/959/85 - permitted - this application sought non-compliance with condition 3 of planning permission P/959/85. Condition 3 of the permission states "that the occupation of the dwelling shall be limited to a person fully employed in the pig meat processing business located on the site or employed locally in agriculture as defined in Section 275(1) of the Town and Country Planning (Scotland) Act 1972 or in forestry or dependant of such a person residing with him including widow or widower of such a person)".

**3. Description of Proposal:**

Planning permission is sought for the erection of a two-storey detached dwellinghouse and a single-storey detached triple garage. Full details are set out in the submitted plans.

**4. Consultations:**

**Ayrshire Roads Alliance** offer no objections to this application.

**5. Submitted Assessments/Reports:**

In assessing and reporting on a planning application the Council is required to provide details of any report or assessment submitted as set out in Regulation 16, Schedule 2, para 4(c) (i) to (iv) of the Development Management Regulations.

A design statement has been submitted with this application. The statement indicates that the dwellinghouse will increase the number of residential properties at Jellieston from 2 to 3, and that the proposed dwellinghouse will maintain the established equestrian business at the locale. The statement details the materials to be used in the construction of the dwellinghouse, and considers that the proposals will compliment the rural location.

**6. S75 Obligations:**

In assessing and reporting on a planning application the Council is required to provide a summary of the terms of any planning obligation entered into under Section 75 of the Town and Country Planning (Scotland) Act in relation to the grant of planning permission for the proposed development. **None**.

**7. Scottish Ministers Directions:**

In determining a planning application, the Council is required to provide details of any Direction made by Scottish Ministers under Regulation 30 (Directions requiring consultation), Regulation 31 (Directions requiring information), Regulation 32 (Directions restricting the grant of planning permission) and Regulation 33 (Directions requiring consideration of condition) of The Town and Country Planning (Development Management Procedure)(Scotland) Regulations 2013, or under Regulation 50 (that development is EIA development) of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. **None**.

**8. Representations:**

One comment of support has been received. This can be viewed at www.south-ayrshire.gov.uk/planning

**9. Development Plan:**

Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) indicates that, in making any determination under the Planning Acts, regard is to be had to the Development Plan. The determination shall be made in accordance with the plan unless material considerations indicate otherwise. The following policies are relevant in the assessment of the application and can be viewed online at http://www.south-ayrshire.gov.uk/planning/local-development-plans/local-development-plan.aspx

- LDP Policy: Spatial Strategy (Core Investment Area);
- LDP Policy: Sustainable Development;
- LDP Policy: Rural Housing; and
- LDP Policy: Landscape Quality.

An assessment of the proposals against the provisions of the Development Plan is set out below.

The provisions of the Adopted South Ayrshire Local Plan must be read and applied as a whole, and as such, no single policy should be read in isolation. The application has been considered in this context.

The statutory Local Development Plan (LDP) for the area currently comprises the South Ayrshire Local Development Plan (adopted in September 2014) and its associated Supplementary Guidance, as well as the Town Centre and Retail Local Development Plan, adopted in 2017.

At a special meeting on 1 September, the Council considered representations on the Modified Proposed Replacement South Ayrshire Local Development Plan (MPLDP2), submitted in response to public consultation, and agreed (1) to submit the Plan, without further modification, to the Scottish Ministers for Examination; and (2) the Plan would be a material consideration in determining planning applications, with the weight accorded to it increasing as it progresses through the statutory process.

As MPLDP2 now represents the Council's settled position on the Development Plan it wishes to progress to adoption, it is a material consideration in the assessment of planning applications. However, it remains the subject of unresolved representations, which will be considered by the Scottish Government's Directorate of Planning and Environmental Appeals (DPEA), as part of the Examination process.

In considering development proposals, the Council may now apportion significant weight to those principles or policies of MPLDP2 which are not the subject of unresolved representations, but MPLDP2 is otherwise unlikely to be the determining factor in the determination of Planning Applications, remaining subordinate in status to the adopted LDP.

**10. Other Relevant Policy Considerations (including Government Guidance):**

Scottish Planning Policy (SPP) forms the statement of the Scottish Government's policy on nationally important land use planning matters. Paragraph 75 states that "the planning system should:

- In all rural and island areas promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces;
- Encourage rural development that supports prosperous and sustainable communities and business whilst protecting and enhancing environmental quality".

Planning Advice Note (PAN) 72 - Housing in the Countryside - provides advice on good practice for the design of housing in the countryside. The PAN emphasises the importance of simplicity of form and proportion when designing new housing in the countryside, and promotes good quality rural housing which respects Scottish landscapes and building traditions.

South Ayrshire Council's Supplementary Guidance (SG) on Rural Housing represents the most recent expression of Council policy in respect of residential development within rural areas, and is therefore materially significant in the determination of this application. This document offers specific guidance on development within clusters. The SG states that additions to clusters (which are defined as consisting of 2 or more houses forming a clearly identifiable group, with strong visual cohesion and sense of place) will be acceptable where: -

a) the proposal is sympathetic to the character and landscape setting of the existing cluster.
b) the development represents the sensitive in-filling of any available gap sites consolidating existing dwellings within the cluster.
c) the development has a clear relationship with the existing cluster by being physically connected with the cluster.
d) the proposed design solution is in keeping with the character and built form of the existing cluster and otherwise complies with design guidance in the supplementary guidance.
e) the proposal does not expand the cluster by more than 50% of the number of houses within that group (rounded up to nearest single dwellinghouse) as at date of adoption of this supplementary guidance.

Additions to clusters will not be acceptable where:-

- the cluster is located within the greenbelt.
- the development results in the coalescence of settlements
- the development extends/creates a ribbon of development
- the development has an unacceptable impact on the character of the existing building group or its landscape setting and settlement.

Note: In applying LDP Policy: Rural Housing, and this supplementary guidance, a 'cluster' is defined as a building group consisting of 2 or more houses forming a clearly identifiable 'group', with strong visual cohesion and sense of place.

The Council may give favourable consideration to the provision of on-site residential accommodation for a worker employed in an existing rural business, providing that:

a) It is demonstrated to the satisfaction of the Council that the business cannot operate without continuous on site attendance and that there are no alternative means of operating the business; and
b) There is no other existing accommodation that could be used to serve the business; and
c) No existing dwelling serving or connected to the business or holding has been sold or in some other way separated or alienated from the holding in the previous five years; and
d) Any proposed buildings or structures form or complement a coherent group of buildings and are not visually intrusive.

Note: the requirement for on-site accommodation may be either as a result of the continuous operation of the existing business, or due to proposed expansion or diversification of that business.

The Council may give favourable consideration to the provision of temporary on-site residential accommodation for a worker employed in a proposed new rural business for a period of two years, providing that it is in full compliance with criteria a-d, inclusive, above, and that a business plan is submitted for the proposed business, which demonstrates the economic viability of the business and associated buildings/property.

In all cases, proposals for new residential accommodation in rural areas, including those demonstrated as being required to operate a rural business, must accord with the Council's design guidance, contained in this supplementary guidance.

Guidance on Business Plans: Business plans will be required to demonstrate that by the third year of operation, the business will employ at least one essential worker per dwelling on a full time basis at a wage of at least 50% of the South Ayrshire average and that the remaining income from the business would support the total equivalent borrowing cost of creating the business, together with its land, property and residential accommodation assets.

Design Policy 1 of South Ayrshire Council's Supplementary Guidance (SG) on Rural Housing states that houses should be designed to fit a site, not the other way around. Design solutions that do not consider the landscape setting of the site will often be ill-suited for the site, detracting from the surrounding landscape. This can represent a lost opportunity to allow the good quality design to be inspired by the site. New houses in the countryside must comply with the following criteria: -

a) there will be a presumption against rural housing being located on ridge lines and hill tops, or where the building will disrupt a skyline. Other locations where the building interrupts and conflicts with the flow of the landform will also be resisted.
b) existing landscape features such as treebelts, rising ground or natural hollows should be used as a setting to help reduce the prominence of the building(s).
c) advantage should be taken of sunlight and aspect; and the landform and landscape features should be used to provide natural shelter from winter exposure.
d) changes to the existing topography of a site should be minimised in order that the house fits into the landform naturally, rather than giving the appearance of being engineered into the site.
e) new housing in close proximity to existing traditional vernacular building(s) should respect and relate to the pattern and design of the existing building(s), and should integrate into the existing layout.
f) where the floor area of a proposed dwelling is in excess of 200 square metres, accommodation should be grouped in a courtyard form. Traditional rural domestic scale should be preserved. Generally, houses should not exceed 1½ storeys in height.

Design Policy 2 of the Rural Housing SG indicates that new housing in the countryside should take cognisance of the design guidance in Table 1. This provides detailed (though not exhaustive) advice as to what is acceptable in the countryside in respect of design, proportions and materials.

An assessment of the proposals against the provisions of the above policies and guidance is set out below.

**11. <u>Assessment (including other material considerations)</u>:**

Due to current Government Guidance involving Covid-19 Pandemic and current working practices, a site visit was not carried out to the application site. However, the site has been assessed in terms of the photographs contained within the application submission.

A determining factor in the consideration of this application is whether or not the proposed development meets with the Council's Rural Housing SG. While the application submission intimates that the proposed dwellinghouse will maintain the established equestrian business at the locale, no information has been submitted which demonstrates that the proposed dwelling is essential for the operation of the equestrian business. The Rural Housing SG indicates that it must be demonstrated to the satisfaction of the Council, through a sound business plan, that the business is economically viable and could not operate without the provision of the proposed dwellinghouse.

The application assessment also needs to consider whether the site is located within a cluster as defined by the terms of the Council's SG on Rural Housing. Although the existing two properties to the north of the application site could potentially be considered to form a defined group, it does not automatically follow that the application site is located within a cluster as defined by the above terms, and therefore individual site specific factors will require to be carefully considered.

At a distance of approximately 45 metres south of the nearest dwellinghouse (Jellieston Farm), and almost 75 metres south of the other dwellinghouse (Jellieston Cottage), it is considered that the application site cannot be considered to be a gap/infill site relative to these properties. In contrast, the application site is considered to constitute part of a larger area of land positioned to the south of two existing properties, with the proposed development creating a form of ribbon development which would extend the existing linear form and pattern of development to the south, to the visual detriment of the landscape setting of the locality. It would also potentially open the opportunity for further ribbon

development. In this regard, the SG specifically states that additions to clusters will not be acceptable where the development extends or creates a ribbon of development. It is considered that the proposal represents a form of ribbon development, and for this reason does not accord with the provisions of the Council's SG in relation to Rural Housing, and would result in form and pattern of development which would be detrimental to the rural setting and visual amenity of the locality.

Planning policy and supplementary guidance advising on the siting and design of new housing development in the countryside plays an important role in maintaining its character. When considering proposals for new housing in the countryside, it is important that cognisance is taken of the special quality and character of the countryside and its setting to ensure that it is preserved. The local vernacular tradition and landscape setting of the countryside requires buildings of a different scale and form to those in an urban or suburban setting to ensure that new housing is designed specifically to fit its countryside location.

In terms of the design, layout, form, massing, scale and proportions of the dwellinghouse, it is considered that the proposed development does not take cognisance of the advice as contained within the Council's SG on Rural Housing. The proposed dwellinghouse, with a floor area of 477m², has not been laid out in a courtyard layout as required by the SG. The width of gables, particularly the gables to each end of the main body of the dwellinghouse and the glazed gable proposed to the south-eastern elevation, is considered to be excessive at 9.2 metres and 12 metres respectively, and contribute to a dwellinghouse that does not respect of reflect the traditional rural vernacular of South Ayrshire. Traditional rural buildings in South Ayrshire are often characterised as having wide frontages and a narrow plan, which dictates the scale and proportions of the building. In this instance, the plan form is at odds with the SG, and alters the building's proportions in a manner that results in a design solution which is uncharacteristic for a rural area. Additionally, the extent of glazing proposed to the south-eastern elevation is considered to be excessive.

There are no residential amenity concerns arising from the proposed development due to the separation distance between the proposed dwellinghouse and the properties to the north.

It is considered that the proposal as submitted does not accord with the provisions of the South Ayrshire Local Development Plan (specifically LDP Policy: Sustainable Development and LDP Policy: Rural Housing), the provisions of South Ayrshire Council's Supplementary Guidance on Rural Housing, or the provisions of SPP or PAN 72 in that the proposal represents ribbon development and would therefore have an adverse impact upon the rural landscape. No information has been submitted to demonstrate that the dwellinghouse is essential to the operation of the equestrian business. It is further considered that the design, layout, massing, scale and proportions of the proposed dwellinghouse does not respect or reflect the traditional vernacular of dwellinghouses within South Ayrshire. There are no material planning considerations that would outweigh the provisions of the Development Plan in this instance. Given the above, and having balanced the rights of the applicant against the general interest, it is recommended that the application be refused.

**12. Recommendation:**

It is recommended that the application is refused.

**Reasons:**

(1) That the proposal is contrary to the provisions of the South Ayrshire Local Development Plan, specifically LDP Policy: Sustainable Development and LDP Policy: Rural Housing, South Ayrshire Council's Supplementary Guidance on Rural Housing, and the terms of Planning Advice Note 72, by reason that the design, layout, massing, scale, form and proportions of the dwellinghouse does not respect or reflect the traditional rural vernacular of rural housing in South Ayrshire.

(2) That the proposal is contrary to the provisions of the South Ayrshire Local Development Plan, specifically LDP Policy: Rural Housing, and to South Ayrshire Council's Supplementary Guidance on Rural Housing, by reason that the proposal does not represent development within a clearly defined and nucleated housing cluster, or the infilling of a gap site which would consolidate an existing cluster.

(3) That the proposal is contrary to the provisions of the South Ayrshire Local Development Plan, specifically LDP Policy: Rural Housing, and to South Ayrshire Council's Supplementary Guidance on Rural Housing, by reason that the proposal will create a form of ribbon development which results in a form and pattern of development which would not be characteristic of and detrimental to the rural setting and visual amenity of the locality.

(4) That the proposal is contrary to the provisions of the South Ayrshire Local Development Plan, specifically LDP Policy: Rural Housing, and to South Ayrshire Council's Supplementary Guidance on Rural Housing, by reason that it has not been demonstrated that the dwellinghouse is essential

to the operation of the equestrian business at Jellieston.

**List of Plans Determined:**

Drawing - Reference No (or Description): **Refused** 001
Drawing - Reference No (or Description): **Refused** 002 C
Drawing - Reference No (or Description): **Refused** 003 C

**Equalities Impact Assessment**

An Equalities Impact Assessment is not required because the proposed development is not considered to give rise to any differential impacts on those with protected characteristics

| | |
|---|---|
| ***Decision Agreed By:*** | *Appointed Officer* |
| ***Date:*** | *7 September 2021* |

County Buildings Wellington Square Ayr KA7 1DR Tel: 01292 616 107 Email: planning.development@south-ayrshire.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100479995-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application) ☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

| | | | |
|---|---|---|---|
| Company/Organisation: | Derek Scott Planning | | |
| Ref. Number: | | You must enter a Building Name or Number, or both: * | |
| First Name: * | Derek | Building Name: | |
| Last Name: * | Scott | Building Number: | 21 |
| Telephone Number: * | 0131 535 1103 | Address 1 (Street): * | Lansdowne Crescent |
| Extension Number: | | Address 2: | |
| Mobile Number: | | Town/City: * | Edinburgh |
| Fax Number: | | Country: * | Scotland |
| | | Postcode: * | EH12 5EH |
| Email Address: * | scott.planning@btconnect.com | | |

Is the applicant an individual or an organisation/corporate entity? *

☒ Individual ☐ Organisation/Corporate entity

# Applicant Details

Please enter Applicant details

| | | | |
|---|---|---|---|
| Title: | Mrs | You must enter a Building Name or Number, or both: * | |
| Other Title: | | Building Name: | Jelliston Farm |
| First Name: * | Elizabeth (Liz) | Building Number: | |
| Last Name: * | Smith | Address 1 (Street): * | Jelliston Estate |
| Company/Organisation | | Address 2: | |
| Telephone Number: * | | Town/City: * | Coylton |
| Extension Number: | | Country: * | Scotland |
| Mobile Number: | | Postcode: * | KA6 6ES |
| Fax Number: | | | |
| Email Address: * | enquiries@derekscottplanning.com | | |

# Site Address Details

| | |
|---|---|
| Planning Authority: | South Ayrshire Council |

Full postal address of the site (including postcode where available):

| | |
|---|---|
| Address 1: | JELLIESTON FARM |
| Address 2: | COYLTON |
| Address 3: | |
| Address 4: | |
| Address 5: | |
| Town/City/Settlement: | AYR |
| Post Code: | KA6 6ES |

Please identify/describe the location of the site or sites

| | | | |
|---|---|---|---|
| Northing | 617748 | Easting | 239708 |

## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

ERECTION OF DWELLING HOUSE AND GARAGE AT JELLISTON FARM, B742 FROM COUNCIL BOUNDARY TO A70 JUNCTION AT HILLHEAD, COYLTON, AYR, SOUTH AYRSHIRE KA6 6ES

## Type of Application

What type of application did you submit to the planning authority? *

☒ Application for planning permission (including householder application but excluding application to work minerals).

☐ Application for planning permission in principle.

☐ Further application.

☐ Application for approval of matters specified in conditions.

What does your review relate to? *

☒ Refusal Notice.

☐ Grant of permission with Conditions imposed.

☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are a seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please refer to attached Review Request Statement

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? * ☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

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. You can attach these documents electronically later in the process: * (Max 500 characters)

Please refer to Page 6 of attached Review Request Statement

## Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

21/00705/APP

What date was the application submitted to the planning authority? *

25/06/2021

What date was the decision issued by the planning authority? *

07/09/2021

## 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.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☐ Yes ☒ No

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

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

The application site and the dwelling house proposed thereon can only be properly appreciated by means of a site visit.

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

Can the site be clearly seen from a road or public land? * ☐ Yes ☒ No

Is it possible for the site to be accessed safely and without barriers to entry? * ☐ Yes ☒ No

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

Access to the site is provided via a locked gate so arrangements would require to be made with applicant/agent.

# Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. * ☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? * ☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? * ☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? * ☒ Yes ☐ No

Note: 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. 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.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review * ☒ Yes ☐ No

Note: 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 (if any) from the earlier consent.

# Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Derek Scott

Declaration Date: 08/10/2021

# REVIEW REQUEST STATEMENT

## 21/00705/APP – Erection of Dwelling House and Garage

at

**JELLISTON FARM**
**B742 FROM COUNCIL BOUNDARY TO A70 JUNCTION AT HILLHEAD**
**COYLTON**
**AYR**
**SOUTH AYRSHIRE**
**KA6 6ES**

Prepared by


## Derek Scott Planning
## Planning and Development Consultants

**21 Lansdowne Crescent**
**Edinburgh**
**EH12 5EH**
**Tel No: 0131 535 1103**
**E-Mail: enquiries@derekscottplanning.com**


On behalf of

# Mrs. Elizabeth Smith

# Executive Summary

**REVIEW REQUEST - 21/00705/APP – ERECTION OF DWELLING HOUSE AND GARAGE AT JELLISTON FARM, B742 FROM COUNCIL BOUNDARY TO A70 JUNCTION AT HILLHEAD, COYLTON, AYR, SOUTH AYRSHIRE KA6 6ES**

---

- **Jelliston Farm, within which the application site is located, lies approximately 1.6 km to the south west of Coylton and is accessed via a private road off the southern side of the B742 at a point approximately 2 km to the north east of its junction with the A713. The farm incorporates some 6.0335 hectares (14.9 acres) of land within which there are located two dwelling houses (original farmhouse and cottage); an equestrian facility incorporating stables for 18 no. horses, an outdoor riding arena and customer parking facilities; paddocks; and woodland areas.**

- **The application submitted to South Ayrshire Council had sought detailed planning permission for the erection of a dwelling house designed in a contemporary style within a gap/infill site which had previously accommodated buildings associated with the historical use of the site as a pig rearing and processing unit. The said site is bordered to the east by buildings used for equestrian purposes; and to the north and west by mature woodland.**

- **The application has been submitted on behalf of Mrs. Elizabeth (Liz) Smith, who, in addition to operating an equestrian business from Jelliston Farm, also owns and runs a Sports Agency, Events and Sponsorship Business within which she acts as an agent/manager to a number of high-profile organisations and individuals in the fields of golf, football, horse racing, darts, boxing and snooker. Mrs Smith intends to use the dwelling house as both a home and a place of work.**

- **The application was refused by the Appointed Planning Officer for four reasons as summarised below:**

  **(i) The proposal, in terms of its design does not respect or reflect the traditional rural vernacular of rural housing in South Ayrshire;**

  **(ii) The application site is not located within a clearly defined and nucleated housing cluster, or the infilling of a gap site which would consolidate an existing cluster;**

**(iii) The proposal would create a form of ribbon development which results in a form and pattern of development which would not be characteristic of and detrimental to the rural setting and visual amenity of the locality; and**

**(iv) It had not been demonstrated that the dwelling house is essential to the operation of the equestrian business at Jelliston.**

- **The reasons for the refusal of the application are contested and the following points put forward in response to them:**

**(i) The Council's Supplementary Guidance on Rural Housing clearly states that both contemporary and traditional design solutions will be considered acceptable in the South Ayrshire Countryside. It is an unreasonable expectation for a contemporary dwelling house to reflect and respect the traditional rural vernacular which is defined in the Supplementary Guidance as '*a stone-built building built before 01st July 1948 which is of residential scale and form and which has a slate roof*' in every respect. Notwithstanding this, the scheme advanced, although contemporary in nature, employs a range of natural materials including natural stone, render, timber cladding and slate roofs.**

