

Application No: 19/00558/P

Cairndinnis Farm, Haddington

Applicant's Supporting Documents

GEORGE F. WHITE

PLANNING APPEAL STATEMENT

Erection of agricultural building

Cairndinnis Farm
Haddington
East Lothian
EH41 4PX

December 2019

CLIENT NAME	Mr E Smith
CLIENT REF	ALN
PLANNING REFERENCE	19/00558/P
DATE	December 2019
CONTACT DETAILS	Hannah Wafer George F White 4 – 6 Market Street Alnwick Northumberland NE66 1TL [REDACTED] [REDACTED]

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INTRODUCTION

- 1.1 We are instructed by Mr E Smith ('the Appellant') to submit this 'Statement of Appeal' to address the reasons for refusal of planning permission for the erection of an agricultural building (Planning Application Reference 19/00558/P) by East Lothian Council. The application was refused on 18th September 2019.
- 1.2 A review of the planning decision is requested in accordance with Section 43A of the Town and Country Planning (Scotland) Act 1997.
- 1.3 This appeal statement will explore