



John Muir House Haddington EH41 3HA Tel: 01620 827 216 Email: planning@eastlothian.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 100075224-001

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)

Planning Permission in Principle for the Erection of One Dwellinghouse and Domestic 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?
(Answer 'No' if there is no change of use.) *

Yes No

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:	Seath Planning Consultancy Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	ALAN	Building Name:	
Last Name: *	SEATH	Building Number:	88
Telephone Number: *		Address 1 (Street): *	Scott Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Glenrothes
Fax Number:		Country: *	Scotland
		Postcode: *	KY6 1AE
Email Address: *	a_seath@sky.com		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Annfield
First Name: *	Steve	Building Number:	16
Last Name: *	Reynolds	Address 1 (Street): *	Camptoun Holdings
Company/Organisation	Applicant	Address 2:	
Telephone Number: *		Town/City: *	North Berwick
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	EH39 5BA
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

East Lothian Council

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

Address 1:

14 CAMPTOUN HOLDING

Address 2:

DREM

Address 3:

ATHELSTANEFORD

Address 4:

Address 5:

Town/City/Settlement:

NORTH BERWICK

Post Code:

EH39 5BA

Please identify/describe the location of the site or sites

Northing

677844

Easting

350197

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

See supporting statement

Title:

Ms

Other title:

First Name:

Stephanie

Last Name:

McQueen

Correspondence Reference Number:

Enquiry Dev62751

Date (dd/mm/yyyy):

18/06/2018

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

1906.00

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)

Vacant rural brownfield land

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.

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

Yes No

Do your proposals make provision for sustainable drainage of surface water?? *
(e.g. SUDS arrangements) *

Yes No

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.

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: ALAN SEATH

On behalf of: Applicant

Date: 04/11/2018

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)

Architects 3D visuals

Provide copies of the following documents if applicable:

- | | | |
|--|---|---|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> 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 ALAN SEATH

Declaration Date: 06/11/2018

Payment Details

Departmental Charge Code: 401

Created: 05/11/2018 18:55



View from Garden



View from road

refusing a grant of planning permission in principle 18/01107/PP
EAST LOTHIAN COUNCIL
Plan/Drawing listed on the Decision Notice of 20/12/2018

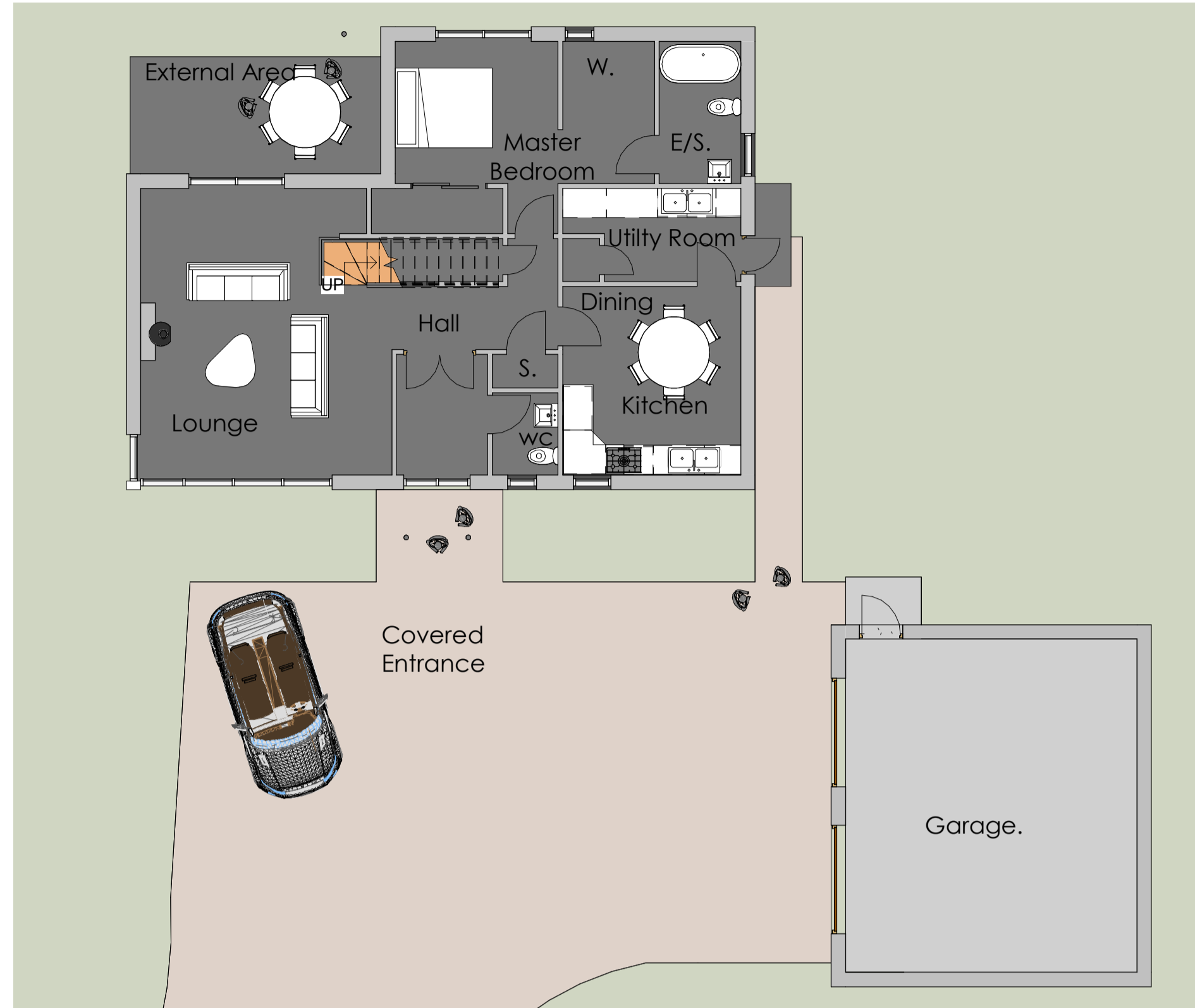
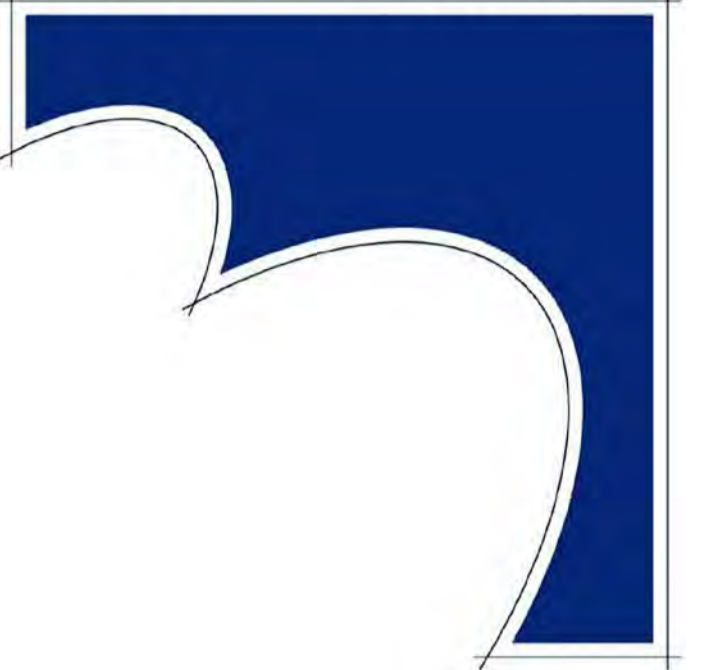
REV	Description	Date
A	Amended	15.10.18

Client:
Alan Seath Consultancy

Project:
House in the Countryside
14 Camptoun Holdings, East Lothian

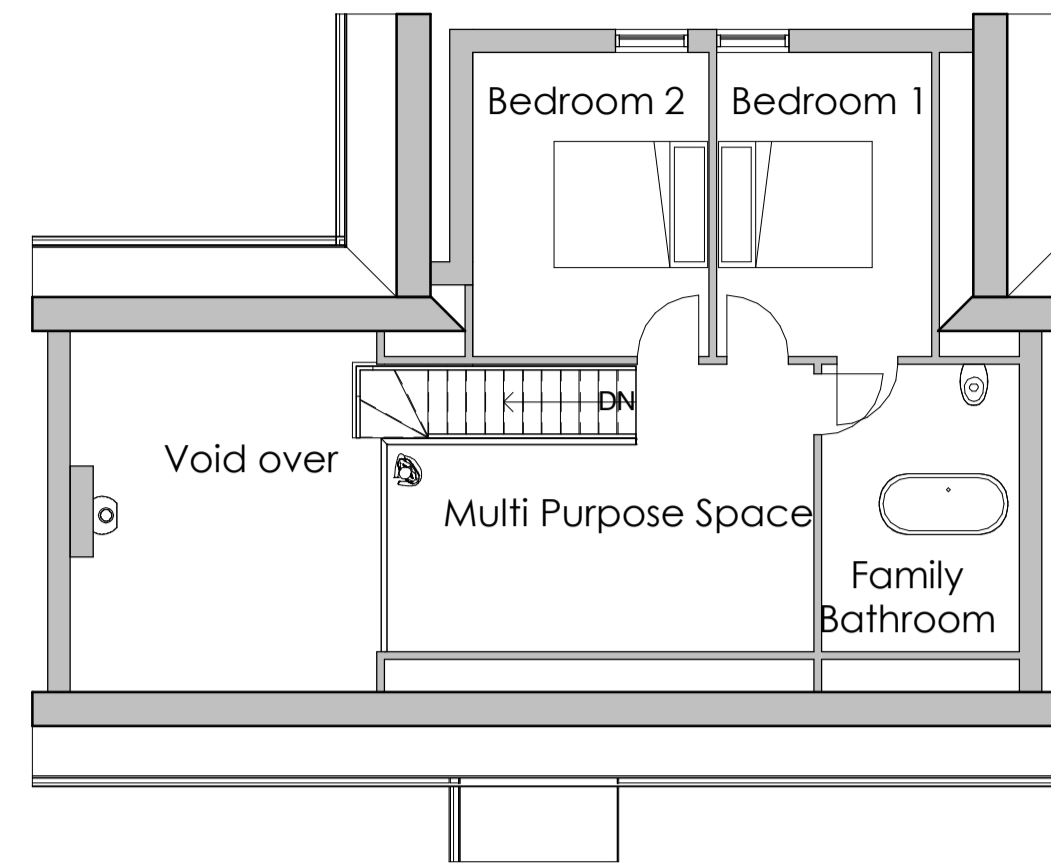
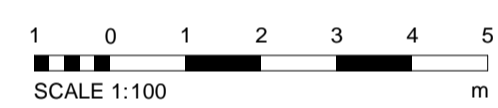
Sheet Title:
3D Views

Drawing Number:
2205_ D_003 A



Proposed Ground Level

1 : 100



Proposed First Floor Plan

1 : 100



Section through House

1 : 50

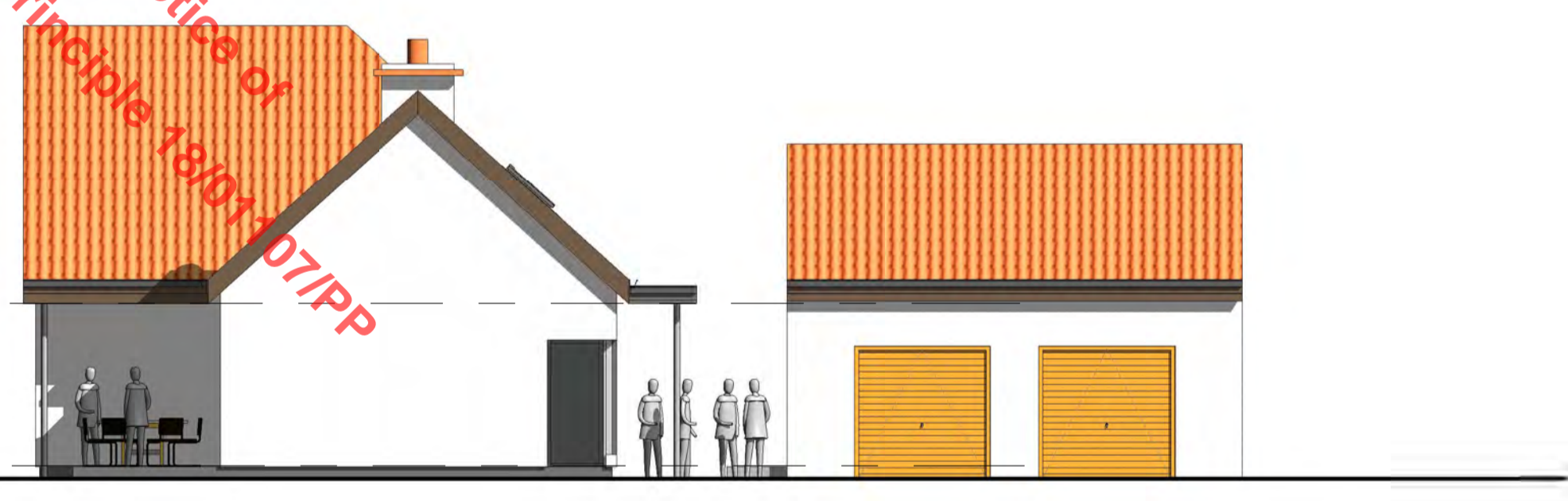


refusing a grant of planning permission in principle 18/01/17/PP
EAST LOTHIAN COUNCIL
Plan/Drawing listed on the Decision Notice of 20/12/2018



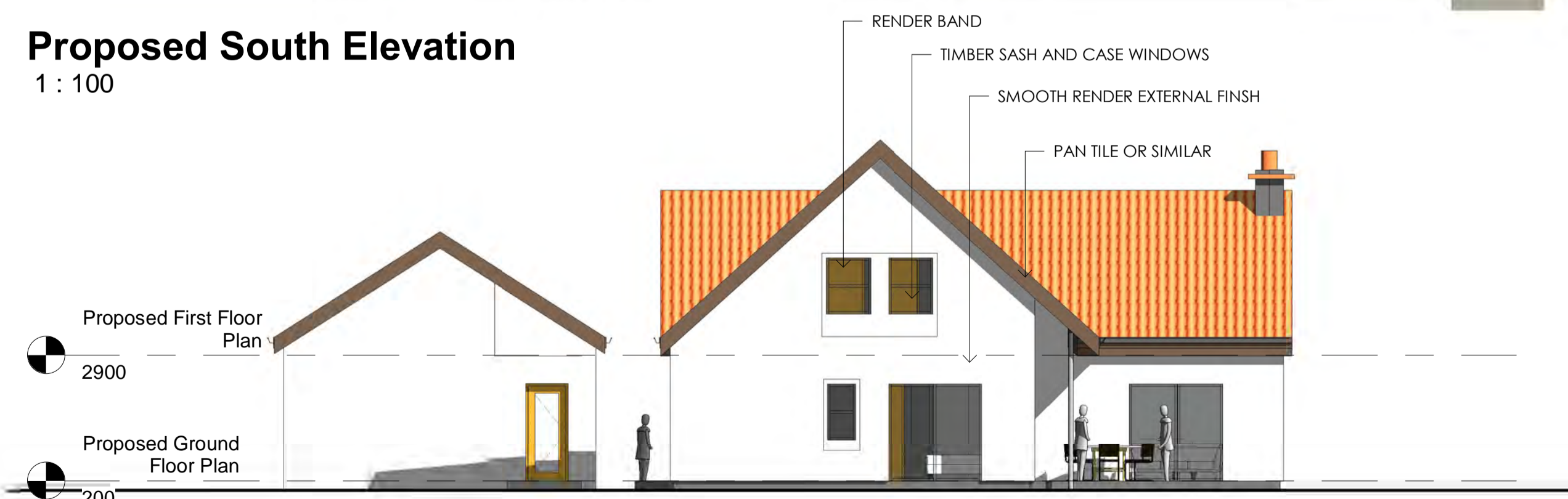
Proposed South Elevation

1 : 100



Proposed West Elevation

1 : 100



Proposed North Elevation

1 : 100



Proposed East Elevation

1 : 100

REV	Description	Date
A	Amended	15.10.18

Client:
Alan Seath Consultancy

Project:
House in the Countryside
14 Campoun Holdings, East Lothian

Sheet Name:
Plans, Section and Elevations

Drawing Number:
2205_D_001 A

Paper size: A1 drawn by: Author checked by: Approver

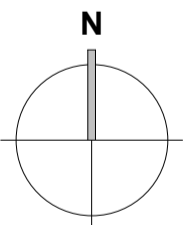
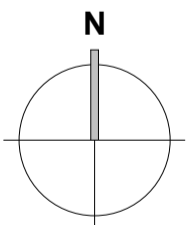


LANDSCAPING TO BOUNDARY

SITE AREA 1906M2

in

*EAST LoTHIAN COUNCIL
Plan/Drawing listed on the Decision Notice of
20/12/2018
refusing a grant of planning permission in principle 18/01107/PP*



Existing Site/ Block Plan
1 : 200



Proposed Site/ Block Plan
1 : 200

REV	Description	Date
A	Amended	15.10.18

Client:
Alan Seath Consultancy

Project:
House in the Countryside
14 Campdown Holdings, East Lothian

Sheet Name:
Site Plans

Drawing Number:
2205_D_002 A

Planning Policy & Design Statement

Planning Permission in Principle for the Erection of
One Dwellinghouse and Garage

At: 14 Camptoun Holdings, East Lothian

For: Mr. Steve Reynolds

Date: 15 October 2018

SPC Seath Planning Consultancy Ltd

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1. Background

Introduction

This Planning Policy and Design Statement [the Statement] supports the Planning Application [the Application] submitted by Seath Planning Consultancy Ltd. on behalf of Mr. Steve Reynolds [the Applicant] the owner of the Application Site [the Site] at 14 Camptoun Holdings. This follows the pre-application advice received from the planning officer on the 18 June 2018 (see Appendix 1).