**(ii) The application site is located within a clearly defined cluster or group of buildings comprising two dwelling houses, associated out buildings and equestrian buildings. The homogenous group of buildings referred to are contained within a strong and mature landscaped/woodland framework which provide for a strong sense of place and identity. The proposed dwelling house is positioned in a previously developed site, bordered to the east by existing buildings and to the north and west by woodland planting. The dwelling will consolidate the building group and represents an entirely natural addition to it.**

***(iii)* *'Ribbon Development'* is defined in the Council's Supplementary Guidance on *'Rural Housing'* as the '*progression of development in a linear form usually along a road.'* The dwelling house proposed is not positioned on or anywhere near an existing road. It is positioned on a previously developed '*gap site'* and represents a natural addition to the existing group of buildings at Jelliston. It does not contribute to ribbon development.**

**(iv) It has not been claimed in the application submitted that the dwelling house proposed is essential to the operation of the equestrian business at Jelliston. The dwelling has been promoted on the back of the Council's Policy on Rural Housing which supports the addition of new housing to existing clusters of development within which there are at least two existing dwelling houses.**

- **In view of the considerations outlined it is respectfully suggested that this request to review the Planning Officer's decision be upheld and that planning permission is granted for the proposal as applied for.**

# REVIEW REQUEST

**REVIEW REQUEST - 21/00705/APP – ERECTION OF DWELLING HOUSE AND GARAGE AT JELLISTON FARM, B742 FROM COUNCIL BOUNDARY TO A70 JUNCTION AT HILLHEAD, COYLTON, AYR, SOUTH AYRSHIRE KA6 6ES**

---

## TABLE OF CONTENTS


| | | |
|---|---|---|
| **1.** | Introduction | Page 7 |
| **2.** | Site Location and Description | Page 9 |
| **3.** | Description of Proposed Development | Page 14 |
| **4.** | Assessment of Development Proposals | Page 22 |
| **5.** | Response to the Reasons for Refusal | Page 48 |
| **6.** | Summary & Conclusions | Page 52 |

# LIST OF DOCUMENTS

**REVIEW REQUEST - 21/00705/APP – ERECTION OF DWELLING HOUSE AND GARAGE AT JELLISTON FARM, B742 FROM COUNCIL BOUNDARY TO A70 JUNCTION AT HILLHEAD, COYLTON, AYR, SOUTH AYRSHIRE KA6 6ES**

**LS Document 1 -** Review Request Forms

**LS Document 2 -** Planning Application Documents Relating to Planning Application Reference Number 21/00705/APP

2(a) – Planning Application Forms
2(b) – Location & Block Plans as Existing
2(c) – Elevations, Floor Plans & Site Plan
2(d) – Location & Block Plans as Proposed
2(e) – Design Statement

**LS Document 3** – Report of Handling - 21/00705/APP

**LS Document 4** – Decision Notice - 21/00705/APP

# REVIEW REQUEST

**REVIEW REQUEST - 21/00705/APP – ERECTION OF DWELLING HOUSE AND GARAGE AT JELLISTON FARM, B742 FROM COUNCIL BOUNDARY TO A70 JUNCTION AT HILLHEAD, COYLTON, AYR, SOUTH AYRSHIRE KA6 6ES**

---

## 1. INTRODUCTION

1.1 This statement has been prepared by Derek Scott Planning, Chartered Town Planning and Development Consultants (Edinburgh and Dunfermline) in association with ADNR Architecture and Design (Saltcoats) and is in support of a request to review the decision of the Appointed Planning Officer in relation to a planning application which had sought detailed planning permission for the erection of a dwelling house and garage at Jelliston Farm, near Coylton, South Ayrshire. The application was refused permission under delegated powers on 07th September 2021 (Planning Application Reference Number 21/00705/APP).

***Location Plan (Application Site identified with red circle)***

**The applicant**

1.2 The Review Request has been prepared on behalf of our client, Mrs. Elizabeth (Liz) Smith, who is the owner of the application site and the land surrounding it as outlined in blue in the location plan accompanying the application (see below).

***Location Plan (Application site outlined in red – all land owned outlined in blue)***

1.3 Mrs Smith, in addition to operating an equestrian business from Jelliston Farm also owns and runs a Sports Agency, Events and Sponsorship Business (Staben – www.staben.co.uk) within which she acts as an agent/manager to a number of high-profile organisations and individuals in the fields of golf, football, horse racing, darts, boxing and snooker.

2017
JELLISTON

Staben

## 2. Site Location and Description

2.1 Jelliston Farm, within which the application site is located, lies approximately 1.6 km to the south west of Coylton and is accessed via a private road off the southern side of the B742 at a point approximately 2 km to the north east of its junction with the A713. The farm incorporates some 6.0335 hectares (14.9 acres) of land within which there is located two dwelling houses (original farmhouse and cottage); an equestrian facility incorporating stables for 18 no. horses, an outdoor riding arena and a customer parking area; paddocks; and woodland areas.

2.2 The farm is bounded on its northern, eastern and western boundaries by farmland in the ownership of others and to the south by Martnaham Loch. All of the buildings within the site are contained within mature belts of woodland which provide screening to the buildings as viewed from the B742.

2.3 The original farmhouse at Jelliston appears, from an examination of historical maps, to have been developed in the late 1700s with the complex of farm buildings to the south of it, which are understood to have been used as a pig rearing and processing unit, developed in the mid-late 1900s. The buildings were subsequently converted to equestrian use (DIY Livery) in the 1990s.

2.4 The actual application site itself comprises some 0.7784 hectares (1.92 acres) of land and incorproates the area presently occupied by the stabling facilities and riding area; an area of land between the farm house and the cottage; and part of a paddock.

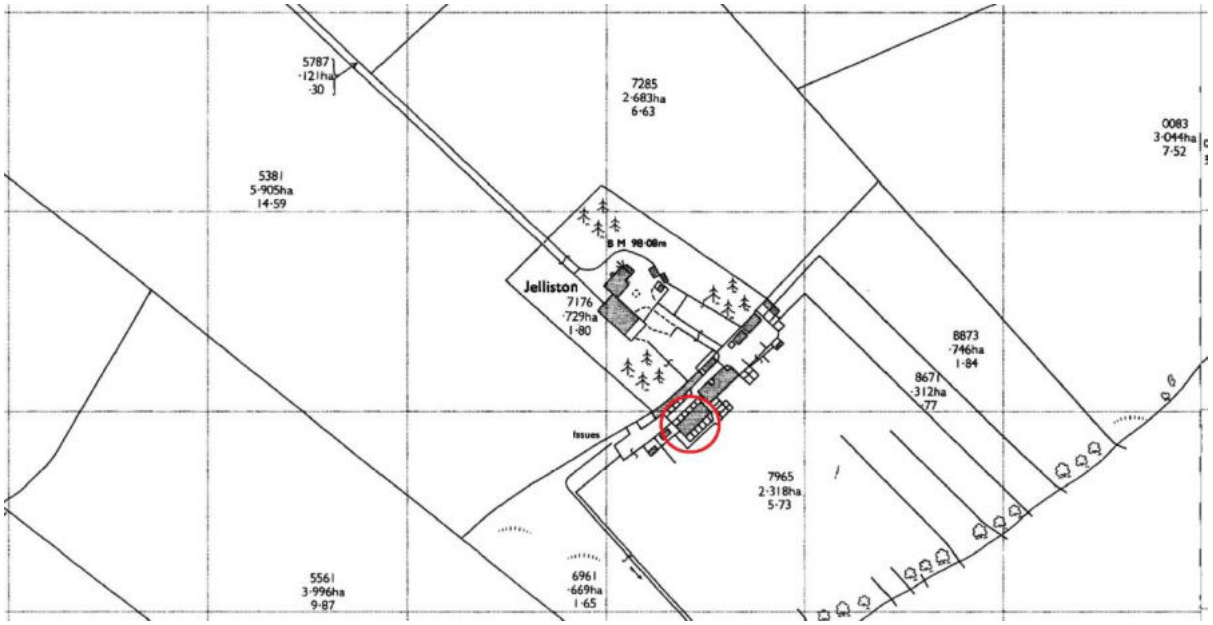
*Jelliston Farm House*

*Jelliston Cottage*

*Jelliston Livery*

*Application site sits behind woodland and is not visible from B742*

*Application site as viewed from rural road network to south of site. Site benefits from wooded backdrop.*




***OS Plan 1959-1970***

***Dwelling house to be developed on brownfield land previously occupied by Pig Rearing and Processing Unit***

***Application site as viewed from north east – Infill nature of site clearly evident***

**Planning History**

2.5 An examination of the Council's Planning Portal has revealed the following Planning History in the period extending from January 2020:

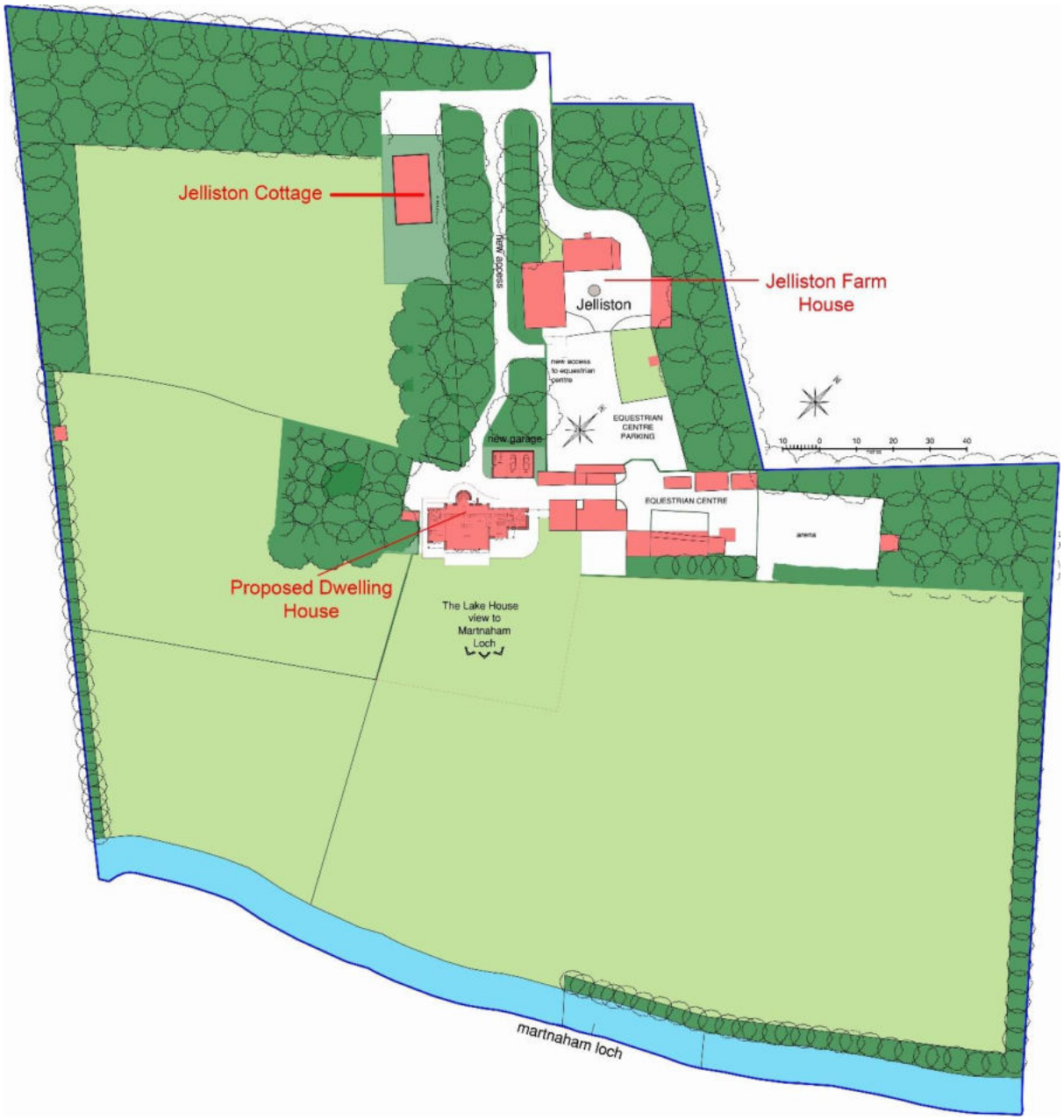
**11/00178/MDO** – Application to Discharge minute of agreement (Section 50) November 1984 (Planning Permission P/959/85) relating to occupancy of dwelling house withdrawn on 29th March 2011.

**17/00226/MDO** – Application to discharge minute of agreement (Section 75) relating to Planning Permission Reference Number P/959/85 re: agricultural and horticultural occupancy granted on 18th April 2017.

**17/00227/FUR** – Application to discharge/remove Condition No. 3 on Planning Permission Reference Number P/959/85 which had required occupation of the dwelling (cottage) to a person employed in a pig meat processing business or agricultural/forestry granted on 18th April 2017.

## 3. Description of Proposed Development

3.1 The application submitted to South Ayrshire Council had sought detailed planning permission for the erection of a dwelling house and garage to the west of the existing stable buildings on a brownfield site previously occupied by a pig rearing and processing unit. Access to the proposed dwelling will be facilitated through an upgrade to an existing track that runs through the wooded area between the farmhouse and cottage with an additional spur proposed off that track which provides a new access into the customer parking area serving the existing equestrian facility.

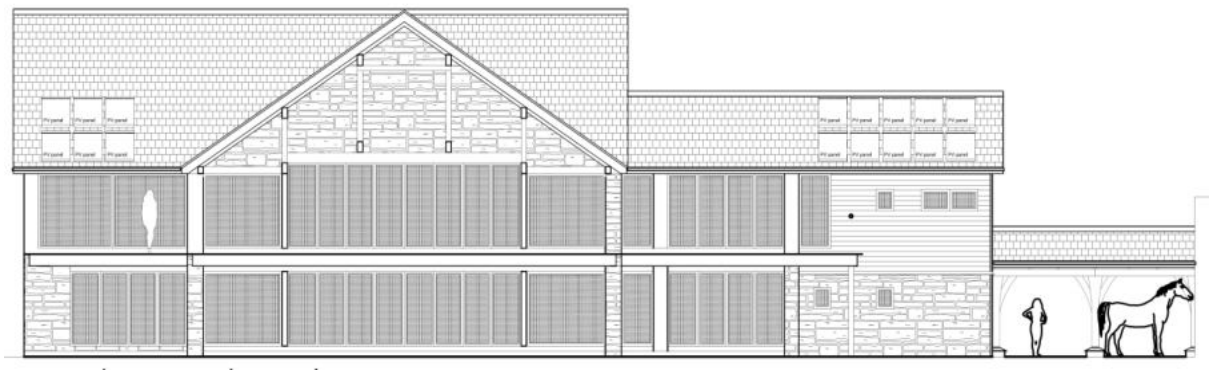



***Proposed Site Plan***

***Dwelling House proposed on brownfield land (site of former piggery unit)***

3.2 In addition to acting as a home, the proposed dwelling house will double up as our client's place of work and will, on occasions, be used for hosting clients and for the promotion of various parts of Scotland (including Ayrshire) as potential locations to host high profile sporting events.

3.3 The dwelling house itself, which is unashamedly contemporary in appearance, would be built over two storeys and has a total floor area of some 477 sq. metres. Accommodation comprised within the ground floor includes an open plan kitchen, dining and garden room; 2 no. bedrooms, a bathroom, shower room and utility. On the first floor, accommodation includes a further two bedrooms, office, lounge and external terrace area, offering views towards and across Martnaham Loch. The proposed garage which sits to the north of the dwelling house has sufficient space to accommodate up to three vehicles.



***South East Elevation***

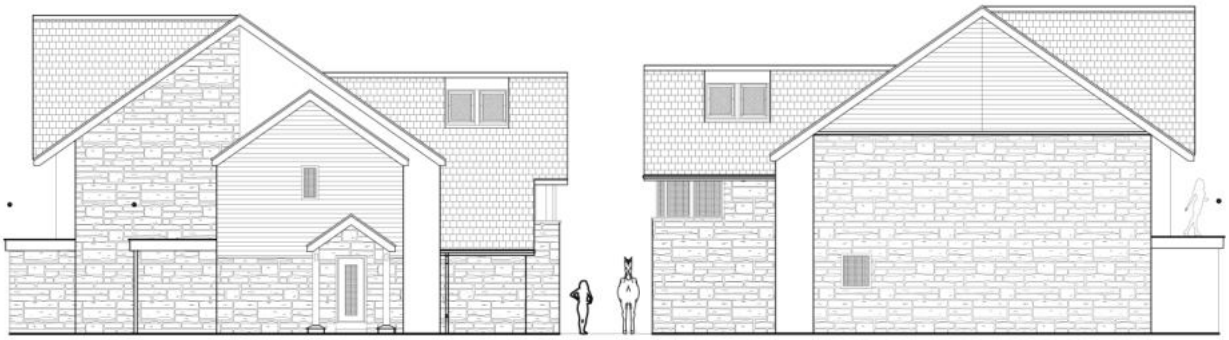
***Bird's eye view of Application proposal as viewed from south showing site with proposed dwelling (bottom) and without (top)***

***Application proposal as viewed from rural road network to south of site showing site with proposed dwelling (bottom) and without (top)***

ground floor
258m2
0 1 2 3 4 5 10m
up
vest
hall
bath
dressing
kitchen
shoes
cup'd
dressing
dual use
shower
utility
plant
bedroom 1
garden room
bedroom 2
gallery
down
cup'd
wardrobe
shower
bedroom 3
lounge
office
terrace
terrace
dressing
ensuite
bedroom 4
terrace
upper floor
219m2

***Floor Plans***

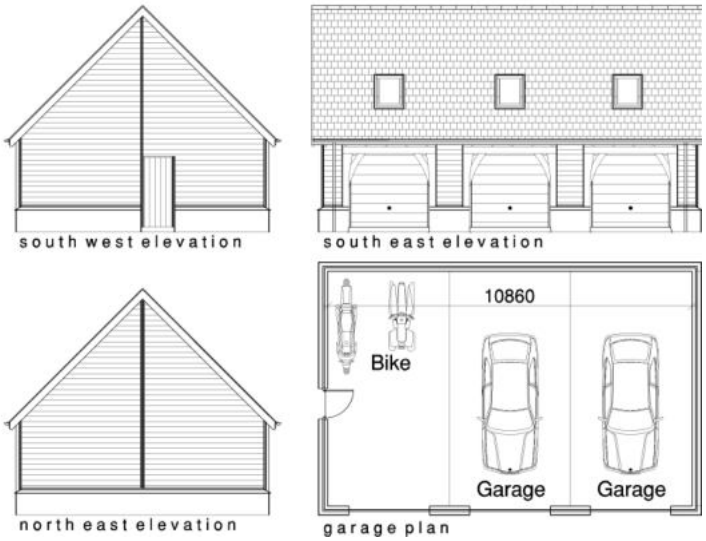
*Image of proposed dwelling as viewed from south east*



**North East Elevation** **South West Elevation**

*Image of proposed dwelling as viewed from North West (next to Woodland)*

***North West Elevation***



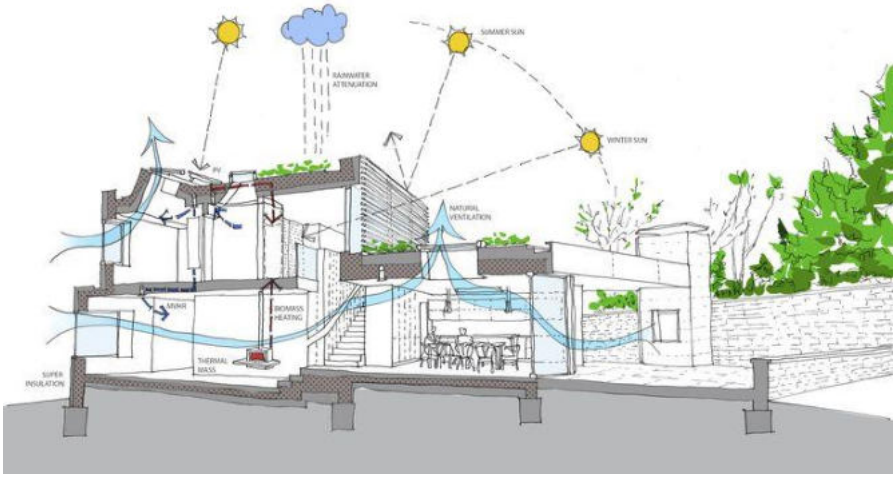

***Proposed Garage***

3.4 Materials proposed in the dwelling and garage include the following:

- Natural Stone
- Rendered Walls – rural in nature, rough textured walls painted/coloured off white to reflect Ayrshire's approach to rendered walls on rural properties.
- Timber details – Oak/Douglas Fir.

- Masonry copes – to break the line of the elevation, the wall treatments shall be terminated by masonry copes.
- Stone details – stone panels will be natural stone built in random courses.
- Timber cladding – Cedar vertical timber panels or Cedral Cladding.
- Windows – Grey finish double glazed units.
- Doors – Timber doors set within a grey frame.
- Roof – Grey Natural slate
- Timber details – Oak/Douglas Fir.

3.5 The dwelling house propsoed will be energy efficent in every respect. Adopting a fabric first approach, enhanced standards of insulation will be incorporated within the walls, roofs and windows with energy requirements being met through a combination of an air or ground sourced heat pump, mechanical ventilation and photovoltaics. The dwelling will be constructed to achieve an air tightness of at least 5(Pa). Rainwater harvesting will be emplyed with surplus surface water discharging to the surrounding field drainage system following attenuatio. Foul water will be treated in either a septic tank or mechanical treatment system prior to the treated waters being similarly discharged. Full design details are contained within the supporting architectural drawings and Design Statement whichy accompanied the application.



