



**MINUTES OF THE MEETING OF THE  
LOCAL REVIEW BODY**

**THURSDAY 27 FEBRUARY 2014  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

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**Committee Members Present:**

Councillor T Day (Chair)  
Councillor S Brown  
Councillor J Goodfellow  
Councillor J McMillan

**Advisers to the Local Review Body:**

Mr P McLean, Planning Adviser to the LRB  
Mrs M Ferguson, Legal Adviser/Clerk to the LRB

**Others Present**

Mr J Lindsay, Applicant  
Mr T Hardie, Agent  
Ms J Mackay, ELC Media Manager

**Committee Clerk:**

Mrs F Stewart

**Declarations of Interest**

None

**Apologies**

None

Councillor Day, who had been elected to chair today's East Lothian Local Review Body (ELLRB), welcomed all present to the meeting.

**1. REVIEW AGAINST DECISION (REFUSAL)  
PLANNING APPLICATION No: 13/00851/PP – PLANNING PERMISSION  
IN PRINCIPLE FOR THE ERECTION OF ONE HOUSE AT 51 THE  
VILLAGE, ARCHERFIELD, DIRLETON**

The Legal Adviser introduced the review application and outlined the procedure for today's meeting. She advised that Members had received written papers, including a submission from the Case Officer and review documents from the applicant. A site visit had also been carried out. After hearing a statement from the Planning Adviser summarising the planning policy issues, Members would decide if they had sufficient information to reach a decision today. If they did not, the matter would be adjourned for further written representations or for a hearing session. Should Members decide they had sufficient information before them, the matter would be discussed and a decision reached on whether to uphold or overturn the decision of the Appointed Officer. The Chair then invited the Planning Adviser to present a summary of the planning policy considerations in this case.

The Planning Adviser stated that the application site was part of the garden ground of 51 The Village, Archerfield and the application was seeking planning permission in principle for the erection of one house. He advised that Planning legislation requires decisions on planning applications to be taken in accordance with development plan policy unless material considerations indicated otherwise. Local Plan policy TOUR1 related specifically to the Archerfield Estate and supported the principle of high quality golf based hotel, leisure and recreation development. The Local Plan states that any new development proposed within the Estate must be consistent with policies controlling development in the countryside. The key policy in this regard was Local Plan policy DC1 which generally seeks to restrict development in the countryside to protect its character, while allowing some appropriate development. New build housing was normally only permitted where there was an agricultural or other operational requirement, or as enabling development. The site was also in a designated Area of Great Landscape Value and it included protected trees. Other relevant development plan policies were outlined including transport and parking policies as well as Scottish Planning Policy. The application had been refused by the Appointed Officer for two reasons; firstly, on the basis that there was no operational need for the proposed house and it was therefore contrary to policy DC1 and secondly, approval would set a precedent for further development of new houses at Archerfield, the cumulative effect of which would be detrimental to the character of the Village and the surrounding countryside. The Case Officer had considered the proposal acceptable in other respects, including privacy and amenity, impact on trees, traffic and road safety, noting that conditions could be imposed to control detailed matters. The applicant's request for a review had argued that the Village at Archerfield should be treated as a small village settlement, with different Local Plan policies such as DP7 used to control its development. It was further argued that policy DC1 was out of date and in need of review and that Scottish Planning Policy supports the proposals and should be accorded significant weight. It was stated that

there were no specific objections from neighbours or Consultees. The Planning Adviser then summarised consultation responses and representations. No further representations had been received in response to the Notice of Review.

The Chair invited questions from Members.

Councillor Goodfellow sought clarification on the area of the plot, questioning whether the figures quoted on page 1 of the applicant's Planning Statement were accurate. The Planning Adviser pointed out that Appendix 1 of the Planning Statement also contained figures for the existing and proposed plots as well as neighbouring plots. However, these figures differed from those quoted within the Statement and the Planning Adviser was unable to account for the discrepancy.

The Chair advised that it was now for Members to decide if they had sufficient information to determine the application. The Members agreed unanimously that they had sufficient information to proceed with the application today.

Councillor Goodfellow stated that he had to consider whether the proposal constituted development in the countryside, in terms of Local Plan policy DC1. In his view, the application site was within a settlement, but a settlement in the countryside. As such, he did not consider that there was any justification for this proposal as it would not contribute to the development of Archerfield House in any way. He also had concerns regarding the plot size ratios and the size of the development compared to others in this location. He was therefore minded to uphold the decision of the Case Officer.

Councillor McMillan considered that the application site was now located in a settlement and argued that the enabling development had made a valuable contribution to the development of Archerfield. He also pointed out that Scottish Planning Policy, paragraph 94, states that development plans should support more opportunities for small scale housing development in all rural areas. He was therefore minded to overturn the Case Officer's decision on the grounds that the application site was a sizeable plot. He also felt comfortable that the application was only for planning permission in principle at this stage.

Councillor Brown shared Councillor Goodfellow's views that the site was within a settlement in the countryside and considered that the proposal was contrary to Local Plan policy DC1. He would therefore vote to uphold the decision of the Case Officer.

The Chair stated that, while he fully understood the motivation of the applicant to develop the application site, in his view this site was covered by the Adopted 2008 Local Plan and by policy DC1. He considered that policy DC1 quite rightly set a high bar for development in the countryside and he could see no mitigating factors or operational requirement to depart from that policy. The applicant, in his statement, had referred to the recent granting of planning permission at Archerfield for 40 houses and 20 flats. However, the minutes of this meeting note his support for all but one of the applications, 13/0006/P, which was on land covered by policy DC1. His decision today was therefore consistent with his previous position. He also stated

that Archerfield Village was conceived in a certain style and, by granting this application, the LRB would be setting an unwelcome precedent which could fundamentally change its character. Finally, the Chair noted that the applicant stated in his supporting documents that that this was the only property which was capable of accommodating a house, but having viewed the site today, he had to disagree with that assessment. He would therefore not be supporting this appeal and would vote to uphold the decision of the Case Officer.

**Decision**

The ELLRB agreed by a majority to uphold the decision to refuse planning permission for the two reasons set out in the original Decision Notice dated 5 December 2013, namely:

1. No case has been made for the building of the proposed new house in the countryside to meet an agriculture, horticulture or forestry need. No other operational need has been advanced to justify the erection of the proposed new house. Consequently and because the proposed new house would constitute sporadic development in the countryside this proposal is contrary to Policy DC1 of the adopted East Lothian Local Plan 2008.
2. If approved the proposed development would set an undesirable precedent for the unjustified development of new houses in the countryside at Archerfield, the cumulative effect of which would be to the detriment of the character and amenity of The Village, Archerfield and to this part of the East Lothian countryside.

The Clerk advised that a formal Decision Notice would be issued within 21 days.