The Site & Surrounding Area

The Site which is the subject of this Application occupies a countryside location in the north eastern part of Camptoun Holdings a small rural hamlet located 2 miles to the north of Haddington.

The Site, which has a postal address of 14 Camptoun Holdings, can be described as roughly rectangular in shape extending to 1906 sq. metres. It is bounded by agricultural land to the north east and north west; by the road to Camptoun Holdings to the south with residential development lying in close proximity.

The Site can be accessed off the Camptoun Holdings road which connects onto the B1343.

Agricultural sheds and remnants of agricultural use remain on the Site, as was reported in 2014/15 when the Planning Authority considered planning application reference 14/00794/PP. Due to its derelict and unkempt state the Site is rural brownfield land (previously developed), by definition, worthy of improvement.

The location/block plan accompanying the planning submission illustrates the site and surrounding area.

The Proposal

The Applicant is seeking Planning Permission in Principle for one dwellinghouse and domestic garage. The proposed development will be of a scale, design and external finish to complement the existing cluster of dwellinghouses/buildings which comprise Camptoun Holdings.

The development cluster is characterised by properties which are single and one and a half storey dwellinghouses, a rural group which sits in a secluded rural location. This cluster has evolved over time, making good use of space and topography creating a tight knit rural community. The properties exist in a rural environment which remains indiscrete.

These dwellinghouses have been developed in the past with no detriment to the natural environment and landscape character due to traditional design and scale. The same principles are to be applied to the proposed development with existing redundant buildings replaced by a dwellinghouse and garage in keeping with its neighbours.

It is intended that visually, the proposed development will have a negligible impact on the surrounding landscape, unlike the existing derelict buildings on site. The indicative site plans illustrate a development with the dwellinghouse and garage set back from the public by approximately 16m and 6m respectively. With development adhering to a building line, created by the existing dwellinghouses, this will achieve uniformity and retain a compact layout in the cluster. Together with proposed landscape planting this will ensure that

there is no detriment to visual amenity or landscape quality. Views into the Site will be limited to passers-by with views restricted at distance.

An indicative design is submitted [**for information purposes only**] illustrating an option for the proposed development which:

- (i) Respects a building line in Camptoun Holdings (see location plan);
- (ii) Is designed with a traditional 40 degree roof pitch;
- (iii) Is finished in traditional external finishing materials;
- (iv) Contains a traditional window format; and
- (v) Has a domestic garage with the overall layout (dwellinghouse and garage) not too dissimilar to other plot arrangements in Camptoun.

The Applicant will accept reasonable and necessary conditions which reserve the design and finish of the dwellinghouse and garage. If the Council are minded to grant planning permission the Applicant will submit a design brief along with any detailed planning application.

It is submitted that all the above mentioned factors are relevant and they need to be considered not as part of the general rule but as exceptions to a general rule i.e. Development Plan policies to be met. What is being submitted in this case is that there is evidence that supports the view that such proposals should be treated as an **“exceptional” or “special circumstance” serving the long term public interests** – material considerations which support the grant of planning permission.

Planning History

Planning application reference 14/00794/P was refused planning permission in 2014. On the 11 May 2015 the Local Review Body upheld the decision refusing planning permission.

A pre-application enquiry was submitted in early May 2018 for a revised proposal and a response was received advising that a planning application would not be supported (see Appendix 1).

Despite the findings of the planning officer it is submitted that there has been a **change in circumstances** since 2015 with the condition of this rural brownfield site deteriorating even further over the years. The Site remains visually intrusive in the landscape and detrimental to the amenity of those staying in Camptoun. By applying **rational and proportionality** to the planning argument, a case is submitted which seeks to gain support for the erection of a single dwellinghouse and garage on the site and allows the Planning Authority to make a **reasonable** decision. These factors are addressed later in this Statement.

2. Planning Policy Background

Introduction

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 as amended by the Town and Country Planning (Scotland) Act 2006 [the Planning Act] requires that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. This Statement will demonstrate compliance with the terms of s25 and s37(2) of the Planning Acts with material considerations adding significant weight to the planning case to justify approval of the development.

The relevant Development Plan policies are contained in the East Lothian Local Development Plan [September 2018]. The rural development policies do not make provision for the development of rural brownfield land unlike many other Development Plans in the country. As a consequence, it has to be accepted that the planning policies, in their own right do not support housing development in the countryside without any rural economic justification. However, what is argued in this case is that there is an exception to these policies as the proposals are enabling development (complying with the relevant policy) and that other material considerations provide significant weight to a case which is an exception to the general rule of rural development planning policy as stipulated by East Lothian Council.

This Statement sets out to demonstrate that the Site comprises previously developed brownfield land which has a detrimental impact on the landscape character of the area; and that the proposed enabling development serves to improve visual and residential amenity, providing the exceptional circumstances needed to justify the proposed development. A more in-depth analysis of the definition of “*cluster development*” and brownfield land adds weight in favour of the case.

The East Lothian Local Development Plan [LDP]

Following a pre-application process the Applicant was furnished with a reply from the Planning Authority (see Appendix 1). This relied on the following planning policies.

Policy DC1 Rural Diversification provides that development in the countryside, including changes of use or conversions of existing buildings, will be supported in principle where it is for:

- (a) agriculture, horticulture, forestry, infrastructure or countryside recreation; or
- (b) other businesses that have an operational requirement for a countryside location, including tourism and leisure uses.

Proposals must also satisfy the terms of Policy NH1 and other relevant plan policies. Proposals for mineral extraction and renewable energy will be assessed against the other relevant policies of the Plan.

Any proposals for the restoration or conversion of vernacular buildings to accommodate uses supported in principle by this policy should be of an appropriate scale and character and designed in such a way that maintains or complements their layout and appearance.

Comment: The proposed development does not fit the terms of the criteria specified in this policy.

Policy DC4: New Build Housing in the Countryside provides that new build housing development will only

be supported in the countryside outwith the constrained coast where there is no existing house or no appropriate existing building suitable for conversion to a house is available in the locality and:

(i) In the case of a single house, the Council is satisfied that it is a direct operational requirement of a viable agricultural, horticultural, forestry, countryside recreation or other business, leisure or tourism use supported in principle by Policy DC1. The Council will obtain independent advice from an Agricultural and Rural Advisor; and

(ii) In the case of other small scale housing proposals, it is for affordable housing and evidence of need is provided, and the registered affordable housing provider will ensure that the dwellings will remain affordable for the longer term. Proposals should be very small scale and form a logical addition to an existing small-scale rural settlement identified by this plan.

Comment: It is accepted that the proposed development does not accord with the criteria based approach of this policy as there is no rural economic justification.

Policy DC5: Housing as Enabling Development provides that housing in the countryside may exceptionally be supported as enabling development where it will:

(a) enable a desirable primary use supported in principle by criterion b of Policy DC1 and the benefits of the primary use outweighs the normal presumption against new build housing in the countryside; or

b) fund the restoration of a listed building or other building with recognised heritage value, or other significant designated feature of the built or natural environment, the retention of which is desirable. Proposals must also protect or enhance the setting of such features and satisfy the terms of Policies CH1 and where relevant, CH6. Enabling development will only be acceptable where it can be clearly demonstrated to be the only means of preventing loss of the asset and securing its long-term future;

c) the proposal satisfies the terms of Policy NH1.

Any enabling development must be on the same site as and part of the main proposal. Where the proposal will fund the restoration of a listed building, the priority is for enabling development to take place on the same site as the listed building. Any enabling development proposed off-site must be clearly justified with strong evidence to demonstrate why the enabling development could not take place on the site.

In all cases, the benefits of the proposed development must outweigh the normal presumption against new build housing development in the countryside.

The Council will obtain independent advice on the extent of enabling development to ensure that it is the minimum necessary to achieve the primary use and it is not a substitute for normal development funding including borrowing.

Comment: The planner, in the pre-application response did not accept that the proposed development was an enabling development. However, it is submitted that this conclusion only serves to demonstrate the lack of knowledge of the development process.

To allow for the removal of derelict buildings and reclamation of an unkempt site requires third party intervention. The Applicant is submitting a proposal for a single dwellinghouse and garage absorbing the costs of demolition and reclamation. The development will bring about substantial

improvements to this rural brownfield land and improve landscape quality, as well as visual and residential amenity and accords with policy DC5.

This small scale development provides an exception to the general rule as stipulated in rural development policies DC1 and DC4.

Policy DC9: Special Landscape Areas provides that Areas are designated as Special Landscape Areas as identified within supplementary planning guidance on Special Landscape Areas. Development within or affecting Special Landscape Areas will only be permitted where:

1. it accords with the Statement of Importance and does not harm the special character of the area; or
2. the public benefits of the development clearly outweigh any adverse impact and the development is designed, sited and landscaped to minimise such adverse impacts.

The Council will refer to the Statement of Importance of the relevant site in assessing planning applications.

Comment: If it can be accepted that the proposed small scale proposal on the Site is enabling development (see above) then it is argued that the proposals submitted will be in sympathy with the cluster of development which is Camptoun Holdings; and will not have a visual impact meeting the terms of policy DC9. Indicative plans have been submitted to demonstrate what can be achieved on Site. This is examined in more detail later in this Statement.

Analysis: Proposed Development Against the Planning Authority's Findings

Introduction

It is accepted that the proposed development cannot meet the strict terms of the LDP rural economic development policies DC1 and DC4. However, what cannot be accepted is an approach that ignores the fact that this proposed development can be categorised as an enabling development resulting in environmental betterment without detriment to the countryside.

In addition, what cannot be ignored is the terms of s25 and s37(2) of the Planning Acts and the reliance on other material considerations in the decision making process. With reference to the pre-application enquiry response (dated 18 June 2018 – Appendix 1) this Statement will now demonstrate there has been a lack of proper planning practice and an approach by the Planning Authority which appears to set aside a reasonable planning decision in favour of an unreasonable approach and the refusal of planning permission in the past.

The Analysis

The planning officer in her response to the pre-application enquiry states:

“the proposed house would constitute intrusive, sporadic development in the countryside and the principle of such proposed development on the site is inconsistent with Policy DC4 of the Proposed East Lothian Local Development Plan.”

It is considered that this statement demonstrates a lack of knowledge of other material considerations and a lack of planning judgement as the removal of all derelict structures, to be replaced by a dwellinghouse and garage would lead to environmental betterment. In the absence of any request for further information and

further discussion to demonstrate what can be achieved on the Site (to include landscaping) then it is very difficult to see how the planning officer can reach a conclusion that any proposal would “*constitute intrusive and sporadic development*”. As a property with a postal address in Camptoun Holdings it could be designed and laid out to “round-off” this rural cluster of dwellinghouses without detriment to residential and visual amenity.

A further statement at pre-application stage states:

“In the absence of any such direct operational requirement or justified supporting case for the erection of the proposed house, the principle of such proposed development on the site is inconsistent with national, strategic and local planning policy and guidance concerning the control of development of new build houses in the countryside.”

This statement only focusses on the terms of the Development Plan policy as it relates to rural economic development and does not represent a fair and reasonable approach to decision making. It ignores the principles of s25 and s37(2) of the Planning Acts by setting aside the potential of enabling development and the persuasive arguments set out in other material considerations. National policy does support a development of a scale, and at a rural location such as Camptoun Holdings. This is addressed later in this Statement.

The planner goes on further in the assessment of the pre-application reply stating:

“Rather the proposed development of a house on the site would constitute intrusive, sporadic development in the countryside and would set an undesirable precedent for the development of new houses in the countryside of East Lothian, the cumulative effect of which would be the suburbanisation of the countryside to the detriment of its character and amenity.”

This statement clearly ignores the environmental betterment that would result through the removal of derelict buildings and the environmental impact that these structures currently have in this rural area. Their removal and thereafter replacement with a dwellinghouse and garage of a scale, mass, design and layout similar to those in Camptoun Holdings would not be unobtrusive when compared to the current circumstances. It would be fit for purpose, rounding-off a rural cluster.

The use of the word suburbanisation is wrong in this context. **Suburbanisation** can be defined as:

*“the outward growth of urban development which may **engulf surrounding villages and towns into a larger urban agglomeration.**”*

The suburbs are the outlying areas of a city which are close enough to the city centre to be accessible by commuters. The proposed development cannot be regarded as a “*suburbanisation of the countryside*” as inferred by the author of the pre-application response. The scale of the proposals does not fit with this description. The word is being used in the wrong context, it is unjustified and demonstrates a lack of understanding of planning and development. It only serves to scare-monger and justify a misguided planning conclusion.

Design and impact issues were also addressed as part of the pre-application stage leading to a contradiction. It is stated in the pre-application response that:

“Without any details of the appearance of the proposed development it is not possible for me to comment on whether the proposals would harm the special character of the Special Landscape Area, however it could be said that as intrusive countryside development the principle of the erection of a house would not accord with Policy DC9.”

The plans submitted with the Application demonstrate what can be achieved on Site. **These plans are submitted for information purposes only** and can be the subject of meaningful discussion to achieve a development which the Council consider to be fit for purpose in the landscape setting.

The response continues:

“I advise that any visual improvement of the appearance of the site through its development or landscaping would not be sufficient to outweigh the other material considerations that the erection of a house on the site without any direct operational justification of need of a viable agricultural, horticultural, forestry, countryside recreation or other business, leisure or tourism use, or the proposed development being promoted as affordable housing would be contrary to Policy DC1 of the adopted East Lothian Local Plan 2008 and Policies DC1 and DC4 of the Proposed East Lothian Local Development Plan.”

This statement is contradictory to the above-mentioned quote. How can the decision maker assess what the visual improvement on the Site would be if it is stated that:

Without any details of the appearance of the proposed development it is not possible for me to comment on whether the proposals would harm the special character of the Special Landscape Area”

This does not represent good planning practice or the way in which to make a proper planning decision.

The planner continued with the assessment stating:

“it is my opinion that the proposed development would not be enabling housing development that would meet the criteria of sections a), b) or c) of Policy DC5. Moreover, the preamble to Policy DC5 specifically states that the desirable primary use for which enabling housing development may be proposed should be a use other than residential development or infrastructure and should be a use that is supported in principle in a countryside location under Policy DC1.”