***Sustainable and Energy Efficent Design***

## 4. Assessment of Development Proposals

4.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended), hereinafter referred to as '*The Act,'* states that:

*'where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the development plan unless material considerations indicate otherwise.'*

4.2 In the context of the above it is worth making reference to the House of Lord's Judgement on the case of the City of Edinburgh Council v the Secretary of State for Scotland 1998 SLT120. It sets out the following approach to deciding an application under the Planning Acts:

- identify any provisions of the development plan which are relevant to the decision;
- interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies;
- consider whether or not the proposal accords with the development plan;
- identify and consider relevant material considerations, for and against the proposal; and
- assess whether these considerations warrant a departure from the development plan.

4.3 The relevant development plan for the area comprises the South Ayrshire Local Development Plan 2014 and its associated Supplementary Guidance as well as the Town Centre and Retail Local Development Plan adopted in 2017. The latter is of no relevance to the application proposals. Other material considerations which should be considered in the determination of the appeal include the Modified Proposed Replacement South Ayrshire Local Development Plan, Scottish Planning Policy, Consultation Responses and Third-Party Representations.

**South Ayrshire Local Development Plan**

4.4 The South Ayrshire Local Development Plan was adopted by South Ayrshire Council in October 2014 and is the main policy-based consideration against which the application must be assessed. The Local Development Plan's Spatial Strategy states that the Council

*'will support development that encourages sustainable economic growth, improves the quality of the environment and creates sustainable communities. It will direct development to the most environmentally suitable places with the best infrastructure. It will assess all development against the priorities set out in the spatial strategy (as below) and LDP policy: sustainable development. It will not support development outwith the boundaries of settlements (towns and villages), except*

*where it believes it can be justified because it will benefit the economy and there is a need for it in that particular area and in line with the spatial strategy.'*

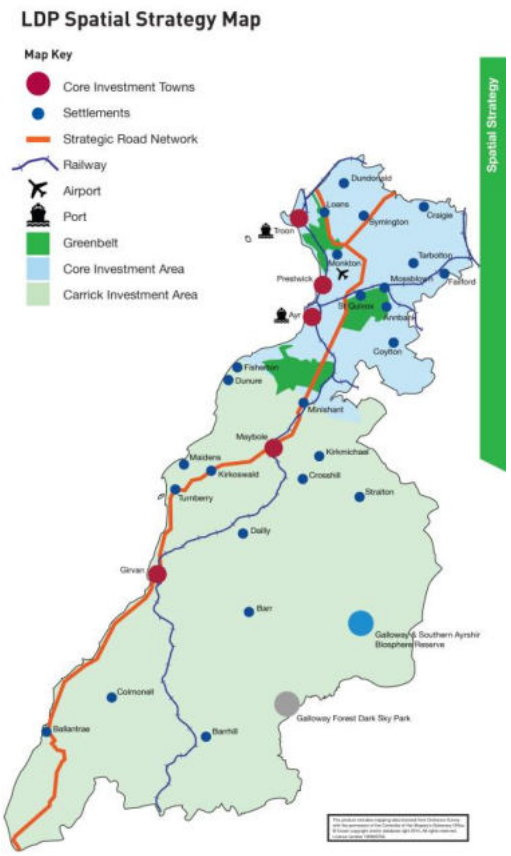
Key polices relevant to the determination of the application include the following:

LDP Policy – Spatial Strategy (Core Investment Area)
LDP Policy – Rural Housing
LDP Policy – Landscape Quality
LDP Policy – Tourism
LDP Policy – Sustainable Development

4.5 The application site lies within the '*Core Investment Area'* in respect of which the Plan states the following:

*'We will encourage development within the core investment area, if:*

- *it results in new housing at allocated housing sites (shown in the settlement maps);*
- *it promotes the sustainable economic growth of Glasgow Prestwick Airport, the Enterprise Zone, other airport- related industry and infrastructure;*
- *it promotes rural diversification and tourism;*
- *it results in the non-residential re-use of a substantially intact building, which will benefit the local environment; and*
- *it promotes and improves the environmental quality and range of amenities within town centres.*




*We will not support proposals for residential development outwith existing town and village boundaries, except where in compliance with LDP policy: rural housing.*'

4.6 As demonstrated below, the proposed dwelling house is considered to be compliant with the terms of the Council's Policy on the development of rural housing. Furthermore, given the equestrian facility already established and the fact that our client will be using the house in association with her business; part of which involves the promotion of the area for major sporting events, the proposal is also considered to gain support from the plan's positive disposition towards the promotion of rural diversification and tourism projects.

4.7 The Local Development Plan's Policy on '*Rural Housing'* which should be read in tandem and in conjunction with the Council's Supplementary Guidance on Rural Housing states the following:

*'In countryside areas, including green belt, we may accept the following proposals for new housing.*

*a. The replacement of an existing house, as long as the development is sympathetic to the scale and character of the local area.*

*b. An extension to an existing house, as long as it is sympathetic to the scale, character and proportions of the original house, which should remain the main feature.*

*c. The conversion and reuse of a genuinely redundant building of traditional or local character and domestic scale for residential use if the building is largely intact, structurally sound or can be repaired or restored. The original building must remain the main feature.*

*d. A home that is essential to a rural business. The developer must satisfy us, through a sound business plan, that the business is economically viable and could not be run without residential accommodation.*

*In countryside areas, outwith the greenbelt, we may accept proposals for new housing that are a limited extension to: an existing clearly defined and nucleated housing cluster, group of four or more houses, or small settlement, subject to an acceptable impact on the existing form and character of the cluster. We would particularly encourage the sensitive infilling of gap sites that would consolidate existing dwellings within the group.*

*All proposals must comply with the policy guidance set out in the rural housing supplementary guidance.*

*We will aim to make sure that gardens at new or converted properties are in proportion to the size of the property.'*

4.8 The Council's Supplementary Guidance on Rural Housing which was adopted by the Council in November 2014 is

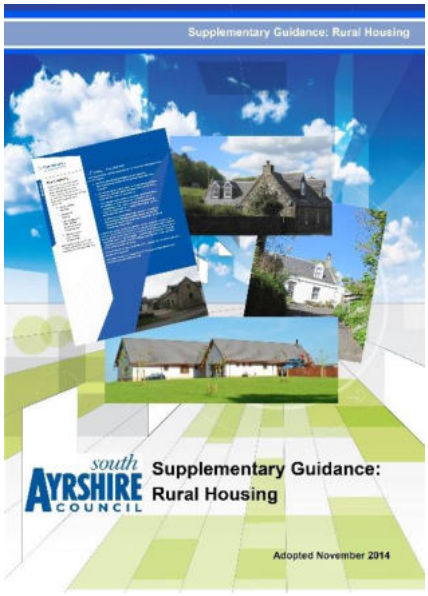
*'intended to supplement the Local Development Plan policy on rural housing by providing additional information on the process of assessing development proposals for rural housing. The guide will form an important part of considering planning applications for housing related development in rural areas. It is intended to be used by the development industry development management officers and applicants.'*

4.9 Part 1 of the Rural Housing Supplementary Guidance on the subject of '*Guidance on Assessing Proposals for New Rural Housing'* states the following:

*'In line with the LDP Policy 'Rural Housing' the following types of rural housing development may be acceptable in rural areas:*

1. *additions to 'clusters' i.e., where there are existing groups of houses and extensions to small settlements*
2. *rehabilitation of vacant rural buildings*

3. *replacement of existing houses*
4. *houses related to rural businesses*
5. *house extensions.'*




4.10 Significantly the document also states that '*Guidance for new houses in rural areas is not intended to ensure only traditional design solutions will be acceptable.* ***Contemporary design solutions will also be acceptable****, where they can demonstrate the principles of good design set out in the design guidance.'* *(highlighting added)*

4.11 Insofar as '*Additions to Clusters (existing groups of houses in the countryside but not within a town or village)'* are concerned, the Supplementary Guidance states the following:

*'Additions to clusters will be acceptable where:*

*(a) the proposal is sympathetic to the character and landscape setting of the existing cluster.*
*(b) the development represents the sensitive in-filling of any available gap sites consolidating existing dwellings within the cluster.*
*(c) the development has a clear relationship with the existing cluster by being physically connected with the cluster.*
*(d) the proposed design solution is in keeping with the character and built form of the existing cluster and otherwise complies with design guidance in the supplementary guidance.*
*(e) The proposal does not expand the cluster by more than 50% of the number of houses within that group (rounded up to nearest single dwelling house) as at date of adoption of this supplementary guidance - 20th November 2014.*

*Additions to clusters will not be acceptable where: -*

- *the cluster is located within the greenbelt.*
- *the development results in the coalescence of settlements.*
- *the development extends/creates a ribbon of development.*
- *the development has an unacceptable impact on the character of the existing building group or its landscape setting and settlement.*

*NOTE: In applying LDP Policy: Rural Housing, and this supplementary guidance, a 'cluster' is defined as a building group consisting of 2 or more houses forming a clearly identifiable 'group', with strong visual cohesion and sense of place.'*

4.12 As evidenced in the plan below the dwelling house proposed within the application site involves the development of a gap or infill site (brownfield) within a cohesive and homogenous group of buildings surrounded and enclosed by heavily wooded surrounds and within which there are

two existing dwelling houses (Jelliston Farm House and Jelliston Cottage) thus rendering it compliant with the definition of a '*cluster'* as defined within the Guidance.

***Cohesive Group of Buildings forming a 'Cluster' with a 'Sense of Place' at Jelliston Farm***

4.13 As far as the individual criteria within the Guidance is concerned the following comments are offered:

*(a) the proposal is sympathetic to the character and landscape setting of the existing cluster.*

***Response*** – As demonstrated in the images below, the dwelling house proposed will be totally screened from views from the B742 due the established woodland existing. Although visible from the rural road network to the south it will be sited within the gap between the established woodland belt to the west and the equestrian buildings to the east. It is also viewed against the backdrop of the Farm House and further woodland to the rear (north). These considerations

will ensure that dwelling will be sympathetic to and will not have an adverse effect on the character or appearance of the existing cluster. The positive siting credentials associated with the proposed dwelling house are visibly evident when compared with those existing properties at Bowmanston further to the east on the B742 which break the skyline and do not benefit from any significant landscaping.

***Proposed dwelling house not visible from B742***

***Proposed dwelling house benefits from its relationship to existing buildings and woodland***

***Siting arrangements associated with proposed dwelling house are considerably superior to those at Bowmanston***

*(b) the development represents the sensitive in-filling of any available gap sites consolidating existing dwellings within the cluster.*

***Response*** – As noted previously the application proposal clearly involves the development of a gap site sandwiched between the existing equestrian buildings and mature woodland. It will consolidate, homogenise and contribute in a positive manner to the '*sense of place'* derived from the established cluster of buildings at Jelliston, which in addition to including the equestrian buildings referred to, also includes Jelliston Farmhouse and Jelliston Cottage, both of which are residential properties.

*(c) the development has a clear relationship with the existing cluster by being physically connected with the cluster*

***Response*** – The comments we have made in relation to Criterion (b) above are equally applicable to Criterion (c).

*(d) the proposed design solution is in keeping with the character and built form of the existing cluster and otherwise complies with design guidance in the supplementary guidance.*

***Response*** – The dwelling house proposed, as noted on a number of occasions previously, is unashamedly contemporary in appearance. The Guidance clearly states that it does not intend to ensure that only traditional design solutions will be acceptable and adds that *'Contemporary design solutions will also be acceptable.'* It is evidently clear from the images submitted in support of the application that although being contemporary in appearance the proposed dwelling is carefully sited and employs a variety of natural and modern materials which will allow it to blend in harmoniously with its surrounding built and landscaped contexts.

***Dwelling House unashamedly contemporary in appearance***

*(e) The proposal does not expand the cluster by more than 50% of the number of houses within that group (rounded up to nearest single dwelling house) as at date of adoption of this supplementary guidance - 20th November 2014.*

***Response*** – Only one additional house is being proposed in this application which, given that there are two existing houses within the cluster, falls within the required 50% threshold.

4.14 Other criteria referred to in the guidance includes the following:

*Additions to clusters will not be acceptable where: -*

- *the cluster is located within the greenbelt.*

***Response*** – *the application site is not located within the Green Belt.*

- *the development results in the coalescence of settlements.*

***Response*** – *the development of the dwelling house proposed will not result in the coalescence of settlements.*

- *the development extends/creates a ribbon of development.*

***Response*** – *'Ribbon Development'* is defined in the Supplementary Guidance as the *'progression of development in a linear form usually along a road.'* The application does not involve the development of a dwelling house in any form, never mind a linear form, along a road. In this particular case it involves the redevelopment of a brownfield site which has equestrian buildings on one side (east) and woodland to the north and west. Our client proposes no further development of dwelling houses on the site and would be content to enter into a legal agreement to that effect.

- *the development has an unacceptable impact on the character of the existing building group or its landscape setting and settlement.*

***Response*** – The site is an established gap/infill opportunity within an established cluster of residential and equestrian buildings all of which are set within a mature woodland context. It would be a considerable challenge to find a more suitable site for the erection of a dwelling house in a rural location anywhere within the Council Area.

4.15 Party 2 of the Supplementary Guidance on Rural Housing deals with the '*Design of New Houses in the Countryside.'* Design Policy 1 on 'Siting of New Housing' states the following:

*'Houses should be designed to fit a site, not the other way around. Design solutions that do not consider the landscape setting of the site will often be ill-suited for the site, detracting from the surrounding landscape. This can represent a lost opportunity to allow the good quality design to be inspired by the site.*

*New houses in the countryside must comply with the following criteria: -*

*(a) There will be a presumption against rural housing being located on ridge lines and hill tops, or where the building will disrupt a skyline. Other locations where the building interrupts and conflicts with the flow of the landform will also be resisted.*

***Response*** – The proposed dwelling house is not located on a ridge line or hilltop. It is set against a backcloth of mature trees with buildings and further trees on either side of it. The dwelling will not interrupt or conflict in any materially adverse manner with the flow of the landform.

*b) Existing landscape features such as tree belts, rising ground or natural hollows should be used as a setting to help reduce the prominence of the building(s).*

***Response*** – The response to Criterion (a) above is equally applicable to Criterion (b).

*c) Advantage should be taken of sunlight and aspect; and the landform and landscape features should be used to provide natural shelter from winter exposure.*

***Response*** – Careful consideration has been given to siting considerations in the design of the the dwelling house proposed noting in particular the extensive use of glazing on the south facing elevation (solar gain) and the shelter benefits being derived from the surrounding landscaping.

*d) Changes to the existing topography of a site should be minimised in order that the house fits into the landform naturally, rather than giving the appearance of being engineered into the site.*

***Response*** – The site, having been previously developed, represents a natural platform for the development of the dwelling house proposed and will require minimal if any interventions in the prevailing landform.

*e) New housing in close proximity to existing traditional vernacular building(s) should respect and relate to the pattern and design of the existing building(s) and should integrate into the existing layout.*

***Response*** – The dwelling house proposed is, as noted previously, contemporary in its appearance but nonetheless sympathetic to the established architectural vernacular. It will contribute significantly to the very special '*sense of place'* existing at Jelliston Farm which comprises an eclectic mix of buildings within a mature and hugely desirable setting.

*f) Where the floor area of a proposed dwelling is in excess of 200 square metres, accommodation should be grouped in a courtyard form. Traditional rural domestic scale should be preserved. Generally, houses should not exceed 1½ storeys in height.'*

**Response –** The dwelling proposed by our client has a floor area of some 477 sq. metres (258 sq. metres on ground floor and 219 sq. metres on first floor) and as such is clearly in excess of the 200 sq. sq metre threshold referred to in this criterion. The guidance further states that the traditional rural domestic scale should be preserved and that generally, houses should not exceed 1½ storeys in height. The following considerations are advanced in response to the Guidance outlined:

(i) The application proposals are not traditional in appearance. They are contemporary and unashamedly so. The Guidance states elsewhere that *'contemporary design solutions will also be acceptable.'*

(ii) The Guidance states that '***Generally,*** *houses should not exceed 1½ storeys in height.'* That implies that there can be exceptions to that general rule. As evidence below there are a number of dwellings in the immediate area which are greater than 1½ storeys in height and as a consequence of that the 2-storey dwelling proposed by our client is not, in terms of its height and scale, out of character with the prevailing pattern of development.

**Two-storey dwelling houses within vicinity of application site**

(iii) Whilst a courtyard form of development may be appropriate where the design solution involves the development of a traditionally designed dwelling house over 200 sq. metres in area, it does not and should not follow that houses designed in a contemporary form should follow such a pattern of development. The property known as Martnaham which is located on the loch shore approximately 750 metres to the south west of our client's proposed dwelling house has a footprint considerably greater than the footprint associated with it and is not in a courtyard form.

***Martnaham substantially larger than dwelling proposed at Jelliston Farm***

(iv) Weight should also be given in the context of rural design considerations to the fact that it is now possible under the terms of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), albeit subject to prior notification arrangements, to erect an agricultural building with a floor area of 1,000 sq. metres to a maximum height of 12 metres. Such a building would occupy a footprint approximately four times that which will be occupied by our client's house and would

be significantly greater in height. This helps to put into context the scale of the dwelling house proposed.

4.16 Given all of the considerations outlined above we do not consider the proposal to be in conflict with any of the specific requirements of Design Policy 1 on the '*Siting of New Housing.'*

4.17 Design Policy 2 within the Supplementary Guidance relates to the '*Design of New Housing'* and states the following:

*'New housing in the countryside, which seeks to achieve a traditional appearance, should take cognisance of the design guidance in Table 1.'*

4.18 As the dwelling house proposed by our client is contemporary in its appearance and does not seek to achieve a traditional appearance there is no overriding requirement to take cognisance of the design guidance in the table referred to.

4.19 The LDP's policy on '*Landscape Quality'* states the following:

'*We will maintain and improve the quality of South Ayrshire's landscape and its distinctive local characteristics. Proposals for development must conserve features that contribute to local distinctiveness, including:*

*(a) community settings, including the approaches to settlements, and buildings within the landscape;*
*(b) patterns of woodland, fields, hedgerow and tree features;*
*(c) special qualities of rivers, estuaries and coasts;*
*(d) historic landscapes; and*
*(e) skylines and hill features, including prominent views.'*

4.20 The dwelling is proposed on a previously developed (brownfield) gap site contributing to the *'sense of place'* established by the existing cluster of buildings (including two dwelling houses) and mature woodland planting presently existing within the confines of Jelliston Farm. It is, without question an entirely suitable site for the development of a dwelling house and due to its striking design qualities will contribute to rather than detract from the character, appearance and ultimate quality of the surrounding landscape.

4.21 The Local Development Plan's Policy on *'Tourism'* states the following:

*'We will look favourably on proposals which will provide or improve tourist and leisure facilities and we will support keeping and improving existing significant leisure, recreation and tourist facilities.*

*We would aim to keep large-scale commercial leisure developments to the town centres of Ayr, Prestwick, Troon, Girvan and Maybole. If there is no alternative site in or next to a town centre, we may accept developments outside existing centres but still within settlements if there is convenient and regular public transport and the developer can show that there would be no negative effect on the vitality or viability of a town centre.*

*We will encourage proposals for tourist accommodation which are in accordance with LDP policy: the coast and which would improve the standards and appearance of self-catering or touring caravan and camping sites, and we will normally allow new sites to be developed (or existing sites to be expanded) as long as:*

*a. all new accommodation is for holiday use only;*

*b. the development has suitable screening and is appropriate in terms of the landscape setting and design; and*

*c. the development is not isolated or scattered.*

*We will protect existing golf courses and will encourage the development and improvement of golf facilities. We will not usually allow development which we consider may negatively affect the status of Turnberry and Royal Troon as venues for the Open Championship.*

*When considering applications for planning permission, we will take account of the Ayrshire and Arran Tourism Strategy.'*

4.22 Whilst the dwelling house proposed by our client does not relate directly to a tourist facility there are strong indirect links to tourism considerations which lend support to the proposal in the context of the local development plan's policy on Tourism. As noted on a number of occasions previously, our client acts as an agent/manager to a number of high-profile organisations and individuals in the fields of golf, football, horse racing, darts, boxing and snooker. The dwelling proposed, in addition to being her home, will, on occasions, be used in the promotion of Ayrshire and other parts of Scotland for high profile sporting events which have the potential to contribute significantly to the area. The dwelling has been carefully designed with such purposes thus lending considerable support to the proposal.

4.23 The Council's Policy on '*Sustainable Development'* within the Local Development Plan states the following:

'*We will support the principles of sustainable development by making sure that all development meets the following standards.*

- *Is appropriate in terms of its amenity impact, layout, scale, massing, design and materials in relation to its surroundings.*
- *Is designed to maximise energy efficiency through building siting, orientation and materials.*
- *Respects the character of the landscape.*
- *Respects, protects, and where possible, enhances natural, built and cultural heritage resources.*
- *Helps mitigate and adapt to the effects of climate change.*
- *Protects peat resources.*
- *Is appropriate to the local area in terms of road safety and effect on the transport network.*
- *Contributes to an efficient use of public services, facilities and infrastructure.*

- *Has sustainable urban drainage and avoids increasing (and where possible reduces) risks of or from all forms of flooding.*
- *Supports, and, where possible, improves the Central Scotland Green Network.*
- *Does not have a negative effect on air and water quality. • Is not within Health and Safety Executive safeguard zones if this would lead to increased risk or danger. • Is designed in a way that helps prevent crime.*
- *Wherever possible, is in an accessible location, with opportunities for the use of public transport, and other sustainable transport modes including cycling and walking.*
- *Includes the use of micro-renewables, wherever appropriate and feasible.'*

4.24 We would to respond to the criteria outlined in the above-mentioned policies in the following terms:

- *Is appropriate in terms of its amenity impact, layout, scale, massing, design and materials in relation to its surroundings.*

***Response*** – As noted previously the dwelling house proposed is considered to be compliant with the terms of the Council's Policy on Rural Housing particularly in respect of amenity impact, layout, scale, massing, design, materials and its relationship with its surroundings.

