



Development Department
Planning Division

Victoria Quay
Edinburgh EH6 6QQ

Mr Niall A Campbell
Duffield Morgan Ltd
Rowallan Castle
KILMAURS
Ayrshire
KA3 2LP

Telephone: 0131-244 7077
Fax: 0131-244 7083
Ian.Firth@scotland.gsi.gov.uk
<http://www.scotland.gov.uk>

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4 July 2003

Dear Sir

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979
PLANNING AND SCHEDULED MONUMENT CONSENT APPLICATIONS FOR CHANGE
OF USE ETC AT ROWALLAN CASTLE, KILMAURS, KILMARNOCK**

1. This letter contains the Scottish Ministers' decision on the above applications for planning permission and Scheduled Monument Consent lodged, respectively, with East Ayrshire Council on 17 April 2001 and Historic Scotland on 27 November 2000.
2. The planning application was notified to the Scottish Ministers on 31 October 2001. In terms of Section 46 of the Town and Country Planning (Scotland) Act 1997, the Scottish Ministers directed East Ayrshire Council, on 21 December 2001, to refer the application to them for determination.
3. Under the Ancient Monuments and Archaeological Areas Act 1979, Scottish Ministers caused a public local inquiry to be held before determining whether or not to grant scheduled monument consent (SMC).
4. Both applications were thereafter considered at a conjoined public local inquiry, held on various dates between 24 June and 2 August 2002, by Ms Janet M McNair MA(Hons) MPhil MRTPI and Mr Roger Wilson BA Dipl.Arch RIBA. A copy of their report of the inquiry is enclosed for your information.
5. A list of those who appeared at the inquiry is at the third page of the letter of 30 December 2002 covering the report. Chapter 1 of the report describes the application site, its surroundings, and the proposal and Chapter 2 sets out the statutory and policy context.

Evidence at the Inquiry

6. The evidence led at the inquiry is summarised in the report between Chapters 3 and 8 with proposed conditions etc being discussed at Chapter 9. The Reporters' findings of fact are contained in Chapter 10 of the report under that heading.

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Consideration by the Reporters

7. The Reporters' reasoning and recommendation that planning permission be refused appears at Chapter 11 of the report between paragraphs 11.1 and 11.15. Their reasoning and recommendation that Scheduled Monument Consent also be refused appears at Chapter 11 between paragraphs 11.20 and 11.26

The Scottish Ministers' Decision

8. The Scottish Ministers have carefully considered all the evidence presented at the public local inquiry, including the written representations, the Reporters' findings of fact and conclusions and their reasoning and recommendations thereon. They accept the Reporters' findings, agree with their reasoning and conclusions and adopt them for the purposes of their own decision, and accept the Reporters' recommendation that planning permission and Scheduled Monument Consent should be refused.

9. Accordingly, the Scottish Ministers hereby refuse to grant planning permission and Scheduled Monument Consent for a change of use etc at Rowallan Castle, Kilmaurs, Kilmarnock.

10. The foregoing decision of the Scottish Ministers, in relation to the application for planning permission, is final, subject to the right conferred by Sections 237 and 239 of the Town and Country Planning (Scotland) Act 1997 of any person aggrieved by the decision to apply to the Court of Session within 6 weeks of the date hereof. On any such application the Court may quash the decision if satisfied that it is not within the powers of the Act, or that the applicant's interests have been substantially prejudiced by a failure to comply with any requirements of the Act, or of the Tribunals and Inquiries Act 1992, or any orders, regulations or rules made under these Acts.

11. Similarly, the foregoing decision of the Scottish Ministers, in relation to the application for Scheduled Monument Consent, is final, subject to the right of any person aggrieved by the decision to apply to the Court of Session within 6 weeks of the date hereof in accordance with Section 55 of the Ancient Monuments and Archaeological Areas Act 1979. On any such application the Court may quash the decision if it is satisfied that it is not within the powers of the Act or that the applicant's interests have been substantially prejudiced by failure to comply with any requirement of the Act or of the Tribunals and Inquiries Act 1992, or any orders, regulations or rules made under these Acts.

12. Copies of this letter and of the public local inquiry report have been sent to East Ayrshire Council, Historic Scotland, and to all other parties who appeared at the public local inquiry. A copy of this letter only has been sent to those who made representations on the proposal.

13. The productions submitted to the inquiry are currently held in this office. If any parties wish to collect their productions they should contact this office to make the necessary arrangements. If not collected, they will be disposed of after 3 months.

Yours faithfully

IAN FIRTH

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