Another statement which relies on Development Plan policy and as stated above it clearly demonstrates a lack of understanding of planning principles and the development process. It still remains the case that without any third party intervention the dereliction on the Site will remain.

One definition of enabling development is:

*“that would be unacceptable in planning terms but for the fact that it **would bring public benefits** sufficient to justify it being carried out, and which could not otherwise be achieved. The key public benefit to significant places is usually the securing of their long-term future.”*

This is another material consideration in the determination of this Application as:

- (i) There would be a delivery of public benefits through environmental improvements which are sufficient to justify approval of planning permission; and
- (ii) These public benefits cannot be achieved without the intervention of a third party (in this case the Applicant); and

- (iii) There is a need for the decision maker to understand the development process (particularly in relation to enabling development) to enable the delivery of long term environmental benefits in the public interest.

The document published by the Scottish Land Commission (The Delivery of Public Interest Led Development in Scotland) states:

“Public interest led development needs the public sector to act as the ‘prime mover’ to bring clarity, purpose, confidence and intent.”

SPP reinforces this point by stating:

*“The **planning** system operates in the long term **public interest**.”*

There is a justifiable planning case to be considered based on enabling development supported by Government guidance.

3. Material Considerations

Introduction

By failing to take into account the principles of s25 and s37(2) of the Planning Acts it is submitted that the Planning Authority has failed to arrive a proper recommendation in the pre-application response by ignoring material considerations. This section of the Statement sets out to define material considerations and their importance in the decision making process.

Although there is no statutory definition of what constitutes a material consideration there are two main tests for deciding whether a consideration is material and relevant:

- (i) it should serve or be related to the purpose of planning. It should therefore be related to the development and use of land in the public interest; and
- (ii) it should fairly and reasonably relate to the particular application.

Material considerations can include national, European and Development Plan policies, planning history, the design of the proposed development, and the effect of the proposals on the environment, society and/or the economy. The following are matters which are considered to be relevant to this case and are presented in the context of comments made in the pre-application response issued on the 18 June 2018 (Appendix 1).

Building Cluster

To provide justification for the proposed development, what requires to be examined more carefully is the definition of cluster development. Referring to the document Planning Advice Note 72 Housing in the Countryside [PAN 72] this forms the basis for an understanding of cluster. The document advocates the siting of new development in **building clusters**. In this context it has to be remembered that Camptoun Holdings has been formed over the years based on the cluster principle (see Section 1 of this Statement). It is this principle that contributes to making such proposals “**exceptional**” or “**special circumstances**”.

PAN 72 does not define a building cluster and it leaves each Planning Authority free to provide its own definition as a material consideration. The LDP fails to do so.

The now superseded Scottish Planning Policy 3 [Planning for Housing] is a point of reference on the general policy for housing. Paragraph 18 of SPP3 recommends the advancement of policy in respect of small scale rural housing developments including clusters and groups in close proximity to settlements, replacement housing, plots on which to build individually designed houses, and holiday homes. The overall message is that there is considerable scope for allowing more housing developments of this nature and that this should be expressed in development plans.

Paragraph continues the support stating:

“Small clusters and groups of dwellings could be feasible in many places helping to meet a demand”

Comment: The proposed development, subject of this Application, fits with national guidance rounding-off the cluster at the chosen location.

Brownfield and Vacant Land

Brownfield land is a frequently used term. A variety of definitions of brownfield land exist, the most succinct of which is “*any land which has been previously developed*”. Reference to previously developed or brownfield land is more wide-ranging than, but inclusive of, vacant and derelict land.

The issue of vacant and derelict land links into the wider former Scottish Executive objectives of sustainable development, economic competitiveness, social justice and environmental quality. While the reclamation of vacant and derelict land is part of the remit of the Enterprise Networks, Councils and other interested parties, including the private sector, have an important role in reclaiming and reusing this type of land.

Comment: The site at Camptoun falls within this definition.

Definition of Vacant Land: is land which is vacant e.g. unused, unsightly, or which would benefit from development or improvement.

Comment: The site at Camptoun falls within this definition.

Scottish Vacant and Derelict Land Survey 2001 Commentary expands on these definitions. Previously developed land (also referred to as brownfield land) is a potential source of sites for new development and planning authorities should support and promote proposals to bring vacant or derelict land back into productive use for development or to create more attractive environments in the public interest.

Redevelopment of rural brownfield sites (as is proposed in this case) is preferred to development on greenfield sites. When identifying locations for housing, planning authorities and developers should consider the reuse of previously developed land before development on greenfield sites and should take account of the following factors:

- (a) the potential contribution to the strategy and policies of the development plan and other national and local policy objectives,
- (b) the relative accessibility of sites by a choice of transport options;
- (c) the availability of infrastructure, including waste management infrastructure, and education and community facilities;
- (d) whether development can be achieved within the required time frame;
- (e) the provision of choice across the housing market area;
- (f) the design, quality and density of development that can be achieved; and
- (g) the individual and cumulative effects of the proposed development.

The proposed development will:

- i) meet the terms of Development Plan policy (see above);
- ii) is easily accessible;
- iii) can be serviced by appropriate infrastructure;
- iv) can be developed timeously to deliver environmental betterment;
- v) is of a scale design and layout to ensure a development in sympathy with the surrounding buildings;
- vi) reduce cumulative impact through removal of dereliction;
- vii) relate to other physical and natural features including built form; and
- viii) have the ability to be suitably serviced.

The proposed dwellinghouse can be made to accord with the terms of the above-mentioned criteria ensuring that overall betterment is achieved on this site. In addition, a landscape framework will mitigate any perceived impact and create an attractive residential environment.

Scottish Planning Policy 2014 [SPP]

Scottish Planning Policy 2014 [SPP] brings the definitions of brownfield land up to date. It repeats the stated definition of brownfield land which is essentially land that has previously been developed. The term is taken to encompass vacant or derelict land; infill sites and land occupied by redundant or unused buildings. However, it excludes private and public gardens, sports and recreation grounds, woodlands and amenity open space, and for the purposes of this Government policy document. The site at Camptoun Holdings fits with national guidance.

The removal of rural dereliction at Camptoun is a costly exercise and cannot be undertaken without any return for such an investment. A dwellinghouse on the site (the primary use) would bring about environmental betterment by:

- i) Improving the landscape character area in which the site is located;
- ii) Improving the amenity of nearby residents; and
- iii) Round-off the cluster of dwellinghouses known as Camptoun.

In reference to housing in the countryside SPP provides that, in remote rural areas, where new development can often help to sustain fragile communities, plans and **decision-making** should generally:

- encourage sustainable development that will provide employment;
- support and sustain fragile and dispersed communities through provision for appropriate development, especially housing and community-owned energy;
- include provision for small-scale housing and other development which supports sustainable economic growth in a range of locations, taking account of environmental protection policies and addressing issues of location, access, siting, design and environmental impact;
- where appropriate, allow the construction of single houses outwith settlements provided they are well sited and designed to be in keeping with local landscape character, taking account of landscape protection and other plan policies;
- not impose occupancy restrictions on housing.

The proposal for the erection of one dwellinghouse will form part of the cluster known as Camptoun Holdings, a sustainable form of development appropriate to its location integrating with this small rural community. It is a small scale development in keeping with the surrounding buildings and rounding-off this small rural cluster without any detriment to environmental quality and landscape character. In effect the proposed development will provide environmental betterment through the removal of dereliction all in accordance with SPP.

It is recognised that the design of the dwellinghouse and garage will need to accord with the terms of Policy DP2 of the LDP which requires the design of all new development to be:

- ix) Appropriate to its location (size, form, massing, proportion and scale);
- x) Create a coherent structure of streets and building that respect the sense of identity;
- xi) Provide a high quality architectural or landscape treatment to accord with national design principles;
- xii) Ensure privacy and amenity are preserved;

The plans submitted along with the Application (**for information purposes only**) serve to demonstrate that any proposed dwellinghouse, by reason of its scale, design, form, massing, proportion, scale and location can create a coherent development in this small rural cluster. In addition, the proposals can create a sense of identity through innovative design and high quality architectural merit with privacy and amenity of other nearby residents preserved.

Comment: The proposed development can be made to accord with national and Development plan policy.

4. The Principles of Decision Making: Planning

Introduction

To ensure that proper consideration is given to all aspects of a planning case (as set out above) the principles of decision making needs to be adopted. To simply rely on planning policy, as contained in the Development Plan, represent an incomplete approach. An interrogation of policy and other material considerations is required to complete a proper assessment.

In the Scottish Government Document Right First Time: A practical guide for public authorities in Scotland to decision-making and the law provides that:

“Good decision making is an essential part of good government. It is fundamental to the Rule of Law ideal that official decisions are fair, efficient, accessible and not arbitrary, and that they comply with the law.”

Right First Time is designed to assist the public decision maker to comply with these standards in relation to relevant law. The reader of this Statement is reminded of the terms of s25 and s37(2) of the Planning Acts [as referred to above] which requires:

“that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. This Statement will demonstrate compliance with Development Plan policy with material consideration adding significant weight to justify approval of the development.”

The decision maker in this case requires to accord with the terms of law to ensure a fair, reasonable rational and proportional decision is taken. Therefore, to simply rely on the terms of the Development Plan policy does not represent proper planning practice and decision making.

To ensure that a decision is lawful and fair, and is not challenged by any authority, the starting point is to understand the nature of the power before the decision maker.

Some limitations may be express i.e. the purposes for which a particular power was given, or the criteria to be applied in exercising it, may actually be set out in the legislation in this case the Planning Acts and other material considerations.

Other limits will be implied by the statutory provisions that gives the powers. Limits may be derived from the principles of administrative law. These include:

- (i) **Legality:** acting within the scope of any powers and for a proper purpose;
- (ii) **Procedural fairness:** for example, to give an individual an opportunity to be heard;
- (iii) **Reasonableness and/or Rationality:** following a proper reasoning process and so coming to a reasonable conclusion; and
- (iv) **Compatibility with human rights and European law.**

These principles are now explored in more detail and how they can be applied to this planning case.

Change in Circumstances

The first principle in decision making is to understand the current and previous circumstances in any planning case and what the objective(s) of any decision should be. In the past (see planning history) the Council has defended its policy position restricting development in the countryside to that related to the rural economy. In the absence of any other policy to allow development such as that proposed on the site the result has been continued and worsening dereliction. There appears to be no scope to change these circumstances on a site which is detrimental to the appearance of the rural environment. The last Local Review was minuted with an observation calling for change.

In the planning process there are certain circumstances which, sometimes, should be given direct effect as an exceptional or special circumstance. It is submitted that the determination of this Application is one such case.

It is submitted that there are relevant factors in this case that need to be considered not as a general rule but as exceptions to the general rule and compliance with Development Plan policies. The East Lothian Local Development Plan makes provision for the submission of a socio-economic case under the terms of Policy DC5. The environmental circumstances are at the heart of the argument that requires to be considered in this case to outweigh any policy considerations if required.

In summary there are environmental conditions that need to be considered in this case i.e. the dereliction that persists at this location and the lack of policy support to address such conditions. This is the exceptional circumstance that needs to be considered. Without this approach there can be no change in circumstances and no environmental betterment.

Rational and Proportionality

Taking this argument one step further the concept of proportionality needs to be applied i.e. the weight afforded to the acceptability of the development and the social disadvantage compared to the environmental harm. It is part of the criterion of fairness and justice in the planning process – a rational approach seeking solutions rather than finding problems.

This concept applies logic to the decision making process with the intention of assisting in discerning the correct balance between any restriction imposed (in this case the denial of development on the Site) and the severity of the nature of the prohibited act as described above and its impact on the environment.

Proportionality essentially means the decision should meet a legitimate policy goal and should not go further than necessary to achieve that goal i.e. it must be appropriate and necessary to achieve its intended aim taking into consideration any change in circumstances and how unreasonable the restriction will be i.e. to deny planning permission.

A view of what is or is not proportionate should be formed according to the importance of the rights involved. A greater intensity of review should be taken where Human Rights are engaged, as in this case (see below). This is particularly relevant because Human Rights bring their own specific rules of interpretation, which means the decision makers (the Planning Authority in this case) should look at whether any action or decision infringes Human Rights and is proportionate. The rights under Protocol 1 Article 1 are being denied.

Taking into consideration the change in circumstances and proportionality, it is submitted that the Council place importance on the Applicants Human Rights, the justification for the development as set out in this Statement and the betterment that will occur in the environment as referred throughout this Statement.

In support of this claim I would draw the Council's attention to case law *First Secretary of State and Others v Chichester Borough Council*, 2004 [EWCA Civ 1248] which refers to Human Rights and proportionality. Although this is an English planning case its principles have "*persuasive argument*" in the Scottish planning system.

In the case law the Inspector conducted **proportionality** analysis. He weighed what he considered the limited harm to the environment caused by the development against the harm caused by the Planning Authority's failure to recognise the potential for development. The Inspector found that interference was not justified under Article 8(2) ECHR. Planning permission was granted.

It is submitted that the Council has failed to assess the proposed development correctly and in doing so denied the Applicant his Human Rights as referred to in Protocol 1 Article 1 of ECHR.

Reasonableness and Fairness

Taking this argument to the third stage it needs to be recognised that when different reasonable people are given the same set of facts, it is perfectly possible for them to come to different conclusions. The Planning Authority has taken planning policy and applied their strict terms to this proposed development during the pre-application process and as part of the determination of a previous planning application. A reasonable decision can still be taken with the decision maker understanding the consequences of their inaction, applying rational and proportionality and exercising discretion reflecting good planning practice.

When reaching its decision to refuse planning permission in the past the Planning Authority has failed to take into consideration the ability to create environmental betterment as a relevant material consideration and the fact that proposals can be seen as enabling development. What is being asked for, in this Application, is that there is an understanding of all the issues which can lead to a decision to approve planning permission.

Any decision taken by the Planning Authority should take into consideration the potential to create a change in circumstances at this rural location through the application of the principle of proportionality. There are sound planning reasons for the Planning Authority to take a reasonable and fair decision and approve planning permission based on exceptional circumstances. By doing so, the wider public interests will not be affected; nor will there be any policy implications; nor will any undesirable precedent be set.

Human Rights

Under the terms of Protocol 1, Article 1 of the European Convention of Human Rights provides that any decision maker:

"must strike a fair balance between your interests as a property owner and the general interests of society as a whole."

In this case the balance is created by the stated intent of s25 and s 37(2) of the Planning Acts where policies of the Development Plan and material considerations must be fully assessed. This Statement provides a reasoned justification allowing that balance to be created in favour of approval of planning permission. To do otherwise would contravene the Applicant's Human Rights.

It is also worth reiterating the point contained in the pre-application enquiry that further evidence is contained in the determination of the Local Review in 2015 relating to a previous application. At paragraph 4.3 of the

Review decision dated 11 May 2015 it was reported that Councillor McMillan was sympathetic to the proposed development stating:

“the nature of this particular site was such that a house located here would improve the amenity of the immediate area.”

Whilst the Councillor acknowledged the need to take account of policy considerations, he considered that, in this case there were sufficient grounds to depart from policy and he would support the grant of planning permission. Accordingly, he was minded to overturn the original decision to refuse planning permission. This reflects proper decision making practice.

5. Conclusions

It is accepted that there is no rural economic justification to satisfy LDP policies DC1 and DC4 and provide outright support for the proposed development in this context. However, there is scope to approve the proposed development based on an argument as an enabling development and resultant environmental betterment which will accord with policies DC5 and DC9 of the LDP.

In addition, the Planning Acts clearly state that development must be in accordance with the Development Plan unless material considerations indicate otherwise. This Statement suggests that there is sufficient evidence, as part of material considerations, to add weight to the planning argument.