- *Is designed to maximise energy efficiency through building siting, orientation and materials.*

***Response*** – As noted in Paragraph 3.5 previously, the dwelling house propsoed will be energy efficent in every respect. South facing to maximise solar gain, it will also adopt a fabric first approach in achieving standards of insulation in excess of those required by Scottish Building Regulations. These will be incorporated within the walls, roofs and windows with energy requirements being met through a combination of an air or ground sourced heat pump, mechanical ventilation and photovoltaics. Surrounding woodland will also provide shelter from prevailing winds, all with the aim of increasing energy efficiency.

- *Respects the character of the landscape.*

***Response*** – As demonstrated in our consideration of and response to the Supplementary Guidance on Rural Housing, the dwelling proposed is entirely respectful to the character and appearance of the landscape benefitting in particular from its location within a gap between established development on one side (west) and mature woodland on others (west and north).

- *Respects, protects, and where possible, enhances natural, built and cultural heritage resources.*

***Response*** – The dwelling house proposed will not result in an adverse effect on natural, built or cultural heritage resources.

- *Helps mitigate and adapt to the effects of climate change.*

***Response*** – The proposal involves the redevelopment of a brownfield site and in that respect alone helps to mitigate and adapt to the effects of climate change. Furthermore, and as noted previously, aappropriate measures will be incorporated within the building to ensure that energy efficiency levels as set out in Scottish Building Standards are met and exceeded.

- *Protects peat resources.*

***Response*** – The proposal does not impact on peat resources.

- *Is appropriate to the local area in terms of road safety and effect on the transport network.*

***Response*** – The application premises are served by existing access arrangements off the B742 Dalyrmple to Coylton Road. The Ayrshire Roads Alliance, in its consultation, response have advised that it has no objections to the application.

- *Contributes to an efficient use of public services, facilities and infrastructure.*

***Response*** – The proposed dwelling can be provided with all required services, facilities and infrastructure and as such does not result in an unreasonable burden to public bodies.

- *Has sustainable urban drainage and avoids increasing (and where possible reduces) risks of or from all forms of flooding.*

***Response*** – The dwelling house will be serviced with an appropriate sustainable drainage system involving, in part rainwater harvesting with surplus waters appropriately treated by prior to discharge into the surrounding field drainage system.

- *Supports, and, where possible, improves the Central Scotland Green Network.*

***Response*** – The proposal has no negative impacts on the Central Scotland Green Network.

- *Does not have a negative effect on air and water quality.*

***Response*** – There are no impacts on air and water quality associated with the proposal.

- *Is not within Health and Safety Executive safeguard zones if this would lead to increased risk or danger.*

***Response –*** The site is not located within a Health and Safety Safeguard Zone

- *Is designed in a way that helps prevent crime.*

***Response –*** Whilst this particular criterion is more applicable to larger scale housing developments involving the erection of multiple units, it is suffice, in the context of the current proposal, to outline that our client will introduce appropriate security measures to prevent actions of crime.

- *Wherever possible, is in an accessible location, with opportunities for the use of public transport, and other sustainable transport modes including cycling and walking.*

***Response*** – Whilst located in the countryside the application site lies within close proximity to bus based public transport services on the B742. Buses on that route stop to collect passengers in both directions at the end of the access road serving our client's site. The wider area is as well served as any with opportunities for cycling and walking.

- *Includes the use of micro-renewables, wherever appropriate and feasible.*

**Response** – As noted previously the proposal involves the use of either an air or ground sourced heat pump and photovoltaics in meeting the energy efficiency requirements of the Scottish Building Standards.

4.25 In light of all considerations outlined above we are firmly and unequivocally of the view that the application proposals do not materially conflict with the terns of the Council's policy on Sustainable Development.

**Other Material Considerations**

4.26 In addition to the development plan, due consideration must also be given to other material considerations when determining a planning application. Such considerations in this instance include Scottish Planning Policy, Planning Advice Notes, the Modified Proposed Replacement South Ayrshire Local Development Plan, Consultation Responses, Planning History and Third-Party Representations.

***Scottish Planning Policy***

4.27 The Scottish Planning Policy Document (SPP) was published by the Scottish Government in June 2014 and sets out national planning policies reflecting Scottish Ministers' priorities for the operation of the planning system and for the development and use of land. The SPP aims to promote consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- the preparation of development plans;
- the design of development, from initial concept through to delivery; and
- the determination of planning applications and appeals.

Scottish Planning Policy

The Scottish Government
Riaghaltas na h-Alba

4.28 Paragraphs 81 and 83 of Scottish Planning Policy are of relevance to the application proposals and state the following:

*'In accessible or pressured rural areas, where there is a danger of unsustainable growth in long-distance car-based commuting or suburbanisation of the countryside, a more restrictive approach to new housing development is appropriate, and plans and decision-making should generally:*

- *guide most new development to locations within or adjacent to settlements; and*
- *set out the circumstances in which new housing outwith settlements may be appropriate, avoiding use of occupancy restrictions.'* *(Paragraph 81)*

*'In accessible or pressured rural areas, where there is a danger of unsustainable growth in long-distance car-based commuting or suburbanisation of the countryside, a more restrictive approach to new housing development is appropriate, and plans and decision-making should generally:*

- *guide most new development to locations within or adjacent to settlements; and*
- *set out the circumstances in which new housing outwith settlements may be appropriate, avoiding use of occupancy restrictions.'* *(Paragraph 83)*

4.29 The Policy on Rural Development within the Council's Local Development Plan is compliant with the terms of SPP though its introduction of opportunities for developing houses in rural locations such as the application site.

4.30 The SPP (Paragraph 27) also introduces a presumption in favour of development that contributes to sustainable development. The SPP states that *'the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.'* (Paragraph 28)

4.31 The SPP (Paragraph 29) states that policies and decisions should be guided by the following principles:

- *giving due weight to net economic benefit;*
- *responding to economic issues, challenges and opportunities, as outlined in local economic strategies;*
- *supporting good design and the six qualities of successful places;*
- *making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;*
- *supporting delivery of accessible housing, business, retailing and leisure development;*
- *supporting delivery of infrastructure, for example transport, education, energy, digital and water;*
- *supporting climate change mitigation and adaptation including taking account of flood risk;*
- *improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;*
- *having regard to the principles for sustainable land use set out in the Land Use Strategy;*

- *protecting, enhancing and promoting access to cultural heritage, including the historic environment;*
- *protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;*
- *reducing waste, facilitating its management and promoting resource recovery; and*
- *avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.*

4.32 Paragraph 32 of the SPP advises that '*the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Proposals that accord with up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising. For proposals that do not accord with up-to-date development plans, the primacy of the plan is maintained and this SPP and the presumption in favour of development that contributes to sustainable development will be material considerations.'*

4.33 Paragraph 33 of the SPP advises that '*Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration. Decision-makers should also take into account any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies in this SPP. The same principle should be applied where a development plan is more than five years old.'*

4.34 Paragraph 34 of the SPP states that *'where a plan is under review, it may be appropriate in some circumstances to consider whether granting planning permission would prejudice the emerging plan. Such circumstances are only likely to apply where the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new developments that are central to the emerging plan. Prematurity will be more relevant as a consideration the closer the plan is to adoption or approval.'*

4.35 Paragraph 35 of the SPP states the following:

*'To support the efficient and transparent handling of planning applications by planning authorities and consultees, applicants should provide good quality and timely supporting information that describes the economic, environmental and social implications of the proposal. In the spirit of planning reform, this should be proportionate to the scale of the application and planning authorities should avoid asking for additional impact appraisals, unless necessary to enable a decision to be made. Clarity on the information needed and the timetable for determining proposals can be assisted by good communication and project management, for example, use of processing agreements setting out the information required and covering the whole process including planning obligations.'*

4.36 Paragraph 37 of the SPP advises that '*Planning should take every opportunity to create high quality places by taking a design led approach.'* It further emphasises that '*Planning should direct the right development to the right place'* (Paragraph 39) and that '*Planning should support development that is deigned to a high-quality which demonstrates the six qualities of successful place' (*Paragraph 40) namely *Distinctive, Safe and Pleasant, Welcoming, Adaptable, Resource Efficient, Easy to Move Around and Beyond*.

4.37 The proposed dwelling house is considered to contribute to sustainable development when assessed against the principles outlined in Paragraph 29 of the SPP for the reasons stated below:

| PRINCIPLES | REASONS FOR COMPLIANCE |
|---|---|
| • *giving due weight to net economic benefit.*<br>• *responding to economic issues, challenges and opportunities, as outlined in local economic strategies;* | • The proposed dwelling house will generate socio-economic benefits by providing residential choice, providing employment opportunities during construction and boosting economic investment. |
| • *supporting good design and the six qualities of successful places.* | • The design proposals for the dwelling house are of an exceptionally high design quality and support the six qualities of successful places by being distinctive, safe and pleasant, welcoming, adaptable, resource efficient and easy to move around. |
| • *making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;* | • The proposal involves the redevelopment of a brownfield '*gap*' site for the erection of a new dwelling house in accordance with the Council's Policy on Rural Development contained within its local development plan. |
| • *supporting delivery of accessible housing, business, retailing and leisure development;* | • The proposal will facilitate the development of a dwelling house which will act both as a home and as a location to support a business promoting South Ayrshire and the whole of Scotland as a sporting destination. |
| • *supporting delivery of infrastructure, for example transport, education, energy, digital and water.* | • It is intended that the proposed dwelling house will maximise the use of innovative design technology to ensure that it is inherently sustainable and energy efficient. |
| • *supporting climate change mitigation and adaptation including taking account of flood risk.* | • The proposed development will introduce a range of measures which will support climate change mitigation. This will be achieved through enhanced levels of insulation and efficient heating systems/low carbon energy sources. The site is not at risk of flooding. |

| PRINCIPLES | REASONS FOR COMPLIANCE |
|---|---|
| • *improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation.* | • The site benefits from substantial areas of private amenity space within its curtilage and forms part of an equestrian facility frequented by many local people. |
| • *having regard to the principles for sustainable land use set out in the Land Use Strategy.* | • The application proposals have been developed in due cognisance of the principles of sustainable land use noting in particular the fact that the site is brownfield in nature. |
| • *protecting, enhancing and promoting access to cultural heritage, including the historic environment.* | • The proposal will not result in an adverse effect on the area's cultural heritage. |
| • *reducing waste, facilitating its management and promoting resource recovery.* | • Recycling and refuse facilities will be incorporated into the proposal. Collection of waste will be undertaken in line with local authority procedures. Every effort will be made to ensure that waste is minimised on site and recycled in accordance with sound principles of sustainability where possible. |

4.38 Paragraph 28 of SPP, as noted previously, states that '*the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.* In view of the considerations outlined within this statement, the application proposal clearly represents a sustainable form of development; a consideration to which significant weight should be given in the determination of this planning application.

***Planning Advice Note (PAN) 72 – Housing in the Countryside***

4.39 Planning Advice Note (PAN) 72 ON 'Housing in the Countryside' was published by the Scottish Government in February 2005. The Document sets out its purposes as being

*'to create more opportunities for good quality rural housing which respects Scottish landscapes and building traditions. The advice should not, however, be seen as a constraint on architects and designers wishing to pursue innovative and carefully considered contemporary designs.'*

4.40 The Advice Note advocates that '*where possible, the aim should be to develop high quality modern designs which maintain a sense of place and support local identity.'* It also states that

*'Housing related to existing groupings will usually be preferable to new isolated developments. The groupings should not be suburban. They should be small in size, and sympathetic in terms of orientation, topography, scale, proportion and materials to other buildings in the locality.*

*They should take account of sustainable development criteria in location and infrastructure needs.'*

4.41 The Advice Note then proceeds to set out a range of criteria relating to Location and Design considerations as noted below:

***Location – Landscape, Layout and Access***

*Landscape*

***Location within the landscape*** *– Location concerns site selection within the wider landscape. Some areas are so prominent that it is accepted that any development at these locations would be detrimental to the surrounding landscape. Most new developments should try to fit into or nestle within the landscape. Skyline development should normally be avoided, as should heavily engineered platforms. This is to ensure that the building does not interrupt and conflict with the flow of the landform or appear out of scale. Even where sites are less visible they will still require a significant level of skill to assimilate buildings into the landscape. Sites which are least visible can often be suitable for more adventurous or individual designs. Occasionally, where a landmark development is considered to be appropriate, its design needs to be of the highest quality and considered very carefully. Likewise, where there are groupings of new buildings, their location within the landscape and relationship to each other is important.*

***Dwelling house within application site will nestle within established group of buildings***

***Woodlands*** *– Setting a building against a backdrop of trees is one of the most successful means by which new development can blend with the landscape. Where trees exist they should be retained. Care should be taken to ensure an appropriate distance between tree root systems and building foundations, so that neither is compromised. In some parts of Scotland, where there is little existing planting and limited scope for landscaping, particular care should be taken in the* selection of sites and design of houses.

***New planting*** *– The purpose of new planting is not to screen or hide new development, but to help integration with the surrounding landscape. New trees and shrubs which are locally native will usually be easier to establish than non-native plants and will be more in keeping with the character of the area. Planting with locally native species has the additional benefits of creating habitats for wildlife and potentially contributing to Local Biodiversity Action Plans.*

***Boundary treatments*** *– The open space associated with a house or houses should be considered as an integral part of the development, not as an afterthought, and again be treated in relation to the surrounding environment. Suburban ranch-type fences, concrete block walls and the regimented use of non-native fast-growing conifers should be avoided. Although the use of dry-stone walling in some areas can help the integration of new development with the landscape, the costs involved may mean that this can only be justified in exceptional circumstances. Such circumstances are most likely to arise in designated areas, e.g., National Parks, National Scenic Areas, Conservation Areas and local landscape designations'.*

*Layout*

***Topography*** *– Sloping sites need careful consideration to allow a practical house design which does not look out of place. They can, however, give an opportunity to use the difference in levels to create an interesting and fitting building. This approach is much more appropriate than the use of platforms. In low-lying areas, flood risk needs to be addressed.*

***Orientation*** *– Attention should be paid to established building lines and orientation of any buildings in the area. Overlooking should be avoided. The location and proximity to natural and built features, such as landmarks, can also influence layout.*

***Shelter*** *– Layouts should try to avoid any unnecessary exposure to the elements, i.e., houses should shelter one another and generally be positioned to take account of the prevailing wind direction and to create a good microclimate.*

***Solar gain*** *– Energy efficient layouts can help to maximise natural light and solar gain.*

***Views*** *– Views to and from the site should be maximised, but not at the expense of good design.*

***Movement*** *– Easily accessible links should be made for pedestrian and vehicular movement.*

*Access*

*Rural areas need design solutions and road standards which are appropriate to their character and setting. The application of urban standards and materials, such as tar*

*macadam and concrete kerbs have resulted in development in the countryside looking too formal and over engineered. In addition, the adoption of suburban street lighting standards is not only inappropriate and increases light pollution, but often the lamp design can look out of place in the rural context. Every effort must be made to adopt an approach which complies with safety standards and yet responds sensitively to the rural scene and local circumstances.*

*There is scope for innovative road design solutions, particularly in designated areas, which achieve safety without compromising a sense of place. For example, where possible, access should be from existing entrance points on existing roads, modified as appropriate to improve sightlines. It may be appropriate to develop small groups of roadside buildings, particularly where this follows a historical precedent. Provision should also be made for safe parking.*

*Careful consideration needs to be given to proposals for new housing where access from the trunk road is required. The Executive is committed to improving safety on trunk roads.*

***Design – Scale, Materials and Details***

*The overall aim should be to ensure that new housing is carefully located, worthy of its setting, and is the result of an imaginative, responsive and sensitive design process.*

***Scale** – There is a sturdy quality to much of the scale and shape of Scotland's domestic rural architecture. This is derived largely from the simplicity of the form and proportion, and in the arrangement of doors and windows. Traditional Scottish style has sometimes been diluted by modern designs which do not always reflect the historic scale and proportions. There is a need for sensitive designers to tackle this, especially when buildings are sited next to traditional buildings. The main objective should be to adapt the best from the local elements and to interpret traditional shapes and sizes into a modern context. Overall, the envelope (the width, height and depth of the walls) together with the roof pitch (angle) determine a building's proportions.*

***Materials** – The use of inappropriate or too many materials can have a negative impact. The greater the use of local materials, the more the house may reflect aspects of the local character. This will also help to contribute to sustainability.*

*In some parts of Scotland, stone is the traditional building material, with the diversity in colour and texture adding to local identity. It is expensive, however, and may only be required in some circumstances. One suitable alternative is a tinted harl which reflects local colour, such as red brown in East Lothian.*

*Slate or pantiles are often the most common traditional roofing materials. Slate is a versatile and highly effective roofing material but, like stone, it is becoming increasingly expensive. In some circumstances, manufactured alternatives may be suitable.*

*The economic and practical advantages of timber frame construction and timber cladding means that this is likely to remain the prevalent form of construction and design in rural areas. Forestry Commission Scotland and the Wood for Good Campaign has been promoting the idea of living and building with wood. Also innovative house designs have been produced looking at the use of timber in construction.*

*More use of timber cladding needs to be encouraged. Ways in which it can be made more visually appropriate is through opaque painting, which is also highly desirable in terms of durability. The use of limey white colours can help to assuage concerns about timber not fitting with the tradition of lime-washed harl masonry. Other colours may sometimes be acceptable including ochre, duck egg blue and dark green.*

*Kit houses in the countryside need to be well designed to reflect local circumstances.*

***Details*** - The detailed aspects of rural house design show some general characteristics, although local guidance should stress any variations. Many of the typical attributes of the Scottish rural house, such as window size and setbacks, eaves and verges, dormer design, chimney stacks and porches are shaped by an often wet and windy climate. Overall, design details often need to be assessed on individual merits but excessive detailing and ornamentation should generally be avoided.

***Windows and doors*** *– Windows and doors are often historically small and set back from the face of the wall for added protection from driving rain. Their emphasis is almost always vertical, with windows consisting of small panes. More recently, some new modern housing has favoured large windows with a horizontal orientation. This has advantages of light, solar gain and outward views from the house. Whatever the size, the use of traditional wooden frame designs, as opposed to plastic, should be encouraged.*

***Eaves and verges*** *– Overhanging eaves and verges are very much part of the Scottish tradition, but their use does vary from place to place, as they are often a direct response to the micro climate. For example, they have particular benefits in areas of high rainfall.*

***Gables and chimneys*** *– Chimneys are an important characteristic of traditional Scottish rural housing, normally located on gable ends and breaching the ridgeline of the roof to avoid long slender stacks exposed to the weather. However, in the context of energy efficiency, it is good practice to locate a chimney centrally, rather than on a gable.*

***Dormers*** *– Dormer windows, used where the roof space is required for accommodation, should normally take the form of traditional dormers or roof lights with vertical proportions.*

***Porches*** *– Porches are a common feature on most houses and a variety of styles has evolved, performing a number of useful functions such as reducing draughts. Where they are part of the overall design of a house they can make a contribution to the quality of the internal and external environment. Whether traditional or modern, they have to be in proportion to the elevation.*

***Energy*** *– Considerations should be given to energy efficiency including heating systems, insulation and type of glazing.*

***Conservatories*** *– These should be sensitive in design and often benefit from more heat and light if placed on a south facing elevation.'*

4.42 Within the context of the Guidelines/Criteria contained within PAN 72 we would wish to cite the following considerations in support of the dwelling house proposed by our client:

- The Advice Note promotes, where possible, the development of high-quality modern designs which maintain a sense of place and support local identity.

- The application proposals involve the erection of a dwelling house on a previously developed (brownfield) gap/infill site amongst a group of existing buildings and woodland with a strong sense of place.

- The dwelling proposed is set against a wooded background and as a consequence of this and the surrounding landform it does not impact on the skyline.

- The proposed dwelling's orientation is respectful to and in keeping with the orientation of other buildings at Jelliston Farm.

- The chosen site benefits from the shelter provided by the surrounding woodland resulting in a positive microclimate.

***Site benefits from wooded surrounds to provide positive microclimate***

- The site and the dwelling house proposed is south facing and will benefit significantly from natural light and solar gain.

- Views to and from the site are maximised resulting in positive benefits in terms of residential amenity and a positive contribution to the quality and appearance of the landscape.

- The site benefits from existing access arrangements off the B742.

- The property is of an acceptable scale interpreting traditional shapes and sizes into a contemporary context.

- The design proposals advanced, whilst contemporary in their style, employ a range of natural materials including stone, slate and timber befitting of the locality within which they are being proposed.

- The dwelling house proposed has high levels of energy efficiency adopting a fabric first approach supplemented with renewable energy initiatives.

In light of the considerations outlined the proposal is not considered to conflict in any material regard with the provisions of PAN 72 on '*Housing in the Countryside.'*

**Modified Proposed Replacement South Ayrshire Local Development Plan (MPLDP2)**

4.43 At a special meeting on 1 September 2020, South Ayrshire Council considered representations on the Modified Proposed Replacement South Ayrshire Local Development Plan (MPLDP2), submitted in response to public consultation, and agreed (1) to submit the Plan, without further modification, to the Scottish Ministers for Examination; and (2) the Plan would be a material consideration in determining planning applications, with the weight accorded to it increasing as it progresses through the statutory process. As MPLDP2 now represents the Council's settled position on the Development Plan it wishes to progress to adoption, it is a material consideration in the assessment of planning applications. However, it remains the subject of unresolved representations, which are currently being considered by the Scottish Government's Directorate of Planning and Environmental Appeals (DPEA), as part of the Examination process. In considering development proposals, the Council may now apportion significant weight to those principles or policies of MPLDP2 which are not the subject of unresolved representations, but MPLDP2 is otherwise unlikely to be the determining factor in the determination of Planning Applications, remaining subordinate in status to the adopted LDP.

4.44 As the policies and proposals in the Modified Proposed Replacement South Ayrshire Local Development Plan (MPLDP2) mirror, to a large degree, those in the extant local development plan and as they have not been referred to in the Planning Officer's reasons for refusing the application, no further comments are offered on its contents.

