

**REVIEW DECISION NOTICE**

Decision by East Lothian Local Review Body (the "ELLRB")

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Application for Review by Mr Lewis Houghton against decision by an appointed officer of East Lothian Council

Site Address: Courtyard Cottage, 2 Redside Farm Steadings, North Berwick

Application Ref: 17/00158/P

Application Drawing: Drawing number 2 (Location plan at scale of 1:1250)

Drawing number 3 ('Sharp' specification details)

Drawing Number 0001 (Proposed Elevations)

Date of Review Decision Notice: 31 August 2017

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**Decision**

The ELLRB upholds the decision to refuse planning permission for the reasons given below and dismisses the review.

This Notice constitutes the formal decision notice of the Local Review Body as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.

**1. Introduction**

1.1. The above application for planning permission was considered by the ELLRB, at a meeting held on Thursday, 31 August 2017. The Review Body was constituted by Councillor N Hampshire (Chair); Councillor J McMillan, and Councillor S Kempson, All three members of the ELLRB had attended an unaccompanied site visit in respect of this application prior to the meeting.

1.2. The following persons were also present at the meeting of the ELLRB:-

Iain McFarlane, Planning Adviser  
Carlo Grilli, Legal Adviser  
Fiona Stewart, Clerk.

## 2. Proposal

- 2.1. The planning application is for the installation of solar panels to the rear south facing roof of property at Courtyard Cottage, 2 Redside Farm Steadings, North Berwick.
- 2.2. The planning application was registered on 21 March 2017 and was refused under delegated powers on 5 May 2017. The notice of review is dated 30 May 2017.
- 2.3. The reasons for refusal are set out in full in the Decision Notice and are, in summary, that the proposed installation of the 12 solar panels would appear as harmfully prominent, bulky and incongruous features on the roof of the house. They would be out of keeping with the character of the building. The proposed solar panels would not preserve or enhance the character and appearance of a listed building but would detract from it. Consequently the proposed solar panels would be contrary to Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SES Plan) and Policies DC1 (Part 5), ENV3 and DP6 of the adopted East Lothian Local Plan 2008.

## 3. Preliminaries

- 3.1. The ELLRB members were provided with copies of the following:-

1	The drawings specified above
2	The Application for planning permission
3	The Appointed Officer's Report of Handling
4	A copy of the Decision Notice dated 5 May 2017
5	Copies of Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SES Plan) and Policies DC1 (Part 5), ENV3 and DP6 of the adopted East Lothian Local Plan 2008.
6	Suggested Schedule of Conditions to be attached to any grant of planning permission
7	Notice of Review dated 30 May 2017 together with Applicant's Submission with supporting statement and associated documents.

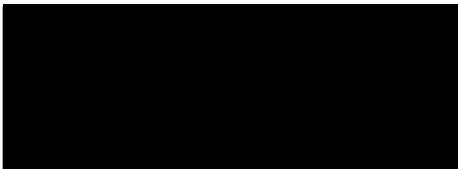
## 4. Findings and Conclusions

- 4.1. The ELLRB confirmed that the application for a review of the original decision permitted them to consider the application afresh and it was open to them to grant it in its entirety, grant it subject to conditions or to refuse it. They confirmed that they had access to the planning file in respect of this matter and to all the information that the Appointed Officer had available when reaching the original decision to refuse planning permission, including all drawings and copies of all representations and objections received in respect of the original application.
- 4.2. The Members then asked the Planning Adviser to summarise the planning policy position in respect of this matter. The Planning Adviser gave a brief presentation to Members advising that the main determining factor was whether, the proposed installation of the solar panels would appear as harmfully prominent, bulky and incongruous features on the roof of the house and would be out of keeping with the character of the building as a farm steading. He also mentioned that the building was a listed building and confirmed that in terms of the officer report the proposed solar panels would not preserve or enhance the character and appearance of a listed building but would detract from it.

- 4.3. Councillor McMillan stated that at the site visit he had taken regard of Historic Scotland guidance. There was also a comment and acknowledgement that the previous planning application to convert the farm steading into residential accommodation needed to be considered and in particular noted that the previous application for Velux windows was correct although this application differs from that application in that it is an application to install Solar Panels. He also confirmed that he had taken due regard of the relevant policies but in particular Policies DC1 (Part 5), and ENV3. He sympathized with the applicant's desire to use/to look for adequate sources of energy but was of the view that there are alternatives to Solar Panels and is of the view that other heating systems could be explored. He confirmed that he would support the decision of the Case Officer
- 4.4. Councillor Kempson stated that the Solar Panels would be inappropriate in the context of the building and confirmed that she too supported the decision of the Case Officer.
- 4.5. The Chair stated that the original developer has done well to retain the courtyard as it has been from farm steading to residential. When reviewing the number of Velux windows installed he does not think that the Solar Panels would have a significant visual impact on the listed building and therefore confirmed that he would uphold the appeal.

Accordingly, the ELLRB decided 2 to 1 that the Review should be dismissed and the original decision to refuse this application should be upheld, for the reasons set out in the original Decision Letter of 5 May 2017.

The Review Application was accordingly dismissed.



Carlo Grilli  
Legal Adviser to ELLRB

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997****Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under Section 43A(8)**

Notice Under Regulation 21 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.

- 1 If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
  
- 2 If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.