The pre-application enquiry response provided what can only be described as conclusions which do not reflect the terms of the Planning Acts. In particular, the conclusion that proposed development will “*constitute intrusive, sporadic development in the countryside and would set an undesirable precedent for the development of new houses in the countryside of East Lothian*” ignores the scope for development and improvement on this rural brownfield site.

The proposals demonstrate that this derelict and unkempt site can be improved through the development of one dwellinghouse and garage which is of a scale, design and layout in keeping with the other properties in the cluster known as Camptoun Holdings. It would serve to round-off development in this gap site and in doing so provide environmental betterment. It is an enabling development which delivers environmental benefits in the public interest – one of the principles of the planning system. The case submitted in support of this Application provides the Council with exceptional circumstances for approval of the proposed development and also a defence to avoid any undesirable precedent.

The plans submitted in support of the Application provide an indication of the scale, design and layout of a proposed dwellinghouse and garage to demonstrate that development can be made to be fit for purpose. **These plans should be used for information purposes only.**

It is submitted that all the material considerations, which are supported by national policy and guidance provides a reasoned justification for approval of the proposed development in addition to LDP policies DC5 and DC9.

On behalf of the Applicant it is requested that serious consideration is given to this planning case and that Planning Permission in Principle is granted.

6. Appendix 1: Pre-Application Response

From: "McQueen, Stephanie" <smcqueen@eastlothian.gov.uk>
Subject: Enquiry Dev62751 - Proposed house in the countryside at 14 Camptoun Holdings, Drem, North Berwick, EH39 5BA
Date: 18 June 2018 at 12:09:52 BST
To: "a_seath@sky.com" <a_seath@sky.com>

Good Morning Alan,

I refer to your email and attachments received 10th May 2018 regarding the land and buildings at 14 Camptoun Holdings.

In your email you propose the development of the identified site for the erection of a house and you seek comments on whether or not such form of development would be likely to be supported by relevant planning policies and guidance. You state that the proposed site now has a postal address, which it did not have at the time of an earlier planning application (ref. 14/00794/PP). You also state that the circumstances of the site have changed since 2015 with the condition of the site deteriorating further, and thus that there would be environmental benefit in improving the visual appearance of the site by its development for residential use. You further state that a landscape framework would mitigate any perceived landscape impacts and further improve the appearance of the site. You have provided a location plan for the proposed site showing a footprint for a proposed house. No elevation details showing the specific height and appearance of the proposed house have been provided.

On the basis of the information you have provided I offer the following comments.

As you are aware the proposed development site is located in the countryside and as such is covered by Policy DC1 (Development in the Countryside and Undeveloped Coast) of the adopted East Lothian Local Plan 2008. Other relevant policies of the adopted East Lothian Local Plan 2008 are Policies T2 (General Transport Impact), DP2 (Design) and DP22 (Private Parking). If there are any trees on the site which contribute positively to the landscape character of the area then Policy DP14 (Tree on or Adjacent to Development Sites) would also be relevant. These policies are available to view on the Council's website.

Although not yet adopted, the Proposed East Lothian Local Development Plan would be a material consideration in the determination of any planning application and if your client chooses to submit an application for planning permission the Proposed East Lothian Local Development Plan may be the adopted local development plan at that time depending on the timing of the submission of any such planning application. The relevant policies of the Proposed East Lothian Local Development Plan are Policies DC1 (Rural Diversification), DC4 (New Build Housing in the Countryside), DC9 (Special Landscape Areas), T2 (General Transport Impact), and DP2 (Design). Again, if there are any trees on the site, Policy NH8 (Trees and Development). These policies can also be viewed on the Council's website. The policies of the Proposed East Lothian Local Development Plan do not represent any significant alteration to the current relevant policy.

On an investigation of the planning history for the site I find that planning permission in principle has twice been refused for the erection of a house on the site. In July 2011 planning application 11/00396/PP was refused and in November 2014 planning application 14/00794/PP was refused. In the case of each of these

decisions, a request for review of the decision to refuse planning permission in principle (refs. 11/00396/PP and 14/00794/PP) was subsequently made to the Local Review Body, and in both cases the Local Review Body decision was to uphold the refusal of planning permission in principle with the reasons for refusal being that:

- (1) The erection of a house on the application site would be new build housing development in the countryside of East Lothian for which a need to be met the requirements of the operation of an agricultural, horticultural, forestry or other employment use has not been demonstrated. The proposal is therefore contrary to Policy ENV3 of the approved Edinburgh and the Lothians Structure Plan 2015 and Part 1(b) of Policy DC1 of the adopted East Lothian Local Plan 2008; and
- (2) If approved the proposed development would set an undesirable precedent for the development of new houses in the countryside of East Lothian, the cumulative effect of which would be the suburbanisation of the countryside to the detriment of its character and amenity

In respect of Policy DC1 of the adopted East Lothian Local Development Plan 2008, this policy states that new build houses in the countryside will not be supported unless the Council is satisfied that they are a direct operational requirement of an agricultural, horticultural, forestry or other employment use and that no other appropriate existing building is available.

There is nothing in your email and attachments that indicates that the proposals are a direct operational requirement of an agricultural, horticultural, forestry or other employment use, thus, on the basis of the information you have provided there is no direct operational justification for the proposed house. In the absence of any such direct operational requirement or justified supporting case for the erection of the proposed house, the principle of such proposed development on the site is inconsistent with national, strategic and local planning policy and guidance concerning the control of development of new build houses in the countryside. Specifically, the proposal to erect a house on the site is in principle contrary to Part 1(b) of Policy DC1 of the adopted East Lothian Local Plan 2008. Rather the proposed development of a house on the site would constitute intrusive, sporadic development in the countryside and would set an undesirable precedent for the development of new houses in the countryside of East Lothian, the cumulative effect of which would be the suburbanisation of the countryside to the detriment of its character and amenity. On this basis, I advise that it is my opinion that an application for planning permission for the proposed development would be unlikely to be supported.

In respect of Policy DC1 of the Proposed East Lothian Local Development Plan, there is nothing in your email and attachments that indicates that the proposals are a direct operational requirement of an agricultural, horticultural, forestry or other employment use. Thus, the proposals are in principle contrary to Part 1(b) of Policy DC1 of the Proposed East Lothian Local Development Plan.

Policy DC4 of the Proposed East Lothian Local Development Plan states that new build housing development will only be supported in the countryside outwith the constrained coast where there is no existing house or no appropriate existing building suitable for conversion to a house is available in the locality, and:

- (i) in the case of a single house, the Council is satisfied that it is a direct operational requirement of a viable agricultural, horticultural, forestry, countryside recreation or other business, leisure or tourism use supported in principle by Policy DC1. The Council will obtain independent advice from an Agricultural and Rural Advisor on whether there is a direct operational requirement for an associated house; or

(ii) in the case of other small scale housing proposals, it is for affordable housing and evidence of need is provided, and the registered affordable housing provider will ensure that the dwellings will remain affordable for the longer term. Proposals should be very small scale and form a logical addition to an existing small scale rural settlement identified by this plan; and

(iii) the proposal satisfies the terms of Policy NH1.

Policy DC9 of the Proposed East Lothian Local Development Plan states that development within or affecting Special Landscape Areas (SLA) will only be permitted where:

(1) it accords with the Statement of Importance for that SLA and does not harm the special character of the area; or

(2) the public benefits of the development clearly outweigh any adverse impact and the development is designed, sited, and landscaped to minimise such adverse impacts.

In respect of Policy DC4 of the Proposed East Lothian Local Development Plan, if the proposed house is not a direct operational justification of need of a viable agricultural, horticultural, forestry, countryside recreation or other business, leisure or tourism use, and is not promoted as affordable housing, the principle of the erection of a house on the site would not be supported by Policy DC4. Rather the proposed house would constitute intrusive, sporadic development in the countryside and the principle of such proposed development on the site is inconsistent with Policy DC4 of the Proposed East Lothian Local Development Plan. Without any details of the appearance of the proposed development it is not possible for me to comment on whether the proposals would harm the special character of the Special Landscape Area, however it could be said that as intrusive countryside development the principle of the erection of a house would not accord with Policy DC9.

In terms of your comments that the development of the site for one house would improve the visual appearance of the site within its wider landscape setting, I advise that any visual improvement of the appearance of the site through its development or landscaping would not be sufficient to outweigh the other material considerations that the erection of a house on the site without any direct operational justification of need of a viable agricultural, horticultural, forestry, countryside recreation or other business, leisure or tourism use, or the proposed development being promoted as affordable housing would be contrary to Policy DC1 of the adopted East Lothian Local Plan 2008 and Policies DC1 and DC4 of the Proposed East Lothian Local Development Plan.

In respect of your reference to Policy DC5 (Housing as Enabling Development) of the Proposed East Lothian Local Development Plan, it is my opinion that the proposed development would not be enabling housing development that would meet the criteria of sections a), b) or c) of Policy DC5. Moreover, the preamble to Policy DC5 specifically states that the desirable primary use for which enabling housing development may be proposed should be a use other than residential development or infrastructure and should be a use that is supported in principle in a countryside location under Policy DC1.

Thus, on the basis of the above comments, I advise that it is my opinion that an application for planning permission for the proposed development would be unlikely to be supported as it would be contrary to Policy DC1 of the adopted East Lothian Local Plan 2008 and Policies DC1, DC4, DC5 and DC9 of the Proposed East Lothian Local Development Plan.

I trust that this is of assistance to you.

You will appreciate that the content of this email is an expression of officer opinion only which is based on a desktop study and is given without prejudice to any decision taken by the Council in respect of any forthcoming application for planning permission.

Regards,
Stephanie McQueen

OFFICER REPORT

20th December 2018

App No. **18/01107/PP**

Application registered on **26th October 2018**

Target Date **25th December 2018**

Proposal	Planning permission in principle for the erection of 1 house and domestic garage	SDELL	N
		CDEL	N
Location	14 Camptoun Holding Drem Athelstaneford North Berwick EH39 5BA	Bad Neighbour Development	N

APPLICANT: **Mr Steve Reynolds**

Is this application to be approved as a departure from structure/local plan? N

**c/o Seath Planning Consultancy Ltd
Per Alan Seath
88 Scott Road
Glenrothes
KY6 1AE**

DECISION TYPE:

Application Refused

PLANNING ASSESSMENT

The site the subject of this application occupies a countryside location within the northern part of Camptoun Holdings, some 2 miles to the north of Haddington. The application site is a roughly rectangular shaped plot of land measuring some 1906 square metres in area. The application site is bounded to the northwest and northeast by agricultural land to the southeast by a private access road that provides access to other properties at Camptoun Holdings, and to the southwest by agricultural land and the residential property of 15A Camptoun Holdings.

The application site currently contains two agricultural sheds and two lean-to structures, all of which are in a poor state of repair. The sheds and structures on the site would be demolished to facilitate the proposed development.

With the exception of the existing vehicular access from the private access road, the site is enclosed along its southeast boundary by a rubble stone wall. A further rubble stone wall encloses the northeast boundary of the site and timber fencing encloses the southwest boundary of the site. There is no means of enclosure along the northwest boundary of the site.

The application site is accessed from the B1343 public road via an existing private access road.

The site is within the Garleton Hills Special Landscape Area, which is characterised as comprising lowland hills and ridges.

In May 2000 planning application (Ref: 99/00616/FUL) for the renovation, conversion and extension of one of the agricultural buildings on the site to form a house and double garage was refused. The reasons for refusal were: (1) It has not been reasonably demonstrated to the Planning Authority that the proposal amounts to the conversion of a building to a house. Therefore, the proposal stands to be considered as being the erection of a new house in the countryside. Accordingly, and as the house would be isolated sporadic development in the countryside for which a need to meet the requirements of the operation of an agricultural, forestry or other employment use has not been demonstrated the proposal is contrary to Policies ENV16 and H7 of the approved Lothian Structure Plan 1994, Policies 3 and 37 of the adopted Haddington Area Local Plan, Policy DC1 of the draft East Lothian Local Plan, and Government policy guidance on the control of housing development in the countryside as given in National Planning Policy Guidelines 3 and 15; (2) The proposed house due to its location, scale, form, design and finish would be visual intrusive and not well integrated into its landscape setting and, consequently, would have an adverse affect on the visual amenity of the area contrary to Policy 31 of the adopted Haddington Area Local Plan and Policy NH2 of the draft East Lothian Local Plan; and (3) If approved, the proposal would set an undesirable precedent whereby the Planning Authority would find it difficult to resist similar proposals elsewhere within East Lothian, the cumulative effect of which would be detrimental to the rural character and amenity of the countryside.

In July 2011 planning application 11/00396/PP was refused for the principle of the erection of a new house on the site. The reasons for refusal were: (1) The erection of a house on the application site would be new build housing development in the countryside of East Lothian for which a need to be meet the requirements of the operation of an agricultural, horticultural, forestry or other employment use has not been demonstrated. The proposal is therefore contrary to Policy ENV3 of the approved Edinburgh and the Lothians Structure Plan 2015 and Part 1(b) of Policy DC1 of the adopted East Lothian Local Plan 2008; and (2) If approved the proposed development would set an undesirable precedent for the development of new houses in the countryside of East Lothian, the cumulative effect of which would be the suburbanisation of the countryside to the detriment of its character and amenity.

A request to review the refusal of planning application 11/00396/PP for planning permission in principle for the erection of one house on the site was subsequently submitted to the Local Review Body (LRB). At their meeting of 17th November 2011, the LRB concluded that (i) Camptoun was not identified in the Local Plan as a settlement and that the application must be determined in that context; (ii) the previous agricultural use of the site did not create a brownfield use; (iii) the current state of repair of the buildings of the site was irrelevant, with responsibility for maintenance and up-keep of the property resting with the owner; and (iv) there were no exceptional circumstances to justify setting aside policy. The LRB upheld the decision to refuse planning permission in principle 11/00396/PP for the erection of one house on the site, and the review was accordingly dismissed for the two reasons set out in the paragraph above.

In November 2014 planning application 14/00794/PP was refused for the principle of the erection of a new house on the site. The reasons for refusal were: (1) The erection of a house on

the application site would be new build housing development in the countryside of East Lothian for which a need to meet the requirements of the operation of an agricultural, horticultural, forestry or other employment use has not been demonstrated. The proposal is therefore contrary to Part 1(b) of Policy DC1 of the adopted East Lothian Local Plan 2008; and (2) If approved the proposed development would set an undesirable precedent for the development of new houses in the countryside of East Lothian, the cumulative effect of which would be the suburbanisation of the countryside to the detriment of its character and amenity.

A request to review the refusal of planning application 14/00794/PP for planning permission in principle for the erection of one house on the site was subsequently submitted to the Local Review Body (LRB) by the applicant, Mr Reynolds. At their meeting of 23rd April 2015, the LRB concluded, through a majority vote, that there had been no changes to the terms of Policy DC1 since the previous application was refused, and that the site is designated as being in the countryside and thus that Policy DC1 should be applied. The LRB upheld the decision to refuse planning permission in principle 14/00794/PP for the erection of one house on the site, and the review was accordingly dismissed for the two reasons set out in the paragraph above.

Planning permission in principle is now again sought by the applicant, Mr Reynolds, for the principle of the erection of one detached house on the application site.

The application is for planning permission in principle. Indicative plans and elevation drawings have been submitted with this application for planning permission in principle to show how a detached single storey house with accommodation in its roof space, a detached garage and a hardstanding area could be accommodated within the application site.

A supporting statement has been submitted with the application by the applicant's agent, in which it is claimed that there has been a material change in circumstances since the decision in 2015. In the Statement it is acknowledged that the proposed development does not accord with the criteria of Policies DC1 and DC4 of the adopted East Lothian Local Development Plan 2018. However, in respect of Policy DC5 of the adopted East Lothian Local Development Plan 2018, it is stated that the proposed house and garage are promoted as enabling development to absorb the costs of demolition and removal of the derelict buildings and the reclamation of the unkempt site. The Statement goes on to explain that the condition of the brownfield site is deteriorating even further, and that the site is visually intrusive and detrimental to the amenity of those staying in Camptoun. It is further stated that the development of the site in the manner proposed would bring about improvements to this rural brownfield land and improve landscape quality as well as visual and residential amenity, resulting in environmental betterment without detriment to the countryside. It is further explained how the scale, height and position of the proposed house on the site would relate to the scale and height of the neighbouring buildings.

The indicative plans and elevation drawings show how a house could be positioned on the site with its front (southeast) elevation set back some 16 metres away from the southeast boundary of the site with the private access road from which access to the site would be taken and how a detached double garage could be positioned forward of and to the northeast of the front (southeast) elevation of a house on the site, between it and the southeast boundary of the site. The indicative drawings propose a detached single storey house with accommodation in its roof space, and a detached garage. The indicative elevation drawings further show how the roof of the house and the garage could be dual pitched and clad with natural clay pantiles, how the external walls of the proposed house and garage could be finished with a smooth render, and how the frames of its windows could be of timber sash and case construction.

The sites of planning applications 11/00396/PP and 14/00794/PP were respectively slightly larger, measuring respectively some 2342 square metres and some 2275 square metres, than the site the subject of this current application, which measures some 1906 square metres in area. The site of application 99/00616/FUL included a larger area of land, which extended further to the north than the current site of application 18/01107/PP and the sites of refused applications 11/00396/PP and 14/00794/PP.

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan, unless material considerations indicate otherwise.

The development plan is the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Development Plan 2018.

Policies DC1 (Development in the Countryside and Undeveloped Coast), DC4 (New Build Housing in the Countryside), DC5 (Housing as Enabling Development), DC9 (Special Landscape Areas), DP2 (Design), T1 (Development Location and Accessibility), and T2 (General Transport Impact) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of the application.

Also material to the determination of the application is Scottish Government guidance given in Scottish Planning Policy: June 2014.

The proposals are for planning permission in principle and thus there are no policies of the approved South East Scotland Strategic Development Plan (SESplan) June 2013 that would be relevant to the determination of the application.

The application site is in a countryside location within East Lothian and is part of a much larger area that is characterised by a low density dispersed built form within an agricultural landscape. It is not identified in the adopted East Lothian Local Development Plan 2018 as being within a settlement and the Local Development Plan does not allocate the land of the site for housing development.

Consequently, the principle of the erection of one house on the application site must be assessed against national, strategic and local planning policy relating to the control of new housing development in the countryside.

In Paragraph 76 of Scottish Planning Policy: June 2014 it is stated that Local Development Plans should make provision for most new urban development to take place within or in planned extension to existing settlements. Paragraph 81 states that 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.

In Paragraph 83 it is stated that in remote rural areas, where new development can often help to sustain fragile communities, sustainable development that would provide employment and that would support and sustain fragile and dispersed communities through provision of appropriate development should be supported.

It is stated in paragraphs 5.1 and 5.2 of the adopted East Lothian Local Development Plan 2018 that while the LDP's spatial strategy guides the majority of new development to existing settlements in the interests of promoting sustainable travel patterns, it also seeks to support the diversification of the rural economy and the ongoing sustainability of the countryside and coast through support in principle for agriculture, horticulture, forestry and countryside recreation, as well as other forms of appropriate business, leisure and tourism developments. New rural development should be introduced sensitively to avoid harming the characteristics that attract people to live, work and visit East Lothian's countryside and coast.

Paragraph 5.10 of the adopted East Lothian Local Development Plan 2018 states that the LDP has a general presumption against new housing in the countryside but exceptionally a new house may be justified on the basis of an operational requirement of a rural business. In such circumstances, appropriate evidence clearly demonstrating the need for a new dwelling on the particular site in association with the business will be required. Such evidence should include that no suitable existing dwelling has been recently made unavailable for that purpose and that there is no existing building that could be converted to a house.

Policy DC1 sets out specific criteria for new development in the countryside, stating that there will be support in principle for new development where it is for agriculture, horticulture, forestry or countryside recreation; or other businesses that have an operational requirement for a countryside location, including tourism and leisure uses.

Policy DC4 sets out specific criteria for the erection of new build housing in the countryside, and allows for new build housing development in the countryside where the Council is satisfied that a new house is a direct operational requirement of an agricultural, horticultural, forestry or other employment use. Policy DC4 also allows for other small scale housing proposals that form a logical addition to an existing small scale rural settlement where they are promoted for affordable housing and evidence of need is provided and the registered affordable housing provider will ensure that the dwelling(s) will remain affordable for the longer term.

Policy DC5 sets out specific criteria for the exceptional circumstances where the erection of housing as enabling development in the countryside may be supported. Any such new housing development in the countryside should: (a) enable a desirable primary use supported in principle by criterion by Policy DC1 and the benefits of the primary use outweighs the normal presumption against new build housing in the countryside; or (b) fund the restoration of a listed building or other buildings of recognised heritage value, or other significant designated feature of the built or natural environment, the retention of which is desirable, and should satisfy the terms of Policies CH1 and where relevant CH6, and can be clearly demonstrated to be the only means of preventing the loss of the asset and secure its long-term future; and (c) the proposal satisfies the terms of Policy NH1. In all cases, the benefits of the proposed development must outweigh the normal presumption against new build housing development in the countryside.

Although the application site is adjacent to an existing cluster of residential properties of Camptoun Holdings, including those formed and being formed through the conversion of the group of agricultural steading buildings at Camptoun Steading, that group of houses and buildings are not defined as a settlement in the adopted East Lothian Local Development Plan 2018. Rather it is defined as being within the countryside. Those existing houses and buildings are not new build development but are existing houses or are created from a recent conversion of former agricultural steading buildings, all of which are long established in their countryside location and which are part of the character and appearance of the area. Moreover, whilst the

application site is situated to the northeast of the residential property of 15a Camptoun Holdings and to the northwest of the residential property of 11 Camptoun Holdings, the erection of a house on the site would not be an addition to a settlement or an addition adjoining the edge of a settlement. Rather, it would constitute sporadic development in the countryside. There is no agricultural or other employment use presently in operation to justify the need for a new house on the application site. The applicant has not advanced any such case of justification of need for the principle of the proposed new house. Nor has the applicant promoted the principle of a new house on the site as affordable housing.

On the matter of Policy DC5, the principle of the erection of one house on the application site is not promoted to enable a desirable primary use supported in principle by criterion b of Policy DC1. Thus, there are no benefits of such a primary use that would outweigh the normal presumption against new build housing in the countryside. Nor is the principle of the erection of one house on the application site promoted to fund the restoration of a listed building.

Rather the applicant's agent proposes the principle of the erection of one house on the application site as enabling development to absorb the costs of the removal of the existing buildings and structures from the site and the reclamation of the unkempt site.

The removal of the existing buildings and structures from the site and the reclamation of the unkempt site is not a desirable primary use supported in principle by criterion b of Policy DC1 and thus the proposals are not enabling development supported in principle by Policy DC5.

The land and buildings of the site at 14 Camptoun Holdings are not dissimilar in character to the land and buildings of other holding properties found throughout East Lothian. The property has a number of buildings and structures on it that vary in size and architectural form. One of the buildings is a rendered structure with a dual pitched roof. The other has corrugated metal walls and roof. The lean-to structures are timber framed with corrugated walls and roofs. Although in poor condition, there is nothing in the condition of the buildings that sets them apart as being significantly different in their condition from the buildings of other holding properties found elsewhere in East Lothian, including the property of 15a Camptoun Holdings to the west of the application site. Furthermore, contrary to what is stated on page 10 of the supporting statement that the site is a vacant and derelict brownfield site, it was apparent from the Officer's site visit that the site is currently being put to some use for the storage of building materials, presumably in association with the applicant's existing building business.

The responsibility for maintenance and upkeep of property rests with the owner and, if the Planning Authority were minded to depart from planning policy on the grounds that a site has fallen into disrepair, this would be an incentive to landowners to neglect their properties.

The environmental betterment and visual improvements to the site that the applicant states would result from the re-development of the site for the erection of one house and associated works are not considered to be exceptional, as there is nothing significantly different in the condition of the site that sets it apart from other rural holding properties found elsewhere in East Lothian. Thus, the benefits of the development of the site for the principle of the erection of one house on the site are not sufficient to outweigh the normal presumption against new build housing development in the countryside. Accordingly, there are no exceptional circumstances that would justify the setting aside of Policies DC1, DC4 and DC5.

In the absence of any direct operational requirement or justified supporting case for the erection of a house on the application site, or any justification of enabling development, the principle of such proposed development on the site is inconsistent with national, strategic and local planning policy and guidance concerning the control of development of new build houses in the countryside. Specifically, the proposal to erect a house on the site is in principle contrary to Policies DC1, DC4 and DC5 of the adopted East Lothian Local Development Plan 2018, and Scottish Government policy guidance regarding the control of new housing development in the countryside given in Scottish Planning Policy: June 2014.

If approved the proposed development would set an undesirable precedent for the development of new houses in similar circumstances elsewhere in the East Lothian countryside, the cumulative effect of which would result in a detrimental impact on the rural character and amenity of the countryside of East Lothian.

On these foregoing considerations the proposal to erect a house on the site is in principle contrary to Policies DC1, DC4 and DC5 of the adopted East Lothian Local Development Plan 2018, and Scottish Government policy guidance regarding the control of new housing development in the countryside given in Scottish Planning Policy: June 2014.

The neighbouring residential properties are predominantly single storey in height, some with accommodation in their roof spaces. They generally have dual pitched roofs, some with roof windows and/or dormers. Their external walls are predominantly finished with painted render or natural stone, and their roofs are clad with natural slates or natural clay pantiles. Development of the form shown in the indicative drawings submitted with this application for planning permission in principle would result in a large detached house set within a large garden. Such form of development would not, in occupying some 10% of the proposed house plot, be dissimilar to the ratio of built form of the immediately neighbouring properties of Camptoun Holdings to the west of the site. Thus, the density of the existing built form of the area would be largely preserved.

Subject to a house to be built on the site also being single storey in height or single storey with attic accommodation in height, with a dual pitched roof, and external finishes in keeping with the nearby houses, it should be possible to design a house in a position on the site that would not be harmful to the architectural character of the group of existing houses in the locality and that would not result in any harmful loss of sunlight and daylight to neighbouring properties. The new house and its garden should also benefit from a sufficient amount of sunlight and daylight.

Furthermore, due to the size and shape of the application site and its positional relationship with the neighbouring residential properties to the southeast and southwest it should be possible to design and position a house on the site so that its elevation walls would not be within 9 metres of the garden boundaries of any neighbouring residential property or within 18 metres of any directly facing windows of any neighbouring residential properties. There are no residential properties to the northwest and northeast. As the residential property of 15a Camptoun Holdings to the southwest is separated from the application site by an area of agricultural land and buildings there would be more than 9 metres between the application site and the residential garden ground of 15a Camptoun Holdings. The existing private access road separates the application site from the garden of the existing residential property of 11 Camptoun Holdings to the southeast. Thus, in summary, it should be possible to design and position a new build house on the site without resultant harmful overlooking and loss of

privacy of the neighbouring properties and such that the occupants of the house would be able to benefit from sufficient privacy and amenity.

Furthermore, in the context of the existing built form of the properties at this part of Camptoun Holding and their positioning, including the higher ground level of the house of 11 Camptoun Holdings to the southeast of the application site, it should be possible to design and position a house on the site so that it would not be harmful to the special character of the Garleton Hills Special Landscape Area.

The Council's Environmental Protection Manager advises that there may be localised contamination of the soils on the site as a result of potentially contaminative former land use. Investigation and mitigation to ensure that a suitable geo-environmental assessment of the site is carried out prior to the development of the site could be controlled by a condition attached to a grant of planning permission in principle.

The Council's Policy and Projects (Landscape) Officer advises that existing trees on the southwest boundary of the site have not been plotted on the indicative plans submitted with the application. The Landscape Officer further comments that new landscape planting is proposed along the northwest, northeast and southeast boundaries of the site and recommends that a detailed landscape plan for the site be submitted that should include (i) the retention and repair of the existing natural stone boundary walls; (ii) the planting of a native species hedgerow along the perimeter of the site; (iii) the planting of native mixed species trees at 5 - 10 metres centres on the inside edge of the new hedgerow; and (iv) that all existing trees on the site shall be protected and retained in accordance with BS5837:2012. These requirements could be controlled by a condition attached to a grant of planning permission in principle.

On these principles of development, the proposal to build a house on the application site would not conflict with the aims and objectives of Policy DP2 of the adopted East Lothian Local Development Plan 2018. However, these material considerations of the principles of design, loss of sunlight and daylight and privacy and amenity do not provide sufficient justification to grant planning permission for the principle of erecting a house on the site contrary to the other relevant policy provisions of the development plan in the form of Policies DC1, DC4 and DC5 of the adopted East Lothian Local Development Plan 2018 and Scottish Government policy guidance regarding the control of new housing development in the countryside given in Scottish Planning Policy: June 2014.

Vehicular access to the site is indicatively shown to be taken from the private access road to the southeast of the site, which itself is accessed from the B1343 public road. The Council's Road Services advise that the indicative vehicular access arrangements shown in the indicative drawings submitted with this application for planning permission in principle would be of a satisfactory standard. Subject to a proposed house erected on the site being provided with on-site parking at a ratio of 150% for a house of up to 5 habitable rooms and 225% for a house of 6 or more habitable rooms, and a turning area being provided on the site, Road Services raise no objection to the principle of the erection of one house on the application site. The site should be capable of accommodating the required parking provision and turning area. The turning area should meet the Council's Standards for Development Roads. These matters could be controlled by conditions attached to grant of planning permission in principle.

However, these material considerations of the access, turning and parking provision do not provide sufficient justification to grant planning permission for the principle of erecting a

house on the site contrary to the other relevant policy provisions of the development plan in the form of Policies DC1, DC4 and DC5 of the adopted East Lothian Local Development Plan 2018 and Scottish Government policy guidance regarding the control of new housing development in the countryside given in Scottish Planning Policy: June 2014.

None of the aforementioned material considerations of principles of design, loss of sunlight and daylight, privacy and amenity and access, turning and parking provision are sufficient to outweigh the development plan consideration that the principle of the erection of a new build house on the application site is contrary to Policies DC1, DC4 and DC5 of the adopted East Lothian Local Plan 2008 and Scottish Government policy guidance regarding the control of new housing development in the countryside given in Scottish Planning Policy: June 2014.

Scottish Water has been consulted on the application and raises no objection to the proposed development.

One public representation to the application has been received. That representation is in support of the proposed development stating that the development of the site for one house would enhance the appearance of this site and that the proposed house would fit in well with the current layout of houses along the private road.

REASONS FOR REFUSAL:

- 1 The erection of a house on the application site would be new build housing development in the countryside of East Lothian for which a need to meet the requirements of the operation of an agricultural, horticultural, forestry, countryside recreation, or other business, leisure or tourism use has not been demonstrated, and which is not proposed as affordable housing development of an existing rural settlement. The proposal is therefore contrary to Policies DC1 and DC4 of the adopted East Lothian Local Development Plan 2018.
- 2 The erection of a house on the application site would be new build housing development in the countryside of East Lothian for which a desirable primary use supported in principle by criterion b of Policy DC1 and with benefits that outweigh the normal presumption against new build housing in the countryside has been demonstrated; and which is not promoted to fund the restoration of a listed building, building of recognised heritage value or significant designated feature of the built or natural environment, the retention of which is desirable. The proposal is therefore contrary to Policy DC5 of the adopted East Lothian Local Development Plan 2018.
- 3 If approved the proposed development would set an undesirable precedent for the development of new houses in the countryside of East Lothian, the cumulative effect of

which would be the suburbanisation of the countryside to the detriment of its character and amenity.

LETTERS FROM



20th December 2018

App No. 18/01107/PP

**EAST LoTHIAN COUNCIL
DECISION NOTICE**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
TOWN AND COUNTRY PLANNING
(DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2008**

Mr Steve Reynolds
c/o Seath Planning Consultancy Ltd
Per Alan Seath
88 Scott Road
Glenrothes
KY6 1AE

APPLICANT: Mr Steve Reynolds

With reference to your application registered on 26th October 2018 for planning permission in principle under the above mentioned Acts and Regulations for the following development, viz:-

**Planning permission in principle for the erection of 1 house and domestic garage
at
14 Camptoun Holding
Drem
Athelstaneford
North Berwick**

East Lothian Council as the Planning Authority in exercise of their powers under the above-mentioned Acts and Regulations hereby **REFUSE PLANNING PERMISSION IN PRINCIPLE** for the said development.

The reasons for the Council's refusal of planning permission in principle are:-

- 1 The erection of a house on the application site would be new build housing development in the countryside of East Lothian for which a need to meet the requirements of the operation of an agricultural, horticultural, forestry, countryside recreation, or other business, leisure or tourism use has not been demonstrated, and which is not proposed as affordable housing development of an existing rural settlement. The proposal is therefore contrary to Policies DC1 and DC4 of the adopted East Lothian Local Development Plan 2018.

- 2 The erection of a house on the application site would be new build housing development in the countryside of East Lothian for which a desirable primary use supported in principle by criterion b of Policy DC1 and with benefits that outweigh the normal presumption against new build housing in the countryside has been demonstrated; and which is not promoted to fund the restoration of a listed building, building of recognised heritage value or significant designated feature of the built or natural environment, the retention of which is desirable. The proposal is therefore contrary to Policy DC5 of the adopted East Lothian Local Development Plan 2018.

- 3 If approved the proposed development would set an undesirable precedent for the development of new houses in the countryside of East Lothian, the cumulative effect of which would be the suburbanisation of the countryside to the detriment of its character and amenity.

The report on this application is attached to this Decision Notice and its terms shall be deemed to be incorporated in full in this Decision Notice.

Details of the following are given in the application report:

- the terms on which the Planning Authority based this decision;

- details of any variations made to the application in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997.

The plans to which this decision relate are as follows:

<u>Drawing No.</u>	<u>Revision No.</u>	<u>Date Received</u>
2205_D_001	A	16.10.2018
2205_D_002	A	16.10.2018
2205_D_003	A	16.10.2018
2205_D_004	-	16.10.2018

20th December 2018



Iain McFarlane
Service Manager - Planning

NOTES

If the applicant is aggrieved by the decision to refuse permission for the proposed development, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to the Clerk to the Local Review Body, Committee Team, Communications and Democratic Services, John Muir House, Haddington, East Lothian EH41 3HA.

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 5 of the Town and Country Planning (Scotland) Act 1997.



Back to Map

Chesham Hill Farm



Document AS4



2018 local development plan

5.11 Where there is no existing building worthy of conversion in the locality in line with policy DC2, as a further exception to the normal policy presumption against new housing in the countryside, the Plan also allows for small-scale affordable housing developments that would meet the needs of small and less accessible rural communities. In such communities, the cost of rural housing is often unaffordable to many who need to live or work in the countryside, and there are fewer housing opportunities in these localities. Such proposals must adjoin an existing small-scale settlement identified by this Plan and be subordinate in scale to that settlement. To demonstrate that the new housing is justified, the registered affordable housing provider shall provide evidence that there is a clear need in the locality and ensure that the development can fulfil this need for the longer term. Proposals must be for a very small number of homes.

Policy DC4: New Build Housing in the Countryside

New build housing development will only be supported in the countryside outwith the constrained coast where there is no existing house or no appropriate existing building suitable for conversion to a house is available in the locality and:

- (i) In the case of a single house, the Council is satisfied that it is a direct operational requirement of a viable agricultural, horticultural, forestry, countryside recreation or other business, leisure or tourism use supported in principle by Policy DC1. The Council will obtain independent advice from an Agricultural and Rural Advisor on whether there is a direct operational requirement for an associated house; or
- (ii) In the case of other small scale housing proposals, it is for affordable housing and evidence of need is provided, and the registered affordable housing provider will ensure that the dwellings will remain affordable for the longer term. Proposals should be very small scale and form a logical addition to an existing small-scale rural settlement identified by this plan.
- (iii) The proposal satisfies the terms of Policy NH1.

Enabling Housing Development

5.12 The Council may exceptionally be willing to support an element of new build housing as enabling development to help deliver another form of development (other than for residential development or infrastructure) that is supported in principle in a countryside location under policy DC1, or where it would fund the restoration of a listed building or one that has recognised heritage value including being recorded on the national Buildings at Risk Register or other significant feature of the built or natural environment, the retention of which is desirable. Proposals must also protect or enhance the setting of such features. Such an approach would only be supported if the wider benefits of the main proposal outweigh the normal policy presumption against new build housing in the countryside. Any such enabling development must be essential, the minimum necessary to achieve the primary

use, and not a substitute for normal development funding, including borrowing. Additionally, such proposals would not be expected to provide affordable housing for this reason.

Policy DC5: Housing as Enabling Development

Housing in the countryside may exceptionally be supported as enabling development where it will:

- a) enable a desirable primary use supported in principle by criterion b of Policy DC1 and the benefits of the primary use outweighs the normal presumption against new build housing in the countryside; or
- b) fund the restoration of a listed building or other building with recognised heritage value, or other significant designated feature of the built or natural environment, the retention of which is desirable. Proposals must also protect or enhance the setting of such features and satisfy the terms of Policies CH1 and where relevant, CH6. Enabling development will only be acceptable where it can be clearly demonstrated to be the only means of preventing loss of the asset and securing its long-term future;
- c) the proposal satisfies the terms of Policy NH1.

Any enabling development must be on the same site as and part of the main proposal. Where the proposal will fund the restoration of a listed building, the priority is for enabling development to take place on the same site as the listed building. Any enabling development proposed off site must be clearly justified with strong evidence to demonstrate why the enabling development could not take place on the site.

In all cases, the benefits of the proposed development must outweigh the normal presumption against new build housing development in the countryside.

The Council will obtain independent advice on the extent of enabling development to ensure that it is the minimum necessary to achieve the primary use and it is not a substitute for normal development funding, including borrowing.

Development in Coastal Areas

5.13 Scottish Planning Policy expects development plans to promote the developed coast as the focus for new developments requiring a coastal location. In East Lothian such areas are where settlements intersect with the coastline and these locations should continue to be the focus for most coastal economic and recreational activity on the coast.

5.14 Between coastal settlements there are generally undeveloped areas where new coastal development should generally be avoided. In such constrained areas new development may be acceptable in certain circumstances where there is an operational requirement for a coastal location, for example appropriate tourism proposals or infrastructure, including flood defences or on-shore development proposed in association with off-shore energy projects. The constrained coastline includes local variations: there are parts that are not intensively

Housing in the Countryside

5.8 In general, East Lothian's countryside and coast is not an area that requires regeneration, renewal or action to address population decline. Few, if any, locations are more than an hour's drive time from Edinburgh or 30 minutes drive time from Musselburgh or Tranent, towns of over 10,000 people. As an accessible area where mobile demand for housing from Edinburgh will continue, it is important to protect against unsustainable growth in car-based commuting and the suburbanisation of the countryside. Most new housing development is therefore directed to towns and villages or planned extensions of these. However, as an exception to this general presumption against new housing in the countryside, the conversion of attractive rural buildings to housing may be supported.

Policy DC2: Conversion of Rural Buildings to Housing

Conversion of appropriate buildings in the countryside to residential use will be supported where:

- (i) The existing building is worthy of retention by virtue of its architectural or historic character;
- (ii) The building is physically suitable for the proposed use and any extensions or alterations are compatible with and do not harm any significant architectural or historic features of the building and are in keeping with its size, form, scale, proportion, massing and architectural character; and
- (iii) The building stands substantially intact (normally to at least wallhead height) and requires no significant demolition. To be satisfied that the existing structure is suitable for the conversion without significant demolition the Council must be provided with credible evidence of the building's structural stability at the time of the planning application.

In the case of a change of use of agricultural buildings to housing, the change of use must involve the whole building group.

In the case of a farm steading conversion, a limited amount of new build may be acceptable where:

- a) it reinstates a part of the original steading group demolished or altered by later development alien to its character and appearance, where there is clear physical and/or historic evidence of the original form; or
- b) it is a logical extension to an existing part of the steading that would provide a completeness to the steading's overall composition that is in keeping with its scale, form and character.

In all cases, the external finishes used must be sympathetic to those of the existing buildings proposed for conversion.

5.9 As a further exception to the general presumption against new housing in the countryside, replacement of an existing permanent dwelling may be supported in some limited circumstances such as where a house has been significantly damaged by accidental fire, or where a dwelling is constructed in such a way as to be incapable of renovation or improvement. If the replacement dwelling would be better located on a different part of the same plot (e.g. for landscape reasons or ground conditions) the Council will require as a condition of any planning permission that the original dwelling will be demolished on completion of the replacement.

Policy DC3: Replacement Dwellings in the Countryside

Proposals for replacement dwellings in the countryside will be supported in principle where they would:

- (i) be a like for like replacement of a dwelling recently rendered uninhabitable by unforeseen circumstances, such as a demonstrable and accidental fire, provided there is compelling evidence that the loss of the original habitable dwelling was recent and that it benefited from lawful use as a dwelling immediately prior to the loss; or
- (ii) replace an existing dwelling with lawful use rights as such (not the plot of a previous, now demolished house) that the Council accepts that due to the construction of the building it is incapable of retention for habitation and that all reasonable efforts have been made to maintain the building.

Applicants must submit credible evidence at the time of the planning application to demonstrate compliance with this policy as relevant. Any replacement dwelling must be similar in size, scale and massing to the original and would be of an appropriate character for its location.

5.10 The Plan has a general presumption against new housing in the countryside, but exceptionally a new house may be justified on the basis of an operational requirement of a rural business. Appropriate evidence clearly demonstrating the need for a new dwelling on the particular site in association with the business will be required. This will include evidence that no suitable existing dwelling has been recently made unavailable for that purpose and that there is no existing building that could be converted to a house. Where a house is sought on the basis of an operational requirement in conjunction with a business that is not yet established (e.g. in association with a proposal that is consistent with criterion b of Policy DC1), a business case that supports the proposal will also be required to be submitted as part of the planning application. In the first instance, the Council will normally grant temporary planning permission for temporary accommodation. Permanent accommodation will only be permitted once the business is established and the Council is satisfied that it is viable and that permanent accommodation is justified.

Document AS5



Scottish Planning Policy

39. The design-led approach should be applied at all levels – at the national level in the NPF, at the regional level in strategic development plans, at the local level in local development plans and at site and individual building level within master plans that respond to how people use public spaces.

Planning should direct the right development to the right place.

40. This requires spatial strategies within development plans to promote a sustainable pattern of development appropriate to the area. To do this decisions should be guided by the following policy principles:

- optimising the use of existing resource capacities, particularly by co-ordinating housing and business development with infrastructure investment including transport, education facilities, water and drainage, energy, heat networks and digital infrastructure;
- using land within or adjacent to settlements for a mix of uses. This will also support the creation of more compact, higher density, accessible and more vibrant cores;
- considering the re-use or re-development of **brownfield land** before new development takes place on greenfield sites;
- considering whether the permanent, temporary or advanced greening of all or some of a site could make a valuable contribution to green and open space networks, particularly where it is unlikely to be developed for some time, or is unsuitable for development due to its location or viability issues; and
- locating development where investment in growth or improvement would have most benefit for the amenity of local people and the vitality of the local economy.

Planning should support development that is designed to a high-quality, which demonstrates the six qualities of successful place.

- ***Distinctive***

41. This is development that complements local features, for example landscapes, topography, ecology, skylines, spaces and scales, street and building forms, and materials to create places with a sense of identity.

- ***Safe and Pleasant***

42. This is development that is attractive to use because it provides a sense of security through encouraging activity. It does this by giving consideration to crime rates and providing a clear distinction between private and public space, by having doors that face onto the street creating active frontages, and by having windows that overlook well-lit streets, paths and open spaces to create natural surveillance. A pleasant, positive sense of place can be achieved by promoting visual quality, encouraging social and economic interaction and activity, and by considering the place before vehicle movement.

range of policies that provide for additional housing requirements, economic development, and the varying proposals that may come forward, while taking account of the overarching objectives and other elements of the plan.

79. Plans should set out a spatial strategy which:

- reflects the development pressures, environmental assets, and economic needs of the area, reflecting the overarching aim of supporting diversification and growth of the rural economy;
- promotes economic activity and diversification, including, where appropriate, sustainable development linked to tourism and leisure, forestry, farm and croft diversification and aquaculture, nature conservation, and renewable energy developments, while ensuring that the distinctive character of the area, the service function of small towns and natural and cultural heritage are protected and enhanced;
- makes provision for housing in rural areas in accordance with the spatial strategy, taking account of the different development needs of local communities;
- where appropriate, sets out policies and proposals for leisure accommodation, such as holiday units, caravans, and huts;
- addresses the resource implications of the proposed pattern of development, including facilitating access to local community services and support for public transport; and
- considers the services provided by the natural environment, safeguarding land which is highly suitable for particular uses such as food production or flood management.

80. Where it is necessary to use good quality land for development, the layout and design should minimise the amount of such land that is required. Development on prime agricultural land, or land of lesser quality that is locally important should not be permitted except where it is essential:

- as a component of the settlement strategy or necessary to meet an established need, for example for essential infrastructure, where no other suitable site is available; or
- for small-scale development directly linked to a rural business; or
- for the generation of energy from a renewable source or the extraction of minerals where this accords with other policy objectives and there is secure provision for restoration to return the land to its former status.

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.

82. In some most pressured areas, the designation of green belts may be appropriate.

83. In remote rural areas, where new development can often help to sustain fragile communities, plans and decision-making should generally:

- encourage sustainable development that will provide employment;
- support and sustain fragile and dispersed communities through provision for appropriate development, especially housing and community-owned energy;

- include provision for small-scale housing⁴¹ and other development which supports sustainable economic growth in a range of locations, taking account of environmental protection policies and addressing issues of location, access, siting, design and environmental impact;
- where appropriate, allow the construction of single houses outwith settlements provided they are well sited and designed to fit with local landscape character, taking account of landscape protection and other plan policies;
- not impose occupancy restrictions on housing.

National Parks

84. National Parks are designated under the National Parks (Scotland) Act 2000 because they are areas of national importance for their natural and cultural heritage. The four aims of national parks are to:

- conserve and enhance the natural and cultural heritage of the area;
- promote sustainable use of the natural resources of the area;
- promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public; and
- promote sustainable economic and social development of the area's communities.

85. These aims are to be pursued collectively. However if there is a conflict between the first aim and any of the others then greater weight must be given to the first aim. Planning decisions should reflect this weighting. Paragraph 213 also applies to development outwith a National Park that affects the Park.

86. Development plans for National Parks are expected to be consistent with the National Park Plan, which sets out the management strategy for the Park. The authority preparing a development plan for a National Park, or which affects a National Park, is required to pay special attention to the desirability of consistency with the National Park Plan, having regard to the contents.

Coastal Planning

87. The planning system should support an integrated approach to coastal planning to ensure that development plans and regional marine plans are complementary. Terrestrial planning by planning authorities overlaps with marine planning in the intertidal zone. On the terrestrial side, mainland planning authorities should work closely with neighbouring authorities, taking account of the needs of port authorities and aquaculture, where appropriate. On the marine side, planning authorities will need to ensure integration with policies and activities arising from the National Marine Plan, Marine Planning Partnerships, Regional Marine Plans, and Integrated Coastal Zone Management, as well as aquaculture.

Development Plans

88. Plans should recognise that rising sea levels and more extreme weather events resulting from climate change will potentially have a significant impact on coastal and island areas, and that a precautionary approach to flood risk should be taken. They should confirm that new development requiring new defences against coastal erosion or coastal flooding will not be supported except where there is a clear justification for a departure from the general policy to

⁴¹ including clusters and groups; extensions to existing clusters and groups; replacement housing; plots for self build; holiday homes; new build or conversion linked to rural business.

Glossary

Affordable housing	Housing of a reasonable quality that is affordable to people on modest incomes.
Anchor development (in the context of heat demand)	A large scale development which has a constant high demand for heat.
Article 4 Direction	Article 4 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 gives the Scottish Government and planning authorities the power to remove permitted development rights by issuing a direction.
Biodiversity	The variability in living organisms and the ecological complexes of which they are part. This includes diversity within species, between species and of ecosystems (UN Convention on Biological Diversity, 1992).
Brownfield land	Land which has previously been developed. The term may cover vacant or derelict land, land occupied by redundant or unused building and developed land within the settlement boundary where further intensification of use is considered acceptable.
Civil infrastructure (in the context of flood risk)	Hospitals, fire stations, emergency depots, schools, care homes, ground-based electrical and telecommunications equipment.
Climate change adaptation	The adjustment in economic, social or natural systems in response to actual or expected climatic change, to limit harmful consequences and exploit beneficial opportunities.
Climate change mitigation	Reducing the amount of greenhouse gases in the atmosphere and reducing activities which emit greenhouse gases to help slow down or make less severe the impacts of future climate change.
Community	A body of people. A community can be based on location (for example people who live or work in or use an area) or common interest (for example the business community, sports or heritage groups).
Cumulative impact	Impact in combination with other development. That includes existing developments of the kind proposed, those which have permission, and valid applications which have not been determined. The weight attached to undetermined applications should reflect their position in the application process.
Cumulative effects (in the context of the strategic transport network)	The effect on the operational performance of transport networks of a number of developments in combination, recognising that the effects of a group of sites, or development over an area may need different mitigation when considered together than when considered individually.

Notice of Review Statement of Case

**Proposal: Planning Permission in Principle
for the Erection of One Dwellinghouse and
Domestic Garage**

**At: 14 Camptoun Holdings, Drem, Athelstaneford,
North Berwick**

For: Mr. S. Reynolds

Date: 28 February 2019

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1. Introduction

A planning application for the proposed development was submitted by Seath Planning Consultancy Ltd on behalf of Mr. Steve Reynolds [the Appellant] and registered by East Lothian Council, as Planning Authority [the Council] on the 26 October 2018 under application reference number 18/01107/PP.

The Council described the proposals as follows:

“Planning permission in principle for the erection of one house and domestic garage”

The application form and certificate, the stamped refused plans and Planning Policy and Design Statement [Planning Statement] are submitted as **Documents AS1A, AS1B and AS1C** respectively.

The planning application constituted a Local Development under the terms of The Town & Country Planning [Hierarchy of Developments] [Scotland] Regulations 2009. By reason of the Council's scheme of delegation procedures the application was determined by the appointed planning officer who refused planning permission.

Documents AS2A comprises the officers Report of Handling; and **Document 2B** is the Decision Notice dated 20 December 2018.

This Notice of Review [the Review] is submitted in response to the decision to refuse planning permission for the three reasons in the Decision Notice as follows:

1. The erection of a house of the application site would be new build housing in the countryside of East Lothian for which a need to meet the requirements of the operation of an agricultural, horticulture or forestry, countryside recreation or other business, leisure or tourist use has not been demonstrated; and which is not proposed as affordable housing development of an existing rural settlement. The proposal is therefore contrary to Policies DC1 and DC4 of the East Lothian Local Development plan 2018.
2. The erection of a house on the application site would be new build housing in the countryside of East Lothian for which a desirable primary use supported in principle by criterion b of Policy DC1 and with benefits that outweigh the presumption against new build housing in the countryside has been demonstrated; and which is not promoted to fund the restoration of a listed building, building of recognised heritage value or significant designated feature of the built or natural environment, the retention of which is desirable. The proposal is therefore contrary to Policy DC5 of the adopted East Lothian Local Development Plan 2018.

3. If approved the proposed development would set an undesirable precedent for the development of new houses in the countryside of East Lothian the cumulative effect of which would be the suburbanisation of the countryside to the detriment of its character and amenity.

These reasons will be interrogated and an assessment made in greater detail in Section 4 of this Statement of Case [the Statement].

This Statement comprises the Grounds of Appeal providing an assessment of the Development in the context of the Review Site [the Site] and surrounding area, taking into consideration the rural land uses, the rural community and the condition of the Site. The Statement also refers to the reasons why it is considered that this Development is consistent with national policy and how the proposals are in accordance with Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 as amended by the Town and Country Planning (Scotland) Act 2006 which requires that planning decisions be made in accordance with the Development Plan **unless these and other material considerations indicate otherwise**.

The planning argument that is submitted makes particular reference to the Planning Statement (**Document AS1C**) focussing on and reinforcing the material considerations which are relied upon in support of the grant of planning permission.

A full list of Documents, which the Appellant intends to rely upon in support of this Review, is included in this Statement as **Appendix 1**.

2. Background Information

Site & Surrounding Area

The Site occupies a countryside location in the north eastern part of Camptoun Holdings a small rural cluster of primarily residential properties 2 miles to the north of Haddington.

The Site now has a postal address of 14 Camptoun Holdings which represents a change in circumstances since the refusal of the last planning application. The Site can best be described as roughly rectangular in shape extending to 1906 sq. metres. The Site is bounded by land owned by the Appellant to the north west; fields to the north and north east; by the road to Camptoun Holdings to the south with residential development lying in close proximity. It can be accessed off the Camptoun Holdings road which connects onto the B1343. Immediate boundary treatment on site comprises a mix of fences and walls.

Agricultural sheds and remnants of agricultural use remain on the Site, as was reported in 2014/15 when the Planning Authority considered planning application reference 14/00794/PP. Due to its derelict and unkempt state the Site is rural brownfield land (previously developed), by definition, worthy of improvement.

Topographically the development site is flat, lying at the same level as the nearby public road. Views into the site are afforded from the public roads with other views restricted from long distance when observing the Site from the open countryside to the north.

When the Appellant bought the Site it was in an unkempt state overgrown with material tipped on the land. The condition of the Site has deteriorated over the years to the detriment of visual and residential amenity.

Photographs of the Site and surrounding area are submitted as **Document AS3A**.

Proposed Development

The development cluster of Camptoun Holdings is characterised by properties which are single and one and a half storey dwellinghouses. This cluster has evolved over time, making good use of space and topography creating a tight knit rural community. The properties exist in a rural environment which remains indiscrete.

These dwellinghouses have been developed in the past with no detriment to the natural environment and landscape character due to traditional design and their scale. The same principles are to be applied to the proposed development with existing redundant buildings replaced by a dwellinghouse and garage in keeping with its neighbours. The proposed development will be of a scale, design and external finish to complement the existing cluster of dwellinghouses/buildings which comprise Camptoun Holdings.

It is intended that visually, the proposed development will have a negligible impact on the surrounding landscape, unlike the existing derelict buildings on Site. The drawings (submitted for information purposes only – **Document AS1B**) illustrate a development with a dwellinghouse and garage set back from the public by approximately 16m and 6m respectively. With development adhering to a building line, created by the existing dwellinghouses, this will achieve uniformity and retain a compact layout in the cluster. Together with proposed landscape planting this will ensure that there is no detriment to visual and residential amenity or landscape quality. Views into the Site will remain as being limited to passers-by and restricted at distance.

In summary the indicative design (**Document AS1B**) illustrates an option for the proposed development which:

- (i) Respects a building line in Camptoun Holdings (see location plan);
- (ii) Is designed with a traditional 40 degree roof pitch;
- (iii) Is finished in traditional external finishing materials;
- (iv) Contains a traditional window format; and
- (v) Comprises a house domestic garage with an overall compact layout (dwellinghouse and garage) not too dissimilar to other plot arrangements in Camptoun.

The Applicant will accept reasonable and necessary conditions which reserve the design and finish of the dwellinghouse and garage. If the Council are minded to grant planning permission the Applicant can also agree the terms of a design brief with the Council which will control all future development.

Planning History

Planning application reference 14/00794/P was refused planning permission in 2014. On the 11 May 2015 the Local Review Body upheld the decision refusing planning permission.

A pre-application enquiry was submitted in early May 2018 for a revised proposal and a response was received advising that a planning application would not be supported. The planning application (subject of this Review) was lodged and refused.

Despite the findings of the planning officer it is submitted that there has been a **change in circumstances** since 2015 with the condition of this rural brownfield site deteriorating even further over the years. The Site remains visually intrusive in the landscape and detrimental to the amenity of those staying in Camptoun. By applying **rational and proportionality** to the planning argument, a case is submitted later in this Statement which seeks to gain support for the erection of a single dwellinghouse and garage on the Site.

3. Planning Policy

Introduction

As stated above Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 as amended by the Town and Country Planning (Scotland) Act 2006 requires that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. Planning policy is “*handrails*” not “*handcuffs*” guiding decision makers to find development solutions not problems. The Appellant asks that the Local Review Body [LRB] apply this principle based on the material considerations which form the foundation of the planning case as set out in this Statement.

Development Plan Policy & Material Considerations

The Development Plan of relevance to this Appeal Site comprises the East Lothian Local Development Plan [LDP]. The rural development policies do not make provision for the development of rural brownfield land unlike many other Development Plans in the country. As a consequence, it has to be accepted that the planning policies, in their own right, do not support housing development in the countryside without any rural economic justification. The assessment of the Development Plan policies has been undertaken in the Appellants Planning Statement (**Document AS1C**). There is no intention to repeat this assessment.

In defence of this case there is a heavy reliance on other material considerations in support of a case for the approval of Planning Permission in Principle [PPP]. This includes the Scottish Government’s Scottish Planning Policy 2014 [SPP]. Other material considerations are relevant and these are identified and assessed in Section 4 of this Statement.

What is argued is that there is an exception to the LDP policies with the material planning considerations providing significant weight to a case which is **an exception to the general rule of rural development planning policy as stipulated by East Lothian Council. They are presented as “exceptional circumstances”**

Document AS4 comprise extracts from the East Lothian LDP.

4. Addressing the Councils Reasons for Refusal

Given that it has been accepted that the proposed development cannot be made to accord with the strict terms of the Council's LDP Policies then, as stated above, the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 as amended by the Town and Country Planning (Scotland) Act 2006 are relied upon. **This planning case relies wholly on the strength of material considerations with the decision makers requested to apply proportionality, rationality and fairness when reaching a conclusion to this Review.**

An interrogation of the reasons for refusal allows for the following seven issues being identified which are of relevance to this case:

1. The purpose and meaning of material considerations and their use in the decision making process;
2. The current state of the Site as rural brownfield land; and its past, present and future effect on the character, quality and amenity of the local area and its residents in this small rural community;
3. The definition of a "*cluster*" and the Site's location within the Camptoun Cluster;
4. Whether the Site provides the appropriate level of residential amenity for residents (existing and proposed);
5. The meaning of the term "suburbanisation" and how this word has been used wrongly in the decision issued by the Council;
6. The meaning of the word "precedent" in the planning context; and how an undesirable precedent can be avoided in this case through the grant of planning permission; and
7. The principles of decision making – the application of changing circumstances, rational and proportionality, reasonableness and fairness as a material consideration.

It is submitted that all the above mentioned factors are relevant and they need to be considered not as part of the general rule but as exceptions to a general rule i.e. Development Plan policies to be met. What is submitted in this case is evidence that supports the view that the development proposals should be treated as an "**exceptional circumstance**" **-serving the long term public interests** – material considerations which support the grant of planning permission.

Any of these issues when taken in isolation would not merit approval of planning permission. However, the strength of the argument lies in all of these issues being considered holistically. These issues are now

assessed in order representing a stepped analysis with an overall conclusion reached in Section 5 that the principle of the proposed development is acceptable.

1. The Purpose and Meaning of Material Considerations

Introduction

It has to be accepted that if the Development Plan contains material policies or proposals and there are no other material considerations a planning application should be determined in accordance with the Development Plan. Where there are other material considerations, the Development Plan should be the starting point, and these other material considerations should be factored in to the decision making process. The latter applies to this Review.

Material Considerations

The Courts have also held that the Government's statements of planning policy are material considerations which must be taken into account, where relevant, in decisions on planning applications. However, it is important to point out that these policy statements cannot make any matter, which is a material consideration, in a particular case, an irrelevance. Therefore, although the policy position of the Council is strong in relation to the Development Plan the materials considerations must not and cannot be ignored.

In principle, any matter which relates to the use and development of land is capable of being a planning consideration. Whether a particular consideration is material in any given case will depend on the circumstances. In support of this finding the case law of *Stringer v MHLG* (1971) is referred to which states that:

“The material considerations to be allowed for by the local authority in exercising its planning functions are considerations of a planning nature, ‘all considerations relating to the use and development of land are considerations which may, in a proper case, be regarded as planning considerations’. Though a private individual may not have any right of action against the local authority they can take his interests into account. Whether a particular consideration is material in a particular case will depend on the circumstances.”

In this case the circumstances and condition of this rural brownfield site are of relevance.

Material considerations must be genuine planning considerations, i.e. **they must be related to the development and use of land in the public interest**. The considerations must also fairly and reasonably relate to the application concerned. The case law of *R v Westminster CC ex- parte Monahan* (1989) states:

“Virtually all planning decisions involve some kind of balancing exercise. [Provided] that the ultimate determination is based on planning grounds and not on some ulterior motive, and that it is not irrational,

there would be no basis for holding it to be invalid in law solely on the ground that it has taken account of, and adjusted itself to, the financial realities of the overall situation.”

Therefore decision-makers must have proper regard to the material considerations. If they decide not to follow planning policy, they are obliged to give clear and convincing reasons as referred to in the case law *E C Grandson and Co Ltd v SSE and Gillingham BC (1985)*.

Material considerations are many and extraordinarily varied and include a number of fundamental factors involved in land-use planning, such as:

- (i) the number, size, layout, siting, density, design and external appearance of a building;
- (ii) landscape impact;
- (iii) the impact on the neighbourhood and the amenity of residents;
- (iv) the creation of environmental betterment; and
- (v) the avoidance of an undesirable precedent.

In this case it is submitted that the public interest is best served by the removal of dereliction so as to improve visual and residential amenity. This will never happen unless the circumstances and deterioration of the Site over the last few years are taken into consideration. The reality of the situation is that the proposals **are** a form of enabling development i.e. without an intervention by the Appellant the dereliction will remain in perpetuity.

2. The Current Site: A Rural Brownfield Opportunity

Introduction

Taking this analysis a step further it needs to be accepted that the condition of the Site is an important material consideration. For a number of years, the Council and the residents of Camptoun Holdings have watched as this Site has worsened. As a former agricultural storage area which was surplus to requirements it has become what is defined as brownfield land. This planning term has a clear definition as follows:

*“Brownfield’ **land** is an area of **land** or premises that has been previously used, but has subsequently become vacant, derelict or contaminated. This term derived from its opposite, undeveloped or ‘greenfield’ **land**.”* (Source: Politics.co.uk)

Brownfield land is a frequently used term. A variety of definitions of brownfield land exist, the most succinct of which, for the purposes of this case, will be referred to as “*any land which has been previously developed*”. Reference to previously developed or brownfield land is more wide-ranging than, but inclusive of, vacant and derelict land.

Origins of the Definition

The issue of vacant and derelict land links into the wider former Scottish Executive objectives of sustainable development, economic competitiveness, social justice and environmental quality. While the reclamation of vacant and derelict land is part of the remit of the Enterprise Networks, Councils and other interested parties, including the private sector, have an important role in reclaiming and reusing this type of land.

The Site at Camptoun falls within this definition and the Appellant has a role to play in ridding this area of dereliction.

Definition of Vacant Land: land which is vacant e.g. unused, unsightly, or which would benefit from development or improvement.

The Site at Camptoun also falls within this definition.

Scottish Vacant and Derelict Land Survey 2001 Commentary expands on these definitions. Previously developed land is recognised as a potential source of sites for new development. Planning authorities and decision makers are asked to support and promote proposals to bring vacant or derelict land back into productive use for development or to create more attractive environments in the public interest.

When identifying locations for housing, planning authorities and developers are asked again to consider the reuse of previously developed land before development on greenfield sites and should take account of the following factors:

- (a) the potential contribution to the strategy and policies of the development plan and other national and local policy objectives,
- (b) the relative accessibility of sites by a choice of transport options;
- (c) the availability of infrastructure, including waste management infrastructure, and education and community facilities;
- (d) whether development can be achieved within the required time frame;
- (e) the provision of choice across the housing market area;
- (f) the design, quality and density of development that can be achieved; and
- (g) the individual and cumulative effects of the proposed development.

The Appellant proposes using the brownfield element of this land and retaining the greenfield part free from

development.

Current National Policy

Scottish Planning Policy 2014 [SPP] brings the definitions of brownfield land up to date. It repeats the stated definition of brownfield land which is essentially land that has previously been developed. The term is taken to encompass vacant or derelict land; infill sites and land occupied by redundant or unused buildings. However, it excludes private and public gardens, sports and recreation grounds, woodlands and amenity open space, and for the purposes of this Government policy document.

The site at Camptoun Holdings falls within the terms of national guidance.

The removal of rural dereliction at Camptoun is a costly exercise and cannot be undertaken without any return for such an investment. A dwellinghouse on the site (the primary use) would bring about environmental betterment by:

- i) Improving the landscape character area in which the site is located;
- ii) Improving the amenity of nearby residents; and
- iii) Round-off the cluster of dwellinghouses known as Camptoun Holdings.

With reference to housing in the countryside SPP provides that, in remote rural areas, where new development can often help to sustain fragile communities, plans and **decision-making** should generally:

1. encourage sustainable development that will provide employment;
2. support and sustain fragile and dispersed communities through provision for appropriate development, especially housing and community-owned energy;
3. **include provision for small-scale housing and other development** which supports sustainable economic growth in a range of locations, taking account of environmental protection policies and addressing issues of location, access, siting, design and environmental impact;
4. allow [where appropriate] the construction of single houses outwith settlements provided they are well sited and designed to be in keeping with local landscape character, taking account of landscape protection and other plan policies;
5. avoid imposing occupancy restrictions on housing.

Documents AS5 comprise extracts from SPP.

It is recognised that the design of the dwellinghouse and garage will need to accord with the terms of Policy DP2 of the LDP which requires the design of all new development to be:

- i) Appropriate to its location (size, form, massing, proportion and scale);
- ii) Create a coherent structure of streets and building that respect the sense of identity;
- iii) Provide a high quality architectural or landscape treatment to accord with national design principles;
and
- iv) Ensure privacy and amenity are preserved.

The plans submitted along with the Application (**for information purposes only Document AS1B**) serve to demonstrate that any proposed dwellinghouse, by reason of its scale, design, form, massing, proportion, scale and location can create a coherent development in this small rural cluster. In addition, the proposals can create a sense of identity through innovative design and high quality architectural merit with privacy and amenity of other nearby residents preserved.

The proposed development will:

- v) meet the terms of Policy DP2;
- vi) be easily accessible;
- vii) be serviced by appropriate infrastructure;
- viii) be developed timeously to deliver environmental betterment;
- ix) be of a scale design and layout to ensure a development in sympathy with the surrounding buildings;
- x) not lead to cumulative impact;
- xi) relate to other physical and natural features including built form; and
- xii) have the ability to be suitably serviced.

In addition, a landscape framework will mitigate any perceived impact and create an attractive residential environment.

In summary, the proposal for the erection of one dwellinghouse will form part of the cluster known as Camptoun Holdings, a sustainable form of development appropriate to its location integrating with this small rural community. It will be of a small scale in keeping with the surrounding buildings without any detriment to environmental quality and landscape character. In effect the proposed development will provide environmental betterment through the removal of dereliction. It will be built on a plot of land with a postal address of 14 Camptoun Holdings.

3. The Camptoun Cluster

The surrounding built form of Camptoun Holdings is best described as a hamlet, and as referred to throughout this Statement a very attractive cluster of residential properties.

What requires to be examined more carefully is the definition of cluster development. Referring to the document Planning Advice Note 72 Housing in the Countryside [PAN 72] this forms the basis for an understanding of cluster. The document advocates the siting of new development in **building clusters**. In this context it has to be remembered that Camptoun Holdings has been formed over the years based on the cluster principle (see Section 1 of this Statement).

PAN 72 does not define a building cluster and it leaves each Planning Authority free to provide its own definition as a material consideration. The LDP fails to do so.

The now superseded Scottish Planning Policy 3 [Planning for Housing] is a point of reference on the general policy for housing. Paragraph 18 of SPP3 recommends the advancement of policy in respect of small scale rural housing developments including, clusters and groups in close proximity to settlements, replacement housing, plots on which to build individually designed houses, and holiday homes.

The overall message is that there is considerable scope for allowing more housing developments of this nature and that this should be expressed in Development Plans. East Lothians LDP fails to support such an approach not following the guidance of SPP.

Comment: The proposed development, subject of this Application, fits with national guidance including SPP (see above), rounding-off the Camptoun cluster at the chosen location.

4. The Site and Residential Amenity

If it can be accepted that this is a rural brownfield site worthy of improvement in a cluster then two approaches need to be analysed:

1. The consequences of another refusal of planning permission. This will lead to further deterioration of this derelict and unkempt site to the detriment of visual and residential amenity; and
2. The consequences of granting planning permission. This will lead to the opposite effect i.e. the removal of dereliction and tidying an unkempt site with a small scale single dwellinghouse and domestic garage which can be made to have a landscape fit. In effect environmental betterment will be the outcome.

It is submitted that the proposed development will have no adverse effects on the quality and character of the landscape as a consequence of the proposed development.

It will result in the Council retaining the ability to control the density, design and layout of development on the Site.

The erection of one dwellinghouse will represent an improvement to the amenity of residents in Camptoun Holdings and an improvement to visual amenity in this landscape area. It will also represent an opportunity to

provide for the accommodation needs of one family on a Site which will have a high level of residential amenity.

5. Suburbanisation

In this Section (above) it has been demonstrated that the proposed development is of a small scale and a density which is “*fit for purpose*” at this rural location as part of a cluster on brownfield land, a development which delivers environmental betterment without detriment to residential amenity. However, in the reason for refusal number 3 of the Decision Notice the planning position is misunderstood. The scale and density are overstated with the terminology used based on a lack of understanding. The term “**suburbanisation**” is used in the wrong context and as a consequence the planning decision is flawed. This word “**suburbanisation**” needs to be used in a planning context which is related to:

“the outward growth of urban development which may engulf surrounding villages and towns into a larger urban agglomeration.....the suburbs are the outlying areas of a city which are close enough to the city centre to be accessible by commuters.” (Source Cool Geography)

Suburbanisation is typified by the physical spreading of a city or town into surrounding countryside areas. This is commonly referred to and known as urban sprawl, where development puts pressure on greenfield sites and on the natural environment. Essentially, “**suburbanisation**” is a part of urbanisation, a concept associated with the increase in the proportion of people that live in towns and cities in comparison to those in rural areas.

The reason for refusal number 3 uses the word “**suburbanisation**” in the totally wrong context and simply seeks to try and add weight to the Council's decision. The development of one dwellinghouse and domestic garage is on a rural brownfield site (not greenfield), rounding off the cluster known as Camptoun Holdings. It **cannot** be regarded as “**suburbanisation**”.

6. Undesirable Precedent

If it is accepted that the wrong terminology has been used in Reason 3 (“*suburbanisation*”) and in fact what is proposed is simply a small scale housing development on a rural brownfield site then what needs to be examined is whether setting aside Development Plan policy in favour of the set of material considerations being presented sets an undesirable precedent. This is also referred to in reason for refusal number 3.

It is accepted that in terms of the general rule of planning policy this approach is normally a legitimate reason (or part of a reason) for refusing planning permission. However, in this case the terminology also needs to be understood and examined (once again) in the planning context.

The **definition** of “**setting a precedent**” is commonly known as to decide something that will be used as an example or rule to be followed in the future. The ruling in any planning case must be certain that by

approving development that there is a likelihood of **setting an undesirable precedent** in relation to future cases are how they are decided.

The unique characteristics of the Site have been described throughout this Statement. In effect this proposed development will reuse rural brownfield land and remove dereliction. A Camptoun cluster will be rounded off with a low density small scale dwellinghouse at a location **which has a postal address allowing any development to integrate with the urban form**. The Council has the ability to control the footprint of the proposed development i.e. the urban form on the Site and its relationship to Camptoun Holdings.

Therefore, all this avoids any “**undesirable precedent**” being set from the grant of planning permission for the proposed development at 14 Camptoun Holdings as the land associated with other properties is either not big enough nor does it possess any of the same characteristics that the Review Site has. The same criterion can be applied elsewhere in the countryside of East Lothian.

All the aforementioned represents an exceptional set of circumstances where environmental betterment is secured. It is a reasoned justification for setting aside the general rule of Development Plan policy one which can be used to rule out any possibility of **setting an undesirable precedent** as referred to in the Planning Officers’ reason for refusal.

7. The Principles of Decision Making

Introduction

If all the aforementioned can be accepted then to provide confidence to take a decision to approve PPP the following factors are submitted to guide the decision makers.

The Change in Circumstances

The first principle in decision making is to understand the current and previous circumstances in any planning case and what the objective(s) of any decision should be. In the past (see planning history) the Council has defended its policy position resolutely by restricting development in the countryside to that related to the rural economy. In the absence of any other policy to allow development such as that proposed on the Site the result has been the continued worsening of dereliction. There is no scope to change these circumstances on a Site which is detrimental to the appearance of the rural environment other than to grant a planning permission. The last Local Review was minuted with an observation calling for change (see Planning Statement – **Document AS1C**).

As stated above, in the planning process there are certain circumstances which, sometimes, should be given direct effect as an exceptional circumstance. It is submitted that the determination of this Application is one

such case. There are relevant factors in this case that need to be considered not as a general rule but as exceptions to the general rule and compliance with Development Plan policies.

In addition, the Appellant would draw the LRB's attention to the fact that the Site now has a postal address which is 14 Camptoun Holdings which allows it to integrate into the Camptoun cluster as part of its urban form. This is a factor which has changed the status of the Site since the previous planning application, not necessarily in land use terms, but in social terms as it relates to the Appellant, his family and the Camptoun cluster.

In summary, there are environmental and social factors that need to be considered in this case i.e. the dereliction that persists at this location and the lack of policy support to address such conditions. The grant of planning permission would allow the Site, which has a postal address, to be brought back into productive use. These are the exceptional circumstance that needs to be considered. Without the adoption of an approach which accepts these factors and grants planning permission there can be no change in circumstances and no environmental betterment. The Council will continue to deny its responsibilities.

Rational and Proportionality

Taking this argument one step further the concepts of rationality and proportionality needs to be applied i.e. the weight afforded to the acceptability of the development and the social disadvantage compared to the environmental harm. It is part of the criterion of fairness and justice in the planning process – a rational approach seeking solutions rather than finding problems.

This concept applies logic to the decision-making process with the intention of assisting in discerning the **correct balance** between any restriction imposed (in this case the restrictive nature of the Development Plan policies) and the severity of the nature of the prohibited act as described above and its impact on the environment.

Proportionality essentially means the decision should meet a legitimate policy goal and should not go further than necessary to achieve that goal i.e. it must be appropriate and necessary to achieve its intended aim taking into consideration any change in circumstances (see above); and how unreasonable the restriction will be i.e. to deny planning permission.

Taking into consideration the change in circumstances and by applying proportionality, it is submitted that the Review Body can place an importance on the need to change the circumstances having been provided with a reasoned justification for the development as set out in this Statement recognising the betterment that will occur in the environment.

In support of this claim I would draw the Review Body's attention to case law of First Secretary of State and Others v Chichester Borough Council, 2004 [EWCA Civ 1248] which refers to Human Rights and

proportionality. Although this is an English planning case its principles have “*persuasive argument*” in the Scottish planning system.

In this legal case the Inspector weighed what he considered the limited harm to the environment caused by the development against the harm caused by the Planning Authority’s failure to recognise the potential for development. The Inspector found that interference was not justified under Article 8(2) ECHR. Planning permission was granted. **Proportionality** analysis prevailed.

It is submitted that in the past the Council has failed to assess the proposed development correctly and in doing so denied the Applicant his Human Rights as referred to in Protocol 1 Article 1 of ECHR; and in doing so has set aside an opportunity to provide environmental betterment. The LRB has the opportunity to redress this by granting PPP.

Reasonableness and Fairness

Taking this argument to the third stage of the decision making process it needs to be recognised that when different reasonable people are given the same set of facts, it is perfectly possible for them to come to different conclusions. The Planning Authority has taken planning policy and applied its strict terms to this proposed development during the planning process. A reasonable decision can still be taken with the decision maker understanding the consequences of any positive action. By applying rational and proportionality and exercising discretion this can reflect good planning practice as it relates to the rural environment.

When reaching its decision to refuse planning permission in the past the Planning Authority has failed to take into consideration the ability to create environmental betterment as a relevant material consideration and the fact that proposals can be regarded as setting a desirable precedent. What is being asked for, in this Review, is that there is an understanding of all the material consideration all of which can lead to a decision to justify approval of planning permission.

5. The Principle of Development

All the aforementioned Sections allows a conclusion to be reached that the terms of s25 of the Planning Acts can be applied whereby the material considerations presented in this case can be regarded as setting a desirable precedent – allowing the grant of planning permission contrary to rural development policy. Any other development in the countryside of East Lothian would be required to base their arguments on very similar “**exceptional circumstances**”.

Given there is a presumption in favour of sustainable development (see SPP) to achieve this, the decision makers must recognise that planning policy is drafted to be “**handrails not handcuffs**”. In effect this means that flexibility can be built in to the decision-making process to allow for the approval of the proposed development.

In this case previously developed land has resulted in changing circumstances over the years on a site which is deteriorating to the detriment of visual and residential amenity. There is a reasoned justification for approving the proposed development as it will:

- (i) Be part of a residential cluster in this rural location having a postal address of 14 Camptoun Holdings;
- (ii) Be on a site which lends itself to rounding-off development in the Camptoun cluster;
- (iii) Be of a scale, design, layout and plot ratio which is sympathetic to the character of other dwellinghouses in the cluster;
- (iv) Be insignificant and not result in a detrimental effect on the “openness and/or the attractiveness of the area; and
- (v) Not represent unnecessary encroachment into the countryside or suburbanisation.

There is an ability to create a tight knit frontage within defensible boundaries to prevent erosion of the countryside elsewhere in the future. In effect this proposed development would be a sustainable form of development.

It is accepted that this proposed development cannot meet the strict terms of the Council’s rural development policy. However, applying a flexible approach in the decision making process, based on rational and proportionality, reasonableness and fairness, advocated in this Statement, allows planning policy to be set aside in favour of exceptional circumstances. This approach is driven by the terms of the Planning Acts which states that development needs to be in accordance with the Development Plan unless material

considerations determine otherwise.

It is submitted that the material considerations described in this Statement add significant weight as part of a holistic planning argument. They present an opportunity for the decision makers, the LRB, to set aside planning policy in favour of a small scale and low impact housing development that will rid the countryside of dereliction in the long term public interest.

By reason of these “**exceptional circumstances**” the proposed development will not set an undesirable precedent. They will have the desired effect of environmental betterment, improving visual and residential amenity. The letter of support submitted during the processing of the planning application bares testament to these benefits.

6. Conclusions

Based on all the aforementioned, it is respectfully submitted that the LRB should uphold the Notice of Review and grant planning permission subject to necessary, reasonable and enforceable planning conditions.

7. Appendix 1: List of Documents

Document AS1A: Planning Application Form and Certificate
AS1B: Refused Drawings
AS1C: Planning Statement

Document: AS2A: Report of Handling
AS2B: Decision Notice dated 20 December 2018

Document AS3: Photographs of the Site and Surrounding Area

Document AS4: Extracts from Local Development Plan

Document AS5: Extracts from Scottish Planning Policy 2014