**Consultation Responses**

4.45 According to the Report of Handling on the application consultations have only taken place with the Ayrshire Roads Alliance who offered no objections to the application.

**Third Party Representations**

4.46 There have been no objections to the application and one letter of support – considerations to which significant consideration should be given in the determination o0f the application.

**Planning History**

4.47 We have outlined in Section 2 the Planning History pertaining to the application site and are of the opinion that it is of little relevance to the determination of the application to hand.

4.48 Having considered the application proposals against the terms of the development plan and all other material considerations we are firmly and unequivocally of the view that the application proposals are complaint with the former and that there are no material considerations existing which would support anything other than the granting of planning permission for the application as applied for.

## 5. Response to Reasons for Refusal

5.1 The planning application was refused for four reasons. Prior to addressing those reasons, it is of concern to note that the Officer appears to have determined this application without visiting the site or requesting further information in support of it prior to determination. In that context the reasons for refusal and our responses to them are outlined below.

*(1) That the proposal is contrary to the provisions of the South Ayrshire Local Development Plan, specifically LDP Policy: Sustainable Development and LDP Policy: Rural Housing, South Ayrshire Council's Supplementary Guidance on Rural Housing, and the terms of Planning Advice Note 72, by reason that the design, layout, massing, scale, form and proportions of the dwelling house does not respect or reflect the traditional rural vernacular of rural housing in South Ayrshire.*

5.2 Insofar as issues relating to design, layout massing, scale, and proportions are concerned, the Appointed Officer has stated the following in his report:

*'it is considered that the proposed development does not take cognisance of the advice as contained within the Council's SG on Rural Housing. The proposed dwelling house, with a floor area of 477m², has not been laid out in a courtyard layout as required by the SG. The width of gables, particularly the gables to each end of the main body of the dwelling house and the glazed gable proposed to the south-eastern elevation, is considered to be excessive at 9.2 metres and 12 metres respectively, and contribute to a dwelling house that does not respect of reflect the traditional rural vernacular of South Ayrshire. Traditional rural buildings in South Ayrshire are often characterised as having wide frontages and a narrow plan, which dictates the scale and proportions of the building. In this instance, the plan form is at odds with the SG, and alters the building's proportions in a manner that results in a design solution which is uncharacteristic for a rural area. Additionally, the extent of glazing proposed to the south-eastern elevation is considered to be excessive.'*

5.3 The first reason for refusal claims that the dwelling house proposed does not respect or reflect the traditional rural vernacular of rural housing in South Ayrshire. '*Traditional Vernacular'* is defined in the Glossary to the Supplementary Guidance on Rural Housing as *'a stone-built building built before 01st July 1948 which is of residential scale and form and which has a slate roof.'* In defence of the scheme advanced it is important to once again reiterate that the dwelling proposed is unashamedly contemporary and innovative in its design. It is not a *'traditional*' building. Both the Supplementary Guidance on Rural Housing, which forms part of the Council's Local Development Plan and Planning Advice Note 72 encourage the advancement of contemporary design solutions in rural locations. It is an unreasonable expectation for a contemporary dwelling house to reflect and respect the traditional rural vernacular which is defined in the Supplementary Guidance as *'a stone-built building built before 01st July 1948 which is of residential scale and form and which has a slate roof'* in every respect. Notwithstanding this, the scheme advanced, although contemporary in nature, employs a range of natural materials including natural stone, render, timber cladding and slate roofs. Within the context outlined we would wish to respond to points raised by the Appointed Officer in his Report of Handling in the following terms:

*Courtyard Layout*

Whilst it is acknowledged that the dwelling house proposed has a floor area greater than 200 sq. metres and has not been laid out in a courtyard format it is not accepted that the resultant design has an adverse effect on the character or appearance of the landscape. As noted previously the site is enclosed by woodland and other buildings and can only be viewed from the south. The introduction of a courtyard feature would have little or no impact on its appearance from public viewpoints. Furthermore, the dwelling house to the south west (Martnaham) has a floor area considerably greater than that of the dwelling house proposed by our client but has not been developed in a courtyard form.

*Gable Widths*

It is claimed that the gables of the dwelling house proposed do not respect or reflect the traditional rural vernacular of South Ayrshire. Setting aside the facts that the gables will not be readily visible to public view to the south and that the dwelling proposed adopts a contemporary rather than a traditional design approach the Supplementary Guidance is, insofar as we can establish, silent on the subject of gable widths.

*Glazing*

Whilst it is accepted that the Design Guidance for Traditional Rural Housing Developments requires the total area of each elevation occupied by window and door openings to be small in relation to the area of solid wall, the application proposals do not relate to the erection of a traditional house. They relate to the erection of a contemporary house in which the use of extensive glazing on the front (south facing elevation) is an integral and striking feature within the overall design resulting and benefitting in the process from enhanced levels of energy efficiency and contributing to the quality of views towards and from it.

In short, it is considered that the Appointed Officer in refusing the application on the grounds contained in the first reason for refusal, has inappropriately applied design considerations and guidance which are more appropriate and applicable to traditional vernacular properties rather than to those designed in a more contemporary and innovative format.

*(2) That the proposal is contrary to the provisions of the South Ayrshire Local Development Plan, specifically LDP Policy: Rural Housing, and to South Ayrshire Council's Supplementary Guidance on Rural Housing, by reason that the proposal does not represent development within a clearly defined and nucleated housing cluster, or the infilling of a gap site which would consolidate an existing cluster.*

5.4 The Appointed Officer has stated the following in support of his second reason for the refusal of the application:

*'Although the existing two properties to the north of the application site could potentially be considered to form a defined group, it does not automatically follow that the application site is located within a cluster as defined by the above terms, and therefore individual site-specific factors will require to be carefully considered.*

*At a distance of approximately 45 metres south of the nearest dwelling house (Jelliston Farm), and almost 75 metres south of the other dwelling house (Jelliston Cottage), it is considered that the application site cannot be considered to be a gap/infill site relative to these properties.'*

5.5 Then Council's Supplementary Guidance defines a '*cluster'* as a *'building group consisting of 2 or more houses forming a clearly identifiable 'group' with strong visual cohesion and sense of place.'* We are clearly and unequivocally of the view that the existing buildings at Jelliston Farm, which include both domestic and equestrian buildings, form a recognisable homogenous group of buildings which are surrounded and enclosed by mature woodland/landscaping providing a strong sense of visual cohesiveness and sense of place. Included within the group of buildings referred to are two dwelling houses thus meeting with the minimum requirements of the policy stipulated. The dwelling house is proposed within a gap site within the established group of buildings described and will contribute further to the sense of place and visual cohesiveness already existing. The fact that the dwelling proposed is some 45 and 75 metres from the existing dwellings in the group is irrelevant as all of the buildings clearly form part of the same very distinguishable group.

*(3) That the proposal is contrary to the provisions of the South Ayrshire Local Development Plan, specifically LDP Policy: Rural Housing, and to South Ayrshire Council's Supplementary Guidance on Rural Housing, by reason that the proposal will create a form of ribbon development which results in a form and pattern of development which would not be characteristic of and detrimental to the rural setting and visual amenity of the locality.*

5.6 The Appointed Officer has stated the following in support of his third reason for the refusal of the application:

*'the application site is considered to constitute part of a larger area of land positioned to the south of two existing properties, with the proposed development creating a form of ribbon development which would extend the existing linear form and pattern of development to the south, to the visual detriment of the landscape setting of the locality. It would also potentially open the opportunity for further ribbon.'*

5.7 The Supplementary Guidance defines '*ribbon development'* as the '*progression of development in a linear form usually along a road.'* The dwelling house is not proposed along a road. It is proposed within a previously developed (brownfield) site situated between existing buildings and mature woodland. Our client has no intention of developing any further dwelling houses within the group existing and is content to enter into a legal agreement with the Council to prevent further development being proposed in the future. Any such proposal would, in any event, have to be the subject of a separate planning application and would remain under the control of the Council.

*(4) That the proposal is contrary to the provisions of the South Ayrshire Local Development Plan, specifically LDP Policy: Rural Housing, and to South Ayrshire Council's Supplementary Guidance on Rural Housing, by reason that it has not been demonstrated that the dwelling house is essential to the operation of the equestrian business at Jelliston.*

5.8 The dwelling house proposed has been advanced on the principle that it represents an appropriate addition to an established cluster of buildings within which there are two existing dwelling houses. It has not been suggested that the dwelling house is essential to the operation

of the equestrian business at Jelliston. However, it has been suggested that the dwelling as proposed will be used by our client in association with her occupation as a Sports Event Organiser for the promotion of high-profile sporting events throughout Scotland and including South Ayrshire.

5.9 In light of the considerations outlined above we do not accept the Planning Officer's reasons for the refusal of the application and as such it is respectfully requested that they be reviewed by the Council's Local Review Body and planning permission granted for the proposal.

# 6. Summary and Conclusions

6.1 Having considered the proposed development against the terms of both the development plan and other material considerations as required under the terms of the Town and Country Planning (Scotland) Act 1997 (as amended) we have demonstrated and are very firmly of the opinion that the application/review request should be upheld, and planning permission granted for the proposal. Our position on this appeal can be summarised as follows:

- Jelliston Farm, within which the application site is located, lies approximately 1.6 km to the south west of Coylton and is accessed via a private road off the southern side of the B742 at a point approximately 2 km to the north east of its junction with the A713. The farm incorporates some 6.0335 hectares (14.9 acres) of land within which there are located two dwelling houses (original farmhouse and cottage); an equestrian facility incorporating stables for 18 no. horses, an outdoor riding arena and customer parking facilities; paddocks; and woodland areas.

- The application submitted to South Ayrshire Council had sought detailed planning permission for the erection of a dwelling house designed in a contemporary style within a gap/infill site which had previously accommodated buildings associated with the historical use of the site as a pig rearing and processing unit. The said site is bordered to the east by buildings used for equestrian purposes; and to the north and west by mature woodland.

- The application has been submitted on behalf of Mrs. Elizabeth (Liz) Smith, who, in addition to operating an equestrian business from Jelliston Farm, also owns and runs a Sports Agency, Events and Sponsorship Business within which she acts as an agent/manager to a number of high-profile organisations and individuals in the fields of golf, football, horse racing, darts, boxing and snooker. Mrs Smith intends to use the dwelling house as both a home and a place of work.

- The application was refused by the Appointed Planning Officer for four reasons as summarised below:

  (i) The proposal, in terms of its design does not respect or reflect the traditional rural vernacular of rural housing in South Ayrshire;

  (ii) The application site is not located within a clearly defined and nucleated housing cluster, or the infilling of a gap site which would consolidate an existing cluster;

  (iii) The proposal would create a form of ribbon development which results in a form and pattern of development which would not be characteristic of and detrimental to the rural setting and visual amenity of the locality; and

  (iv) It had not been demonstrated that the dwelling house is essential to the operation of the equestrian business at Jelliston.

- The reasons for the refusal of the application are contested and the following points put forward in response to them:

  (i) The Council's Supplementary Guidance on Rural Housing clearly states that both contemporary and traditional design solutions will be considered acceptable in the South Ayrshire Countryside. It is an unreasonable expectation for a contemporary dwelling house to reflect and respect the traditional rural vernacular which is defined in the Supplementary Guidance as *'a stone-built building built before 01st July 1948 which is of residential scale and form and which has a slate roof'* in every respect. Notwithstanding this, the scheme advanced, although contemporary in nature, employs a range of natural materials including natural stone, render, timber cladding and slate roofs.

  (ii) The application site is located within a clearly defined cluster or group of buildings comprising two dwelling houses, associated out buildings and equestrian buildings. The homogenous group of buildings referred to are contained within a strong and mature landscaped/woodland framework which provide for a strong sense of place and identity. The proposed dwelling house is positioned in a previously developed site, bordered to the east by existing buildings and to the north and west by woodland planting. The dwelling will consolidate the building group and represents an entirely natural addition to it.

  (iii) *'Ribbon Development'* is defined in the Council's Supplementary Guidance on *'Rural Housing'* as the '*progression of development in a linear form usually along a road.'* The dwelling house proposed is not positioned on or anywhere near an existing road. It is positioned on a previously developed '*gap site'* and represents a natural addition to the existing group of buildings at Jelliston. It does not contribute to ribbon development.

  (iv) It has not been claimed in the application submitted that the dwelling house proposed is essential to the operation of the equestrian business at Jelliston. The dwelling has been promoted on the back of the Council's Policy on Rural Housing which supports the addition of new housing to existing clusters of development within which there are at least two existing dwelling houses.

6.2 In view of the considerations outlined it is respectfully suggested that this request to review the Planning Officer's decision be upheld and that planning permission is granted for the proposal as applied for. We reserve the right to respond to any submissions on the review request from either the Appointed Officer, Consultees or Third Parties.

Signed

Derek Scott

Date 08th October 2021

County Buildings Wellington Square Ayr KA7 1DR  Tel: 01292 616 107  Email: planning.development@south-ayrshire.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100436157-001

The online reference is the unique reference for your online form only. The  Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Type of Application

What is this application for? Please select one of the following: *

☒ Application for planning permission (including changes of use and surface  mineral working).

☐ Application for planning permission in principle.

☐ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)

☐ Application for Approval of Matters specified in conditions.

## Description of Proposal

Please describe the proposal including any change of use: *  (Max 500 characters)

NEW DWELLING HOUSE AND GARAGE

Is this a temporary permission? * ☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place? ☐ Yes ☒ No
(Answer 'No' if there is no change of use.) *

Has the work already been started and/or completed? *

☒ No ☐ Yes – Started ☐ Yes - Completed

## Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application) ☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

| | | | |
|---|---|---|---|
| Company/Organisation: | ADNR | | |
| Ref. Number: | | You must enter a Building Name or Number, or both: * | |
| First Name: * | Neil | Building Name: | |
| Last Name: * | Rodgers | Building Number: | 26 |
| Telephone Number: * | 07780666716 | Address 1 (Street): * | LINDSAY AVENUE |
| Extension Number: | | Address 2: | |
| Mobile Number: | | Town/City: * | Saltcoats |
| Fax Number: | | Country: * | Scotland |
| | | Postcode: * | KA21 5SQ |
| Email Address: * | neil@adnr.co.uk | | |

Is the applicant an individual or an organisation/corporate entity? *

☒ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

| | | | |
|---|---|---|---|
| Title: | Mrs | You must enter a Building Name or Number, or both: * | |
| Other Title: | | Building Name: | JELLISTON FARM |
| First Name: * | ELISABETH | Building Number: | |
| Last Name: * | SMITH | Address 1 (Street): * | JELLISTON ESTATE |
| Company/Organisation | | Address 2: | B742 |
| Telephone Number: * | | Town/City: * | COYLTON |
| Extension Number: | | Country: * | SCOTLAND |
| Mobile Number: | | Postcode: * | KA6 6ES |
| Fax Number: | | | |
| Email Address: * | [redacted] | | |

## Site Address Details

Planning Authority: South Ayrshire Council

Full postal address of the site (including postcode where available):

Address 1: JELLIESTON FARM

Address 2: COYLTON

Address 3:

Address 4:

Address 5:

Town/City/Settlement: AYR

Post Code: KA6 6ES

Please identify/describe the location of the site or sites

Northing 617748 Easting 239708

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? * ☐ Yes ☒ No

## Site Area

Please state the site area: 7784.00

Please state the measurement type used: ☐ Hectares (ha) ☒ Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: * (Max 500 characters)

YARD ASSOCIATED WITH FARM / EQUESTRIAN LIVERY BUSINESS

## Access and Parking

Are you proposing a new altered vehicle access to or from a public road? * ☐ Yes ☒ No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * ☐ Yes ☒ No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site? 0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? * 4

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * ☒ Yes ☐ No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

☐ Yes – connecting to public drainage network
☒ No – proposing to make private drainage arrangements
☐ Not Applicable – only arrangements for water supply required

As you have indicated that you are proposing to make private drainage arrangements, please provide further details.

What private arrangements are you proposing? *

☐ New/Altered septic tank.
☒ Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).
☐ Other private drainage arrangement (such as chemical toilets or composting toilets).

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *

PACKAGE TREATMENT PLANT TO SERVICE THE NEW DWELLING

Do your proposals make provision for sustainable drainage of surface water?? * ☒ Yes ☐ No
(e.g. SUDS arrangements) *

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

☒ Yes
☐ No, using a private water supply
☐ No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

## Assessment of Flood Risk

Is the site within an area of known risk of flooding? * ☐ Yes ☒ No ☐ Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? * ☐ Yes ☒ No ☐ Don't Know

## Trees

Are there any trees on or adjacent to the application site? * ☒ Yes ☐ No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

## Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * ☒ Yes ☐ No

If Yes or No, please provide further details: * (Max 500 characters)

ADJACENT TO THE GARAGE AND COLLECTION POINT AT EXISTING ACCESS ROAD JUNCTION

## Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? * ☒ Yes ☐ No

How many units do you propose in total? * 1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? * ☐ Yes ☒ No

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 * ☐ Yes ☒ No ☐ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? * ☐ Yes ☒ No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? * ☒ Yes ☐ No

Is any of the land part of an agricultural holding? * ☐ Yes ☒ No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

# Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Neil Rodgers

On behalf of: Mrs ELISABETH SMITH

Date: 25/06/2021

☒ Please tick here to certify this Certificate. *

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principal where there is a crown interest in the land, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

☐ Yes ☐ No ☒ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

☒ Site Layout Plan or Block plan.
☒ Elevations.
☒ Floor plans.
☐ Cross sections.
☒ Roof plan.
☐ Master Plan/Framework Plan.
☐ Landscape plan.
☒ Photographs and/or photomontages.
☐ Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

| | |
|---|---|
| A copy of an Environmental Statement. * | ☐ Yes ☒ N/A |
| A Design Statement or Design and Access Statement. * | ☒ Yes ☐ N/A |
| A Flood Risk Assessment. * | ☐ Yes ☒ N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | ☐ Yes ☒ N/A |
| Drainage/SUDS layout. * | ☐ Yes ☒ N/A |
| A Transport Assessment or Travel Plan | ☐ Yes ☒ N/A |
| Contaminated Land Assessment. * | ☐ Yes ☒ N/A |
| Habitat Survey. * | ☐ Yes ☒ N/A |
| A Processing Agreement. * | ☐ Yes ☒ N/A |

Other Statements (please specify). (Max 500 characters)

## Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Neil Rodgers

Declaration Date: 25/06/2021

## Payment Details

[redacted]

Created: 25/06/2021 18:08

SOUTH AYRSHIRE COUNCIL

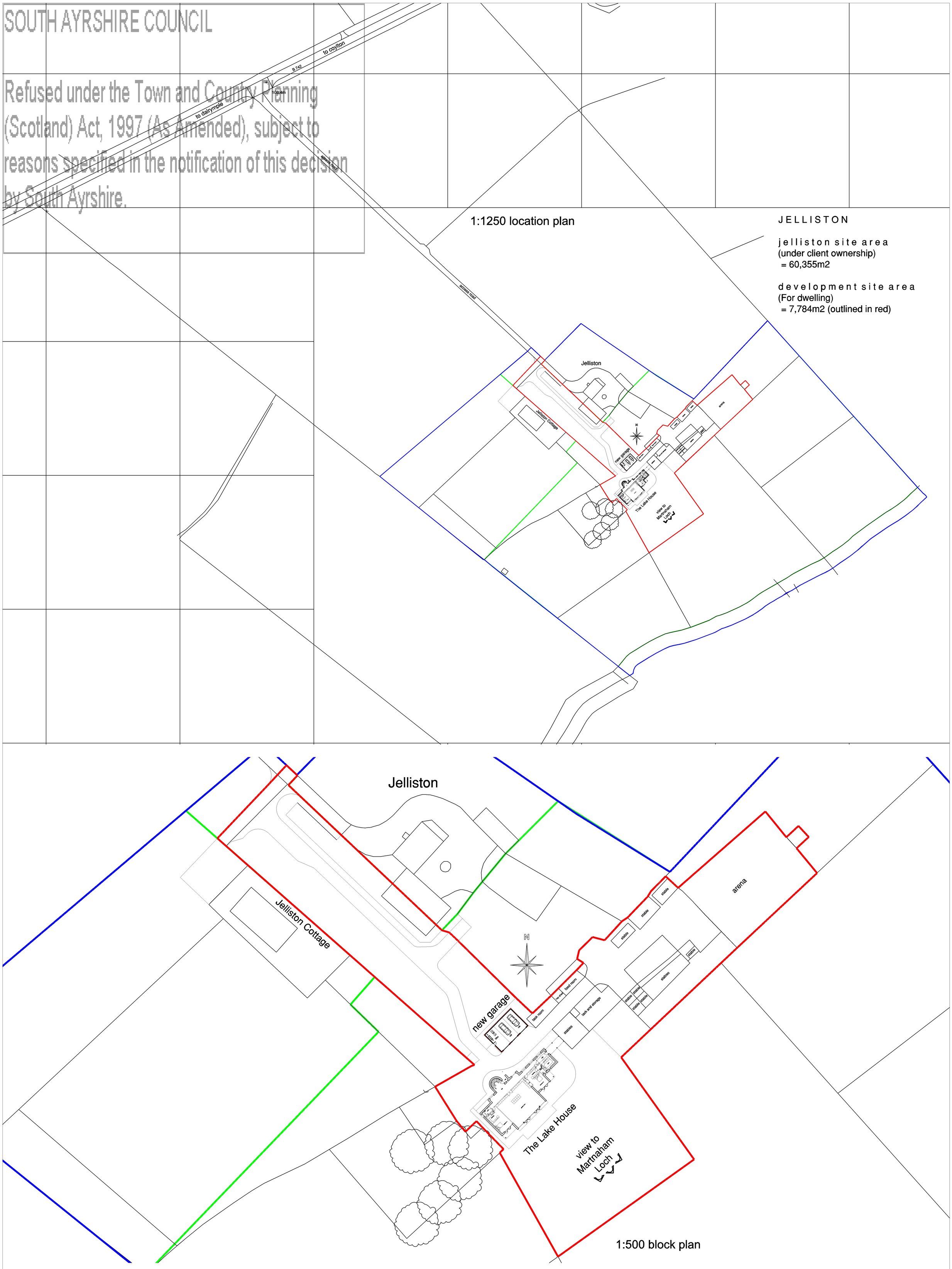
Refused under the Town and Country Planning (Scotland) Act, 1997 (As Amended), subject to reasons specified in the notification of this decision by South Ayrshire.

1:1250 location plan

J E L L I S T O N

j e l l i s t o n s i t e a r e a
(under client ownership)
= 60,355m2

d e v e l o p m e n t s i t e a r e a
(For dwelling)
= 7,784m2 (outlined in red)




1:500 block plan

"The Lake House" - Jelliston
Location / Block plan - As Proposed


architecture & design
07780 666 716 info@adnr.co.uk www.adnr.co.uk
inspire - create - visualise - detail


| Rev | Date | Description | Name |
|---|---|---|---|

This drawing is issued for the purpose of the status indicated below only: DO NOT SCALE THIS DRAWING

☐ Preliminary ☐ For Approval ■ Planning Submission ☐ Warrant Submission

| | |
|---|---|
| job: The Lake House - New Dwelling, Jelliston Estate, Coylton, KA6 6ES | Client -: e s m i t h |
| | Scale -: @ A1 sheet 1:1250 / 500 |
| dwg title: proposed location / block plan | Drawn -: NR |
| | Date -: 12.06.21 |
| | dwg number: ADNR 500 -002C |



This drawing is solely for the purposes of obtaining planning/building warrant approval. The drawing may be suitable for constructional purposes but it may be necessary to augment/and or amend this information for this purpose. No liability will be accepted for any omission on this drawing should the drawing be used for constructional purposes.

Site:

Jelliston sits on the outskirts of Coylton, along the B742 towards Dalrymple with an outlook and sharing a boundary with Martnaham Loch.

The proposed development is within the Jelliston Estate.

An Equestiran business, farm house and separate dwelling exist within the curtilage of the land.

This access shall be utilised for the proposed development.

Topography:

Sloping land raised up from the banks of Martnaham Loch, flanked by tree and vegetation, and open farm land.

The site enjoys an open vista to Martnaham Loch and grazing fields.

Proposals:

New dwelling, extension to the existing settlement cluster:

1. Utilise existing access road and formation of a new woodland path / road to the new dwelling
2. Formation of a new dwelling
3. Alterations and maintenance of the existing stables and equestrian centre
4. Cosmetic alterations to the existing farm house to bring in line with the aesthetics of the new proposals. Proposals not requiring planning approval.
5. 
6. Adequate space shall be provided within the developed area for SUDs, drainage and septic tanks
7. Visitor parking has been accommodated within the plot.
8. Parking for the equestrian centre has also been allowed for within the existing area.

Introduction

Proposals:

Increase of the settlement at Jelliston (Farmhouse and cottage) to form an additional dwelling.

Jelliston Estate encompasses approximately 6 hectares (60,355m2)

The proposals for the new dwelling utilises 7,764m2 of the land.

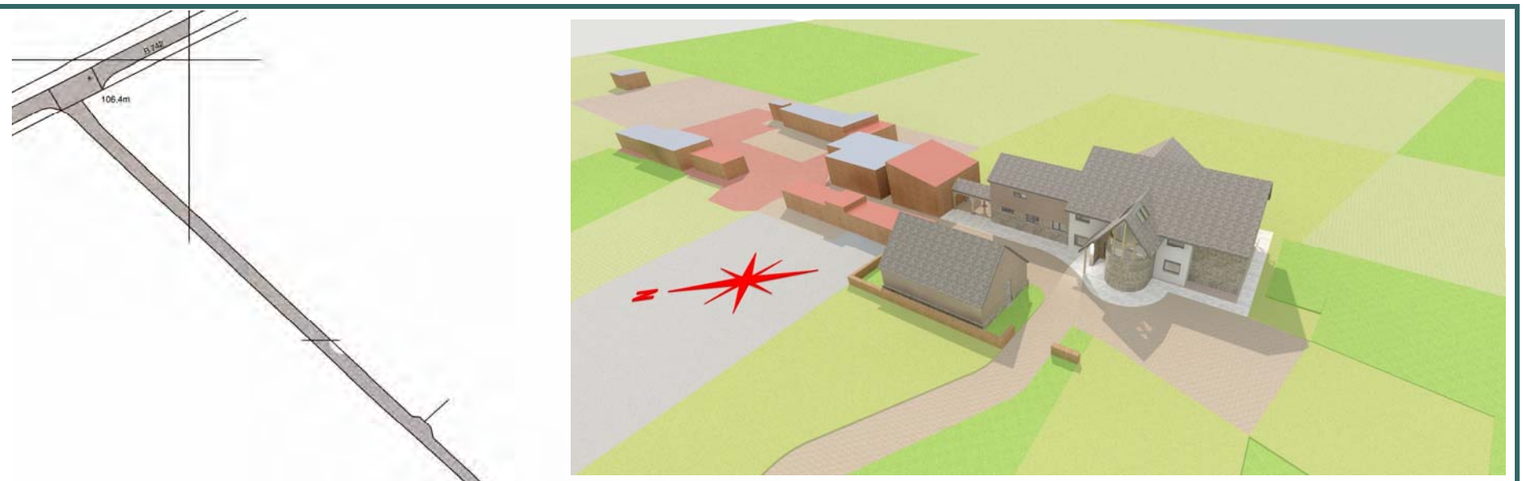
The new family dwelling shall use natural materials and renewable technology to heat and power the building.

New garage and revised access to the arena, stables and equestrian business.

The new dwelling shall maintain the established equestrian business.

Jelliston Equestrian is a highly rated livery yard with a comfortable capacity of 16 horses.

Driveways to the new dwelling shall be gravel chips from the existing tarmac farmhouse drive.



Original aerial Photograph

Proposals

Example of Random Stone Wall

Vertical timber cladding example

Example of Timber Cladding & Windows

Example of roof material

Example of roughcast render

Energy Efficiency:

The dwelling shall incorporate renewable technology.

Air source / ground source heat pump heating and mechanical ventilation systems shall be individually designed to suit each home.

Rainwater harvesting and solar photo voltaic can also be incorporated to each property.

The dwelling shall be constructed to ensure that they are designed to an air tightness test of at least 5 (Pa).

Solar gain and thermal storage shall also be utilised within each dwelling.

The aim is to produce an ecologically friendly dwelling within a rural location.

Design & Materials:

The design of the dwelling shall be rural in essence with a contemporary edge.

The dwelling shall have living accommodation that can adapt to varying family needs, providing level / accessible access and spacious rooms.

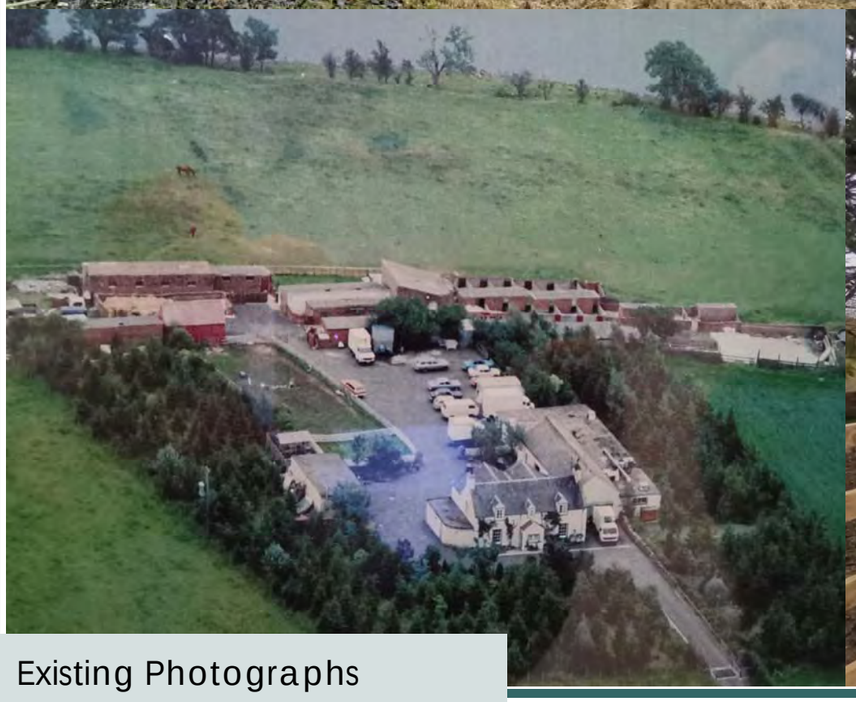
The materials pallet shall comprise of the following:

1. Natural stone.
2. Rendered walls - rural in nature, rough textured walls painted / coloured off white to reflect Ayrshire's approach to rendered walls on rural properties. Smooth render to the new buildings shall not be used.
3. Masonry copes - to break the line of the elevation, the wall treatments shall be terminated by masonry copes.
4. Stone details - stone panels shall be natural stone built in random courses.
5. Timber cladding - Cedar vertical timber panels or Cedral Cladding.
6. Windows - Grey finish double glazed units
7. Doors - Timber doors set within a grey frame.
8. Roof - Grey Natural slate.
9. Timber details - Oak / Douglas Fir.

Design of the buildings shall compliment the rural location.

A number of elemental factors have also been addressed within the design of the dwelling, taking vista, orientation, sunlight and slope of the site.

E: info@adnr.co.uk



Existing Photographs

4

E: info@adnr.co.uk

Visuals - 1

5

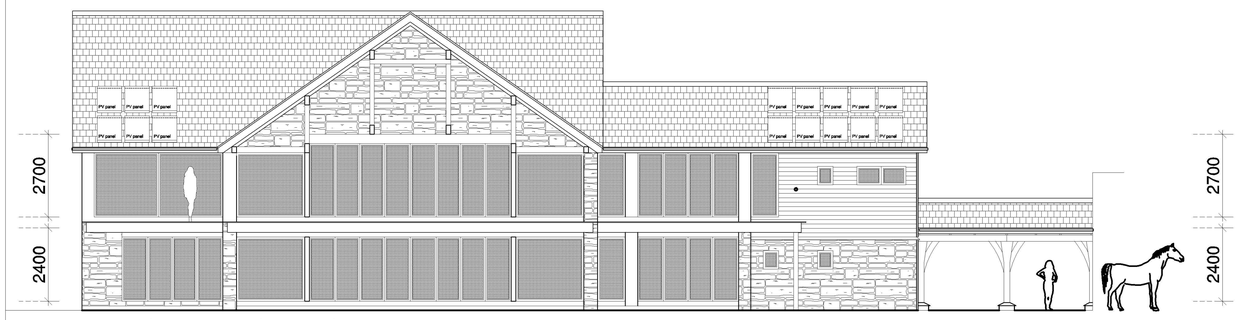
Visuals - 2

6

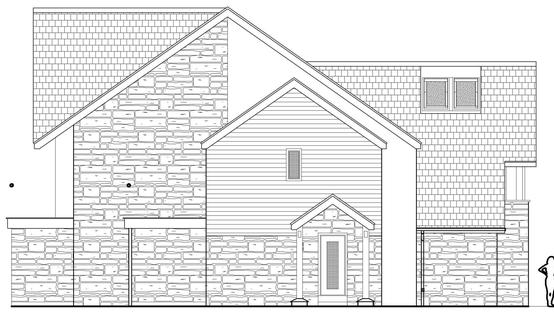
E: info@adnr.co.uk

Visuals - Interior

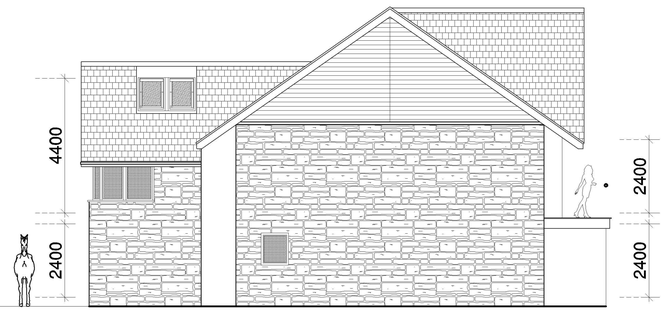
7




south east elevation



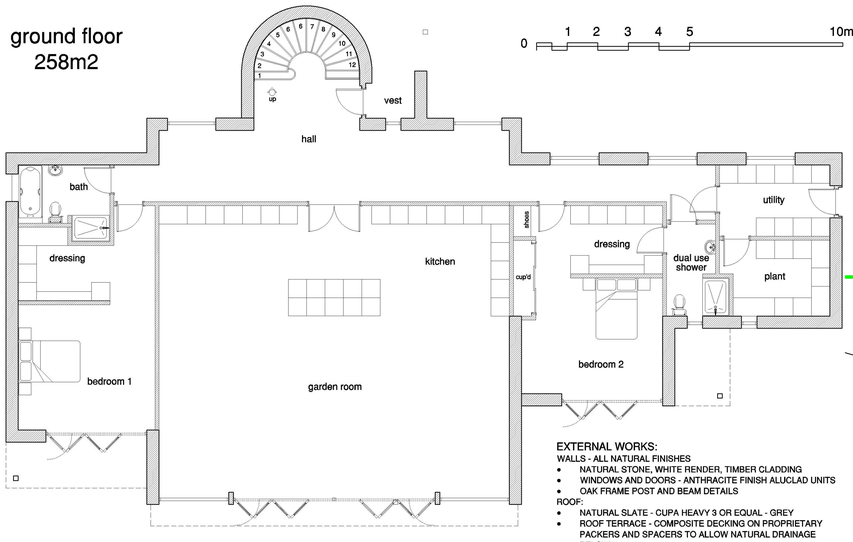

north east elevation




south west elevation

SCOPE OF WORKS
PROPOSAL:
FORMATION OF NEW ACCESS ROAD THROUGH CLEARING, LINKING TO EXISTING ACCESS ROAD SERVING TWO EXISTING PROPERTIES WITHIN JELLISTON
FORMATION OF NEW DWELLING
FORMATION OF NEW GARAGE
UTILISE EXISTING OUTBUILDINGS AND EQUESTRIAN BUSINESS

ground floor
258m2

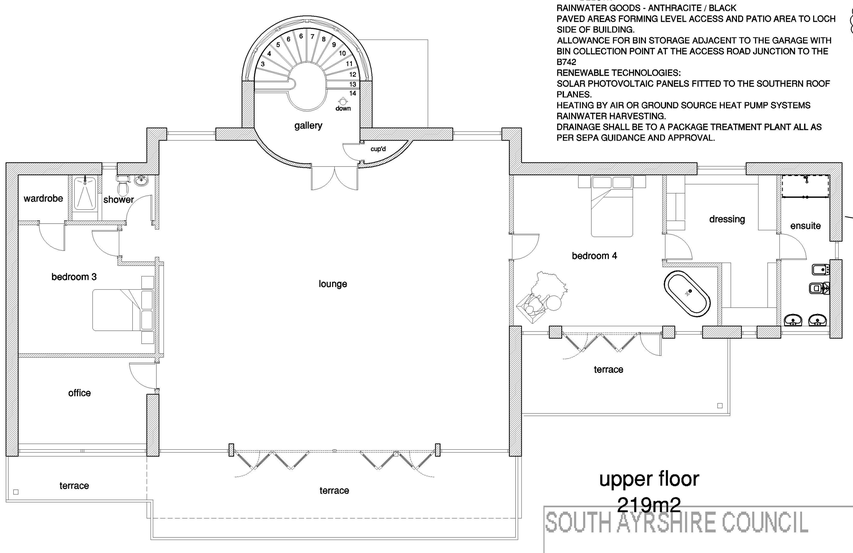



0 1 2 3 4 5 10m

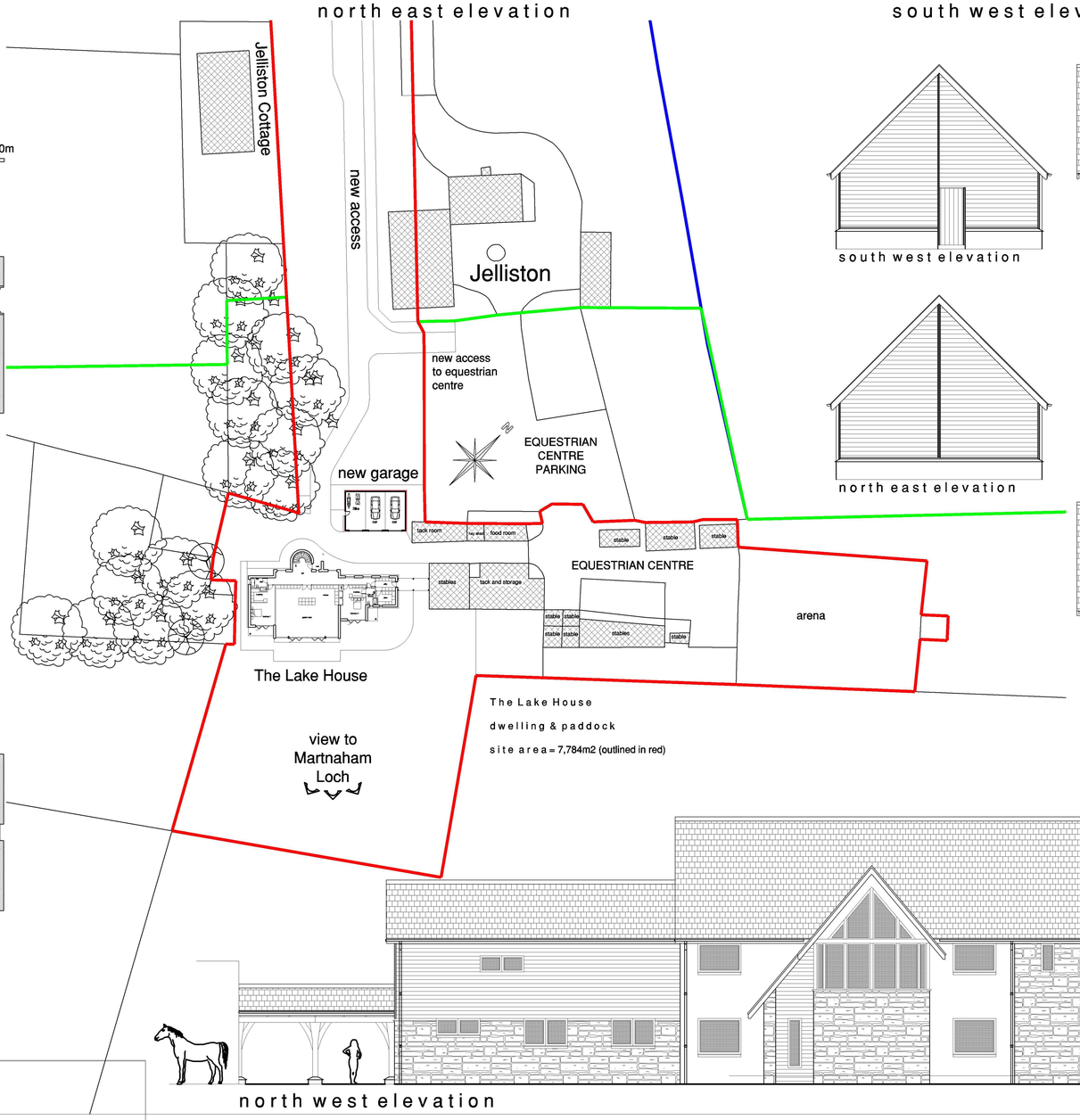
EXTERNAL WORKS:
WALLS - ALL NATURAL FINISHES
- NATURAL STONE, WHITE RENDER, TIMBER CLADDING
- WINDOWS AND DOORS - ANTHRACITE FINISH ALUCLAD UNITS
- OAK FRAME POST AND BEAM DETAILS

ROOF:
- NATURAL SLATE - CUPA HEAVY 3 OR EQUAL - GREY
- ROOF TERRACE - COMPOSITE DECKING ON PROPRIETARY PACKERS AND SPACERS TO ALLOW NATURAL DRAINAGE BELOW.

RAINWATER GOODS - ANTHRACITE / BLACK
PAVED AREAS FORMING LEVEL ACCESS AND PATIO AREA TO LOCH SIDE OF BUILDING.
ALLOWANCE FOR BIN STORAGE ADJACENT TO THE GARAGE WITH BIN COLLECTION POINT AT THE ACCESS ROAD JUNCTION TO THE B742
RENEWABLE TECHNOLOGIES:
SOLAR PHOTOVOLTAIC PANELS FITTED TO THE SOUTHERN ROOF PLANES.
HEATING BY AIR OR GROUND SOURCE HEAT PUMP SYSTEMS
RAINWATER HARVESTING.
DRAINAGE SHALL BE TO A PACKAGE TREATMENT PLANT ALL AS PER SEPA GUIDANCE AND APPROVAL.




upper floor
219m2




The Lake House
dwelling & paddock
site area = 7,784m2 (outlined in red)

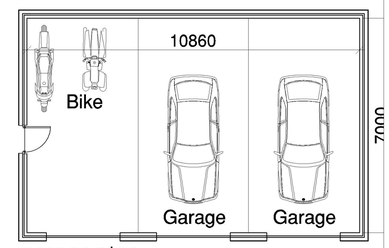


south west elevation

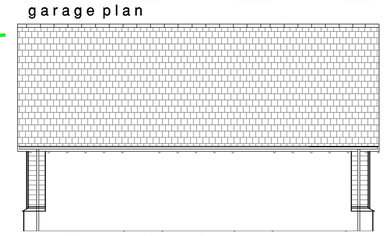
south east elevation



north east elevation

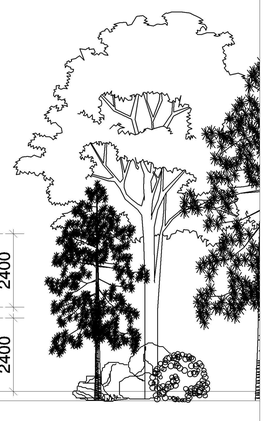



garage plan



north west elevation



north west elevation

"The Lake House" - Jelliston
As Proposed

SOUTH AYRSHIRE COUNCIL
Refused under the Town and Country Planning (Scotland) Act, 1997 (As Amended), subject to reasons specified in the notification of this decision by South Ayrshire.

adnr
architecture & design
07780 666 716 info@adnr.co.uk www.adnr.co.uk
inspire - create - visualise - detail

Rev | Date | Description | Name
This drawing is issued for the purpose of the status indicated below only:
DO NOT SCALE THIS DRAWING
☐ Preliminary ☐ For Approval ■ Planning Submission ☐ Warrant Submission

job: The Lake House - New Dwelling
Jelliston Estate, Coylton
KA6 6ES
dwg title: proposed drawings
Client :- e smith
Scale :- @ A1 sheet 1:100/500
Drawn :- NR
Date :- 12.06.21
ADNR 500 -003C
dwg number

This drawing is solely for the purposes of obtaining planning/building warrant approval. The drawing may be suitable for constructional purposes but it may be necessary to augment/and or amend this information for this purpose. No liability will be accepted for any omission on this drawing should the drawing be used for constructional purposes.

SOUTH AYRSHIRE COUNCIL

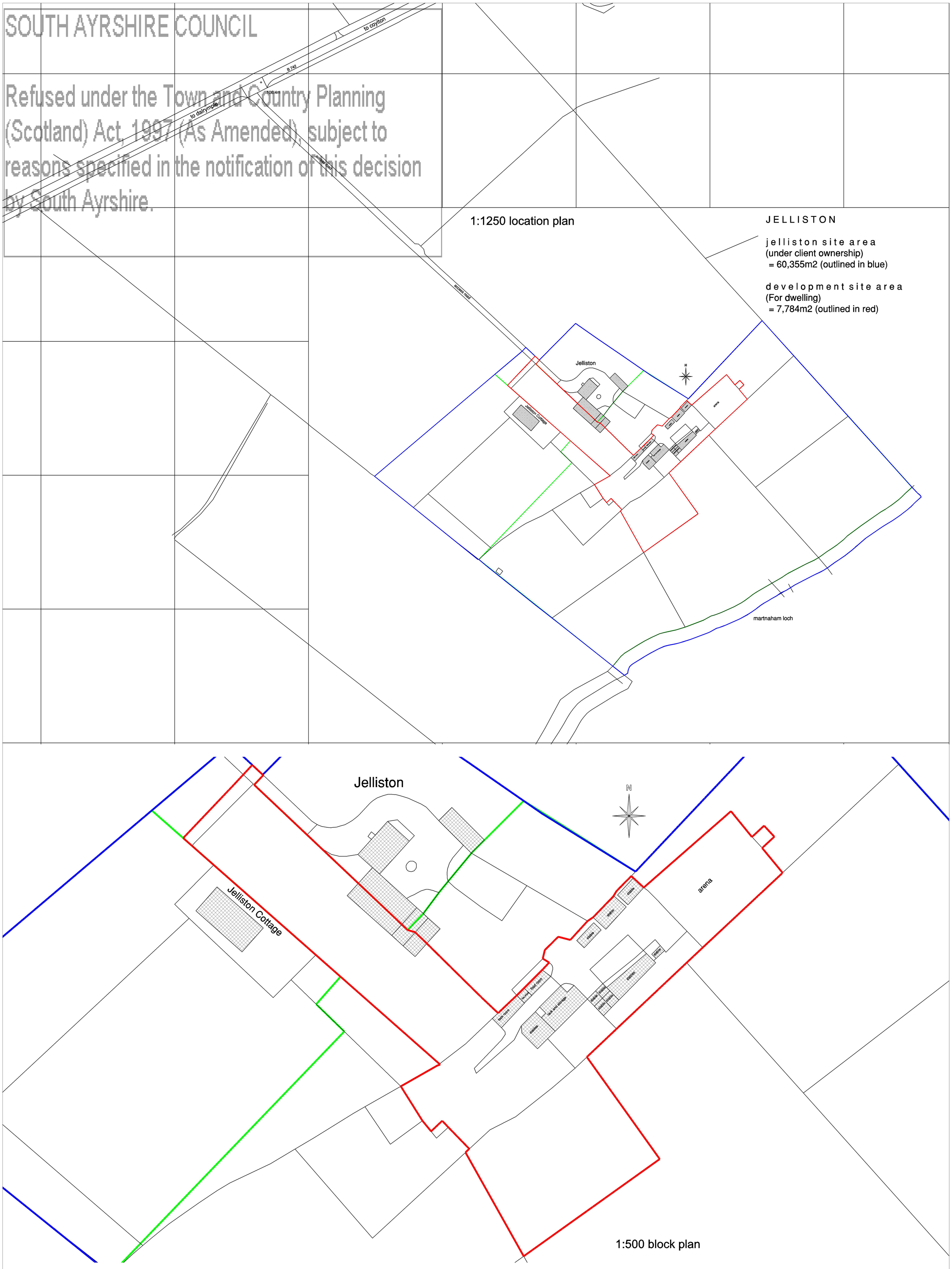
Refused under the Town and Country Planning (Scotland) Act, 1997 (As Amended), subject to reasons specified in the notification of this decision by South Ayrshire.

1:1250 location plan

JELLISTON

jelliston site area
(under client ownership)
= 60,355m2 (outlined in blue)

development site area
(For dwelling)
= 7,784m2 (outlined in red)




1:500 block plan

"The Lake House" - Jelliston
Location / Block plan - As Existing

architecture & design
07780 666 716 info@adnr.co.uk www.adnr.co.uk
inspire - create - visualise - detail

| Rev | Date | Description | Name |
|---|---|---|---|

This drawing is issued for the purpose of the status indicated below only: DO NOT SCALE THIS DRAWING

☐ Preliminary ☐ For Approval ■ Planning Submission ☐ Warrant Submission

| | |
|---|---|
| job: The Lake House - New Dwelling, Jelliston Estate, Coylton, KA6 6ES | Client -: e s m i t h |
| dwg title: location plan - existing | Scale -: @ A1 sheet 1:1250 |
| | Drawn -: NR |
| | Date -: 12.08.21 |
| | dwg number: ADNR 500 -001 |



This drawing is solely for the purposes of obtaining planning/building warrant approval. The drawing may be suitable for constructional purposes but it may be necessary to augment/and or amend this information for this purpose. No liability will be accepted for any omission on this drawing should the drawing be used for constructional purposes.

SOUTH AYRSHIRE COUNCIL

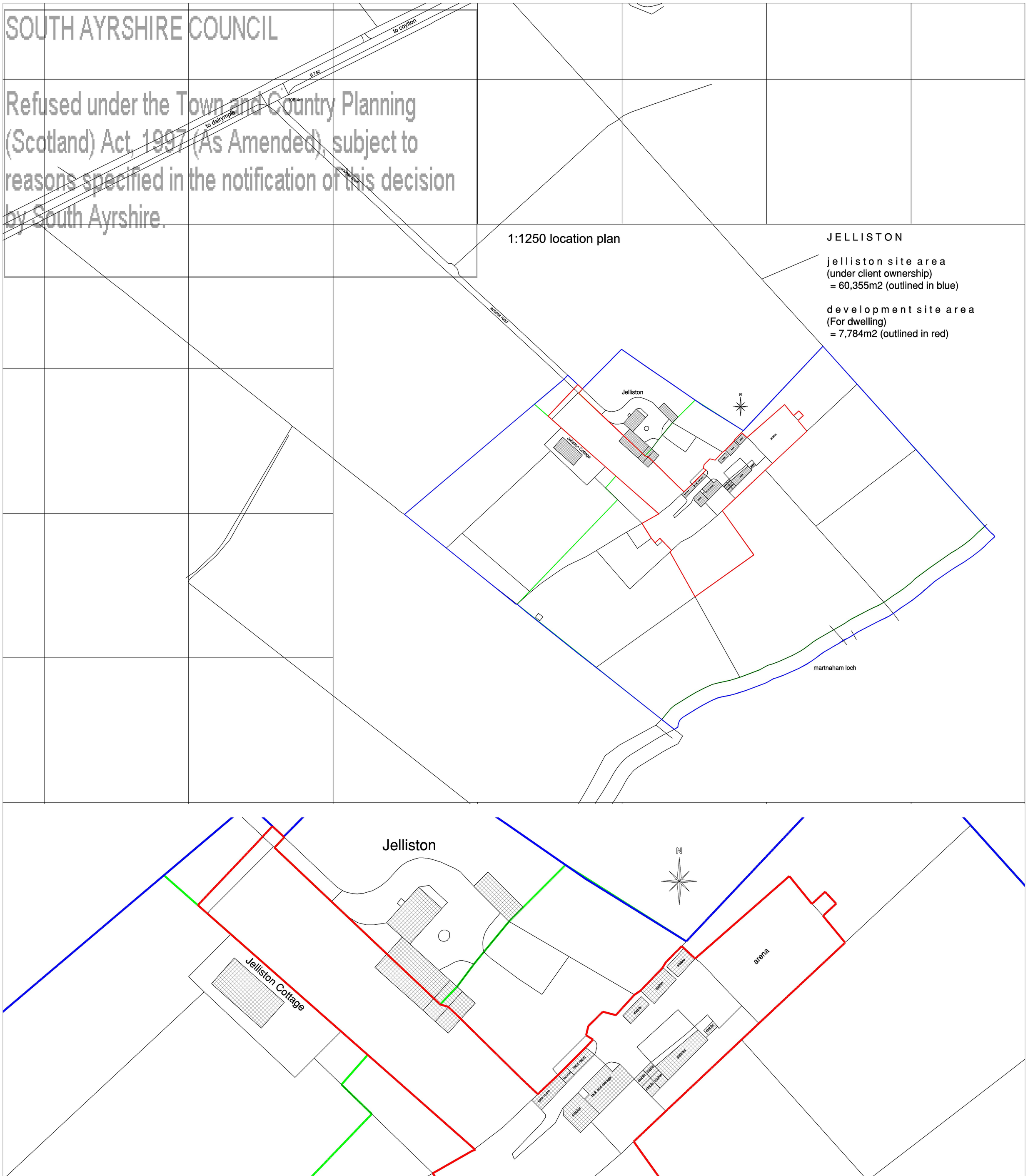
Refused under the Town and Country Planning (Scotland) Act, 1997 (As Amended), subject to reasons specified in the notification of this decision by South Ayrshire.

1:1250 location plan

JELLISTON

jelliston site area
(under client ownership)
= 60,355m2 (outlined in blue)

development site area
(For dwelling)
= 7,784m2 (outlined in red)




1:500 block plan

"The Lake House" - Jelliston
Location / Block plan - As Existing

architecture & design
07780 666 716 info@adnr.co.uk www.adnr.co.uk
inspire - create - visualise - detail

| Rev | Date | Description | Name |
|---|---|---|---|

This drawing is issued for the purpose of the status indicated below only: DO NOT SCALE THIS DRAWING

☐ Preliminary ☐ For Approval ■ Planning Submission ☐ Warrant Submission

| | |
|---|---|
| job: The Lake House - New Dwelling<br>Jelliston Estate, Coylton<br>KA6 6ES | Client -: e s m i t h<br>Scale -:<br>@ A1 sheet<br>1:1250 |
| dwg title: location plan - existing | Drawn -: NR<br>Date -: 12.08.21 |
| | ADNR 500 -001<br>dwg number |



This drawing is solely for the purposes of obtaining planning/building warrant approval. The drawing may be suitable for constructional purposes but it may be necessary to augment/and or amend this information for this purpose. No liability will be accepted for any omission on this drawing should the drawing be used for constructional purposes.

SOUTH AYRSHIRE COUNCIL

Refused under the Town and Country Planning (Scotland) Act, 1997 (As Amended), subject to reasons specified in the notification of this decision by South Ayrshire.

1:1250 location plan

J E L L I S T O N

j e l l i s t o n s i t e a r e a
(under client ownership)
= 60,355m2

d e v e l o p m e n t s i t e a r e a
(For dwelling)
= 7,784m2 (outlined in red)

1:500 block plan

"The Lake House" - Jelliston
Location / Block plan - As Proposed


architecture & design
07780 666 716 info@adnr.co.uk www.adnr.co.uk
inspire - create - visualise - detail


| Rev | Date | Description | Name |
|---|---|---|---|

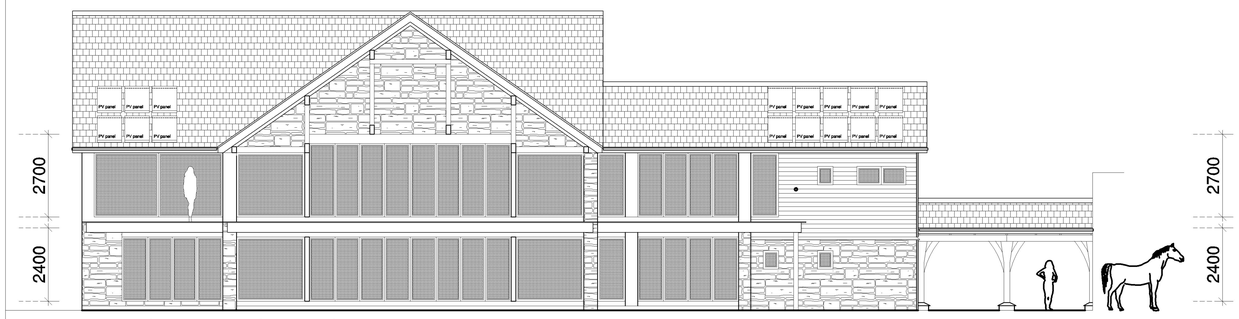
This drawing is issued for the purpose of the status indicated below only: DO NOT SCALE THIS DRAWING

☐ Preliminary ☐ For Approval ■ Planning Submission ☐ Warrant Submission

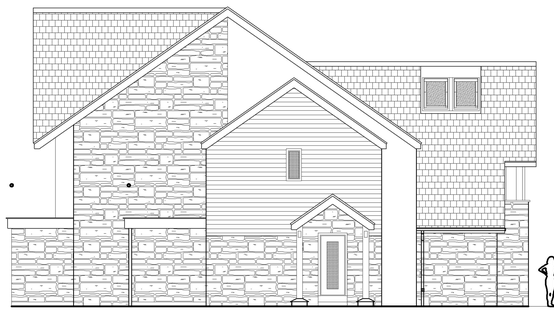
| | | |
|---|---|---|
| job: The Lake House - New Dwelling, Jelliston Estate, Coylton, KA6 6ES | Client -: e s m i t h | ADNR 500 -002C |
| | Scale -: @ A1 sheet 1:1250 / 500 | |
| dwg title: proposed location / block plan | Drawn -: NR | |
| | Date -: 12.06.21 | dwg number |



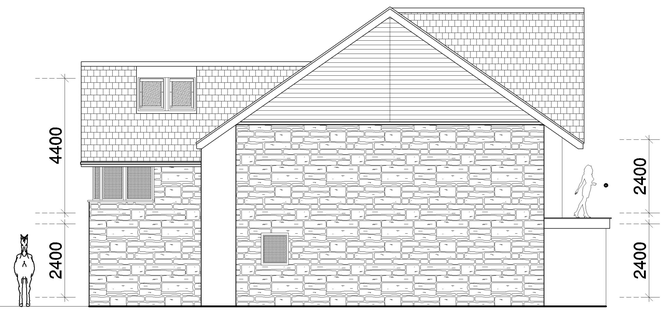
This drawing is solely for the purposes of obtaining planning/building warrant approval. The drawing may be suitable for constructional purposes but it may be necessary to augment/and or amend this information for this purpose. No liability will be accepted for any omission on this drawing should the drawing be used for constructional purposes.




south east elevation



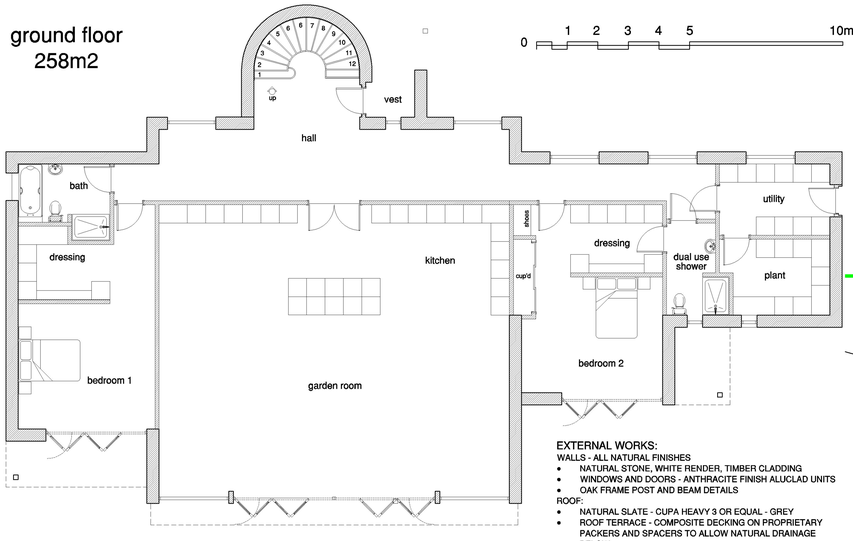

north east elevation




south west elevation

SCOPE OF WORKS
PROPOSAL:
FORMATION OF NEW ACCESS ROAD THROUGH CLEARING, LINKING TO EXISTING ACCESS ROAD SERVING TWO EXISTING PROPERTIES WITHIN JELLISTON
FORMATION OF NEW DWELLING
FORMATION OF NEW GARAGE
UTILISE EXISTING OUTBUILDINGS AND EQUESTRIAN BUSINESS

ground floor
258m2

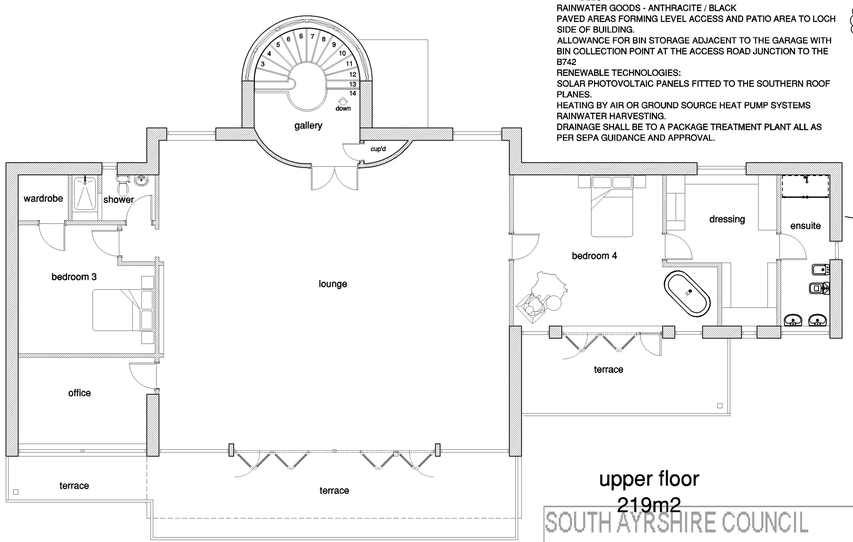



0 1 2 3 4 5 10m

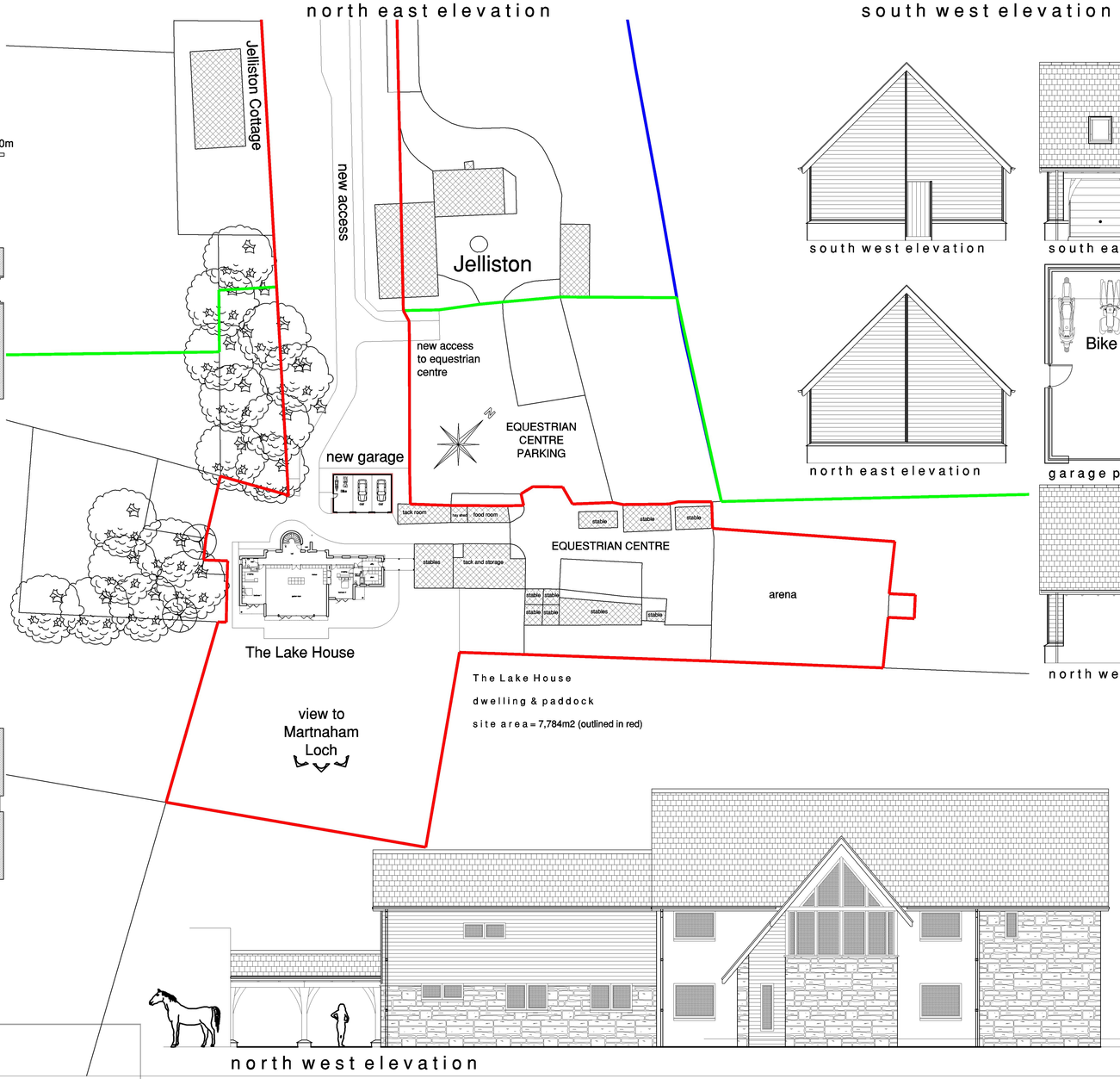
EXTERNAL WORKS:
WALLS - ALL NATURAL FINISHES
- NATURAL STONE, WHITE RENDER, TIMBER CLADDING
- WINDOWS AND DOORS - ANTHRACITE FINISH ALUCLAD UNITS
- OAK FRAME POST AND BEAM DETAILS

ROOF:
- NATURAL SLATE - CUPA HEAVY 3 OR EQUAL - GREY
- ROOF TERRACE - COMPOSITE DECKING ON PROPRIETARY PACKERS AND SPACERS TO ALLOW NATURAL DRAINAGE BELOW.

RAINWATER GOODS - ANTHRACITE / BLACK
PAVED AREAS FORMING LEVEL ACCESS AND PATIO AREA TO LOCH SIDE OF BUILDING.
ALLOWANCE FOR BIN STORAGE ADJACENT TO THE GARAGE WITH BIN COLLECTION POINT AT THE ACCESS ROAD JUNCTION TO THE B742
RENEWABLE TECHNOLOGIES:
SOLAR PHOTOVOLTAIC PANELS FITTED TO THE SOUTHERN ROOF PLANES.
HEATING BY AIR OR GROUND SOURCE HEAT PUMP SYSTEMS
RAINWATER HARVESTING.
DRAINAGE SHALL BE TO A PACKAGE TREATMENT PLANT ALL AS PER SEPA GUIDANCE AND APPROVAL.




upper floor
219m2




The Lake House
dwelling & paddock
site area = 7,784m2 (outlined in red)

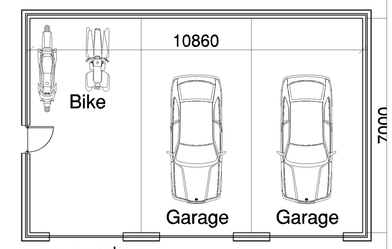


south west elevation

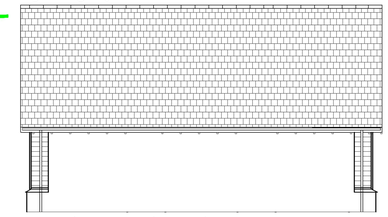
south east elevation



north east elevation

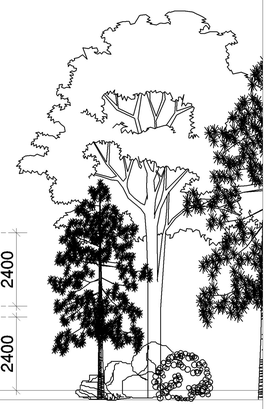



garage plan



north west elevation



north west elevation

"The Lake House" - Jelliston
As Proposed

SOUTH AYRSHIRE COUNCIL

Refused under the Town and Country Planning (Scotland) Act, 1997 (As Amended), subject to reasons specified in the notification of this decision by South Ayrshire.

adnr
architecture & design
07780 666 716 info@adnr.co.uk www.adnr.co.uk
inspire - create - visualise - detail

| Rev | Date | Description | Name |
|---|---|---|---|

This drawing is issued for the purpose of the status indicated below only:
DO NOT SCALE THIS DRAWING
☐ Preliminary ☐ For Approval ■ Planning Submission ☐ Warrant Submission

job: The Lake House - New Dwelling
Jelliston Estate, Coylton
KA6 6ES

dwg title: proposed drawings

Client :- e smith
Scale :- @ A1 sheet 1:100/500
Drawn :- NR
Date :- 12.06.21

ADNR 500 -003C
dwg number

This drawing is solely for the purposes of obtaining planning/building warrant approval. The drawing may be suitable for constructional purposes but it may be necessary to augment/and or amend this information for this purpose. No liability will be accepted for any omission on this drawing should the drawing be used for constructional purposes.

**LOCAL DEVELOPMENT**

**REFUSAL OF APPLICATION FOR PLANNING PERMISSION**
**(Delegated)**

**Ref No: 21/00705/APP**

**SOUTH AYRSHIRE COUNCIL**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**
**as amended by the PLANNING ETC. (SCOTLAND) ACT 2006**

**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT) (SCOTLAND) ORDERS**

**To:** **Mrs Elisabeth Smith**
**per ADNR**
**Neil Rodgers**
**26 Lindsay Avenue**
**Saltcoats**
**KA21 5SQ**

With reference to your application dated **30th June 2021** for planning permission under the above-mentioned Acts and Orders for the following development, viz:-

**Erection of dwellinghouse and garage**

**at:** **Jellieston Farm B742 From Council Boundary To A70 Junction At Hillhead Coylton Ayr**
**South Ayrshire**
**KA6 6ES**

The Council in exercise of their powers under the above-mentioned Acts and Orders hereby **refuse** planning permission for the said development.

The drawings and other documents, where relevant, which relate to this refusal can be viewed at www.south-ayrshire.gov.uk/planning/.

The reasons for the Council's decision are:

(1) That the proposal is contrary to the provisions of the South Ayrshire Local Development Plan, specifically LDP Policy: Sustainable Development and LDP Policy: Rural Housing, South Ayrshire Council's Supplementary Guidance on Rural Housing, and the terms of Planning Advice Note 72, by reason that the design, layout, massing, scale, form and proportions of the dwellinghouse does not respect or reflect the traditional rural vernacular of rural housing in South Ayrshire.

(2) That the proposal is contrary to the provisions of the South Ayrshire Local Development Plan, specifically LDP Policy: Rural Housing, and to South Ayrshire Council's Supplementary Guidance on Rural Housing, by reason that the proposal does not represent development within a clearly defined and nucleated housing cluster, or the infilling of a gap site which would consolidate an existing cluster.

(3) That the proposal is contrary to the provisions of the South Ayrshire Local Development Plan, specifically LDP Policy: Rural Housing, and to South Ayrshire Council's Supplementary Guidance on Rural Housing, by reason that the proposal will create a form of ribbon development which results in a form and pattern of development which would not be characteristic of and detrimental to the rural setting and visual amenity of the locality.

(4) That the proposal is contrary to the provisions of the South Ayrshire Local Development Plan, specifically LDP Policy: Rural Housing, and to South Ayrshire Council's Supplementary Guidance on Rural Housing, by reason that it has not been demonstrated that the dwellinghouse is essential to the operation of the equestrian business at Jellieston.

**List of Plans Determined:**

Drawing - Reference No (or Description): **Refused** 001

Drawing - Reference No (or Description): **Refused** 002 C

Drawing - Reference No (or Description): **Refused** 003 C

The explanation for reaching this view is set out in the Report of Handling and which forms a part of the Planning Register.

**Dated: 7th September 2021**

**.....**
**Julie Nicol**
**Service Lead – Planning and Building Standards**

**PLANNING SERVICE, COUNTY BUILDINGS, WELLINGTON SQUARE, AYR, KA7 1DR**

***On Behalf of South Ayrshire Council***
Roads and Transportation Services
Observations on Planning Application

Contact: ARA.TransportationPlanningConsultations@ayrshireroadsalliance.org
ARA Case Officer: AP
Planning Case Officer: D Hearton
Planning Application No: 21/00705/APP
Location: Jellieston Farm B742, Coylton

Date Received: 27/07/2021
Date Returned: 10/08/2021
Recommendation: No Objection

The following response has been prepared following a review of the information made available through South Ayrshire Council's Planning portal website at the time of writing.

**Expository Statement (if applicable):**

Required for Major applications, or where the recommendation is for refusal or deferral.

# Comments for Planning Application 21/00705/APP

**Application Summary**

Application Number: 21/00705/APP

Address: Jellieston Farm B742 From Council Boundary To A70 Junction At Hillhead Coylton Ayr South Ayrshire KA6 6ES

Proposal: Erection of dwellinghouse and garage

Case Officer: Mr David Hearton

**Customer Details**

Name: Mrs Anne Smith

Address: Jelliston Cottage Ayr

**Comment Details**

Commenter Type: Letter of Support

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:I am happy to support this application fully.

**Mrs Anne F Smith**
Jelliston Cottage
Jelliston
Ayr
KA6 6ES

**South Ayrshire Planning Department**
**County Buildings**
**Wellington Square**
**Ayr**
**KA7 1DR**

12th October 2021

**Ref: 21/00705/APP** - Erection of Dwelling House & Garage

Dear Review Body Panel,

Please find attached to this email, the following letters of support from people directly or indirectly affected by this application and may I kindly ask that someone please acknowledges receipt and inclusion of these documents by return (Thankyou).

| | |
|---|---|
| Mr A Thom | Goosehill Farm |
| Mr & Mrs George Logan | Raithhill Farm |
| Mrs Rourke | SP Energy Networks & Client of Jelliston EC |
| RGM Fencing Ltd | Commercial Customer of Jelliston |
| D Godding | CEO of PGA EuroPro Tour |

I was so disappointed and disheartened to hear that this application has been rejected.

Liz is a very considerate neighbour who is trying hard to improve Jelliston. I have watched her pour money and time into improving Jelliston to such a high standard, from the land quality right through to the fencing, stables, livery yard, riding arena and completely refurbishing the main house both internally and externally.

As I am her closest neighbour and the only property affected by the proposed build, she took the time to discuss the plans thoroughly with me prior to making her application, making sure no part of the plans wouldn't adversely affect me or this property in any way.

I have read in detail the reasons offered for the rejection and fail to see how any single one of them is fair or particularly accurate.

I also fear that to pick so deeply and negatively and to dampen the enthusiasm and drive of people who make such great efforts to invest in areas like ours is to risk stifling the future and genuine health and improvements of South Ayrshire. The council often concentrates efforts and funds on towns and villages and those of us a little further out in the countryside, often get left behind so we desperately need investment from individuals to keep the countryside and our rural communities thriving.

Great care was taken to choose natural materials that blend into the site and to incorporate various eco and environment friendly ideas.

The position of the property is quite literally as close as can be practically located to the other two houses. Jellistons land totals almost 15 acres incorporating several separate woodland areas, fields, paddocks and buildings etc. To offer some detail, there is a small central area of woodland with an old track though it and the Farm House, Cottage and the proposed new dwelling would all back directly onto it in one central collated area (sharing one communal entry driveway and security gate), I cannot see how it can possibly be seen as too far away to form a cluster?

From my kitchen door, I would be able to see into the front door of the new property and I can see into the lounge window of the Farm House yet we sit in a plot of almost 15 acres…. All 3 properties sit very much together in a triangle in the centre of the land.

With regard to size, Martnaham Lodge, which is the next closest neighbour is absolutely enormous and consists of a main house and two other properties, plus many other very large buildings around the site. In comparison, this proposed build is tiny and clusters the buildings in a much more 'together' format. It is sitting in a very specific tucked away previously built on plot on the site, in which it fits perfectly and neatly. Within 15 acres it is an appropriately sized property…. It is also smaller than the old buildings and foundations that it would be built on top of.

We can see three large farms in the distance from Jelliston (one is particularly huge) and all three are fully 2 story in height. We believe they are taller than this proposed build. The design and carefully chosen natural materials make it blend into the landscape so well that the farms that we can see in the distance would I doubt see it the same in reverse, if in fact at all.

We are so lucky to live in one of the most beautiful areas of Ayrshire and Scotland. Surely the more people willing to invest their time and money tastefully and considerately, the better, and in the bigger picture, has to be considered a benefit to us all.

Anyone who knows Liz will assure you that she is a huge ambassador for our area and with her company interests, continually works to bring even more to us. Along with the sporting events she is already solely responsible for bringing to Turnberry and other venues, she is heavily involved in The PGA EuroPro Tour, Boxing, Darts, World Snooker and works with some very high-profile sportsmen/women in all kinds of ways. She has big plans and needs more space to bring them to life.

www.staben.co.uk Twitter - @StabenSport

We really must support people like this and not be so detrimentally restrictive that we chase them away to other areas who then benefit from their input and all they bring. If we make things too difficult for people, they and their investment will go elsewhere.

I have taken it upon myself to speak to a few local people to see if my view is shared by others. I was delighted to learn that every single person asked, not only supported but felt so strongly that they have chosen to either write a letter of support of their own which I have attached or have signed this document below.

We would like to collectively ask that you please reconsider this rejection and support this build creating space for Liz to run her business interests safely and securely and build a secure future for herself and her children.

Thank you all very much for your time.

Yours sincerely

Anne F Smith

**I support this Application**

| Name | Signature | Note/Relationship |
|---|---|---|
| Lauren Smith | L Smith | Livery. |
| R G McPike | R G McPike | NEIGHBOUR. |
| D McPike | D McPike | CUSTOMER. |
| S. Anderson | Suzanne Anderson | NEIGHBOUR. |
| PETRA AGNEW | P. Agnew. | Livery. |

# A Thom & Son

Goosehill Farm
Kirkmichael
Maybole
Ayrshire. KA19 7JZ

To Whom it may concern

I would like to offer my support for the planning request made by E Smith at Jelliston Ref 21/00705/APP

1/ 90% of the neighbouring farms to Jelliston are fully 2 storey (Sandhill, Bogside, High Park, Mossend, Leigh Bolsarach, Martenham Mains) several are significantly taller, standing out a mile from all directions with no camouflage at all. The proposed build by Jelliston is surrounded by trees and buildings taller than it on 3 out of 4 sides. It is in fact only visible from one side.

2/ The proposed build cannot be seen or is visible from any A or B class roads.

3/ The design of the house looks great, is inoffensive and uses lots of natural materials.

4/ It is on a brownfield site where much larger buildings used to be than the property being proposed. The footprint of the older buildings was much larger.

5/ The build incorporates lots of eco friendly technology

6/ Liz brings several businesses to the area for the greater good off the local area and Scotland too.

7/ The proposed plot is in reality very close to the other two houses and almost attaches to all the other buildings, for it not to be considered a cluster is very strange. All three are close together and positioned together right in the centre of all the land at Jelliston.

I don't see any fair or justifiable reason why this build shouldn't go ahead as proposed.

Your sincerely

Alan Thom

ePlanning Scotland ref:- 100479995-001 - Notice of Review

21/00705/APP Erection of Dwelling House & Garage

Mrs E Smith - Jelliston Farm

B742 From Council Boundary to A70 Junction at Hillhead Coylton, Ayr. South Ayrshire KA6 6ES

Mr & Mrs G Logan
Raithhill Farm
By Ayr
KA6 6HH

11th October 2021

A letter of Support

As a local neighbour, as the Owner of the land adjacent to the proposed build site and also as a local business nearby, I would like to state my firm support for this application.

Having reviewed the plans in detail, I feel strongly that care has been taken with the design, size, positioning and materials being proposed in this property. It is clearly sympathetic to and in keeping with the very unique natural local habitat and the immediate landscape of the site itself. It is also carefully and discreetly utilising a gap fill site which I personally remember having had much bigger buildings on it in previous years.

I have seen the positive and sympathetic renovations Mrs Smith has already made to the larger site of Jelliston which was steadily falling to ruin and I feel that that this application should be welcomed as a hugely positive addition.

Indeed I would be hard pushed to find a reason why anyone wouldn't want financial input and upgrades like this in our local area and South Ayrshire as a whole, for the greater benefit or us all.

G Logan

10th October 2021

19 Lomond Crescent
Drongan
KA6 7EY

South Ayrshire Council
Planning Department
County Buildings
Wellington Square
AYR
KA7 1DR

Dear Sir/Madam

***Planning Consent at Jelliston, Coylton KA6 6ES***

I feel the need to write to you regarding the above Planning decision made to build a residential dwelling at the above address and would ask you to support the application favourably for the following reasons:

***Personal Perspective***

- My horses are situated at this yard and I enjoy the peace and tranquillity that the location offers. It is in terms of travel within 5 minutes from where I live and affords me a level of comfort that it is land locked. This offers my horses protection from any criminal activity in terms of them being easily removed by anyone looking to steal livestock from a roadside position. This has become a common "COVID" problem and the price/demand for animals through COVID has tripled. Horse theft being prevalent.
- The mental well being of myself and my horses is of paramount importance to me as this is "my haven" away from a chaotic work life
- I have seen horses come to this yard and the change in behaviour is enormous ex racers who are beyond stressed are rehabilitated, elderly and sick horses recover when their owners have been told there was no hope
- My concern is the owner Ms L Smith could move away and this facility may no longer be at my disposal putting the above at risk. Not to mention her undeniable commitment to caring for any livestock on her land
- Currently I hack around the Martnaham Loch on the roads and see Ms Smith's Holding from all angles. From the main road it is not visible, and neither would a new dwelling be. From the adjacent side which is a stunning view feel that her build lends itself to the setting and would blend into the woodland area that it would be set back in. In terms of brickwork and front elevation is not offensive by any stretch of the imagination. The build does in no way blot the horizon versus a build you have approved just off the A70 next to Sundrum where you have allowed a new dwelling on the horizon, which can be seen from a busy road and although I am not offended by it, clearly does have an impact on the setting

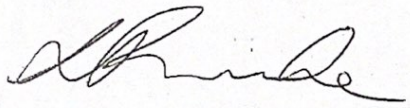
***Professional Perspective***

- As a District General Manager with SP Energy Networks I run Dumfries & Stranraer District and Ayrshire & Clyde District. The race to Net Carbon Zero is not lost on me and indeed my Company are a sponsor of COP 26 due to start in Glasgow this month. I sit on the Board of the South of Scotland Energy Transition Team which is about making provision for rural areas and ensuring they do not lose out in building a resilient electrical network which is ready to take the additional load that a build such as Ms Smith's will require.

- By nature of the design it is a class example of what your standards should be and showcases what innovation is available in Low Carbon Technology for new builds. The Design goes further than the requirements to ensure that SAC can really strive to meet their net carbon zero target objective

In Summary I would ask that you visit the site to see for yourself and experience the wonderful surroundings that Ms Smith is looking to raise her children in and care for her pets. Ms Smith is only taking advantage of what she already owns in terms of access to a view with a sympathetic build, which goes above and beyond Planning Standards is more than adequate and exceeds your standard in reaching Net Carbon Zero.

Yours faithfully



Mrs Aileen Rourke

RGM Fencing Ltd
*31 Garvine Road*
*Coylton*
KA6 6NZ

12th October 2021

**21/00705/APP**

Erection of Dwelling House & Garage

To Whom It May Concern

As a commercial customer of Jelliston Farm (and local resident) I would like to offer my support to the application for planning to build a dwelling house there.

I can see no adverse effects on the environment, neighbours or the location whatsoever and the design is one that compliments and blends into the site perfectly.

The plot itself used to have huge buildings on it in the past so it has been perfectly positioned being so neatly in line with all the other buildings. The House is very aesthetically pleasing and a fantastic addition to the area.

It is also worth noting that the owner supports me as a local business hugely. Over recent covid times, I would have found keeping operational much more difficult without their support.

If I can support this application any further, please let me know.

On behalf of

RGM Fencing Ltd

EuroPro Tour Ltd | Mascalls | Mascalls Lane | Great Warley | Brentwood | CM14 5LJ | 01277 359900

Date: 14th October 2022

To Whomever it concerns.

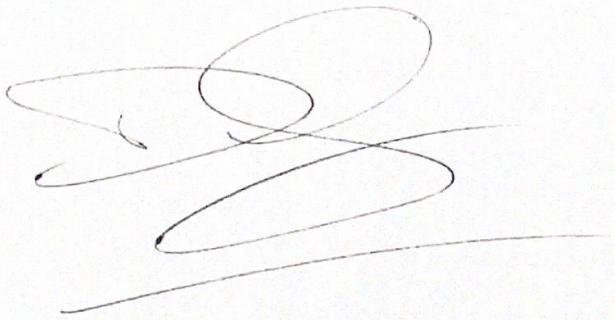
I am writing in support of Elizabeth Smith's application.

Liz is our Commercial Director and both myself and a handful of my team regularly use her property for meetings in Scotland and will have a continued requirement to do so as we work to grow the tour.

Liz is hardest most honest worker you will find and her constant passion for building her business and creating the best life she can for her 3 children is like nothing else.

I hope you reconsider the rejection and can see the genuine intentions behind this project.

Kindest Regards



Daniel Godding
CEO PGA EuroPro Tour

Comments from Agent regarding interested party representation on Notice of Review, 1.2.22

Both my client and I have reviewed the terms of the submissions made by Mrs Anne Smith and welcome the support existing for the application proposal within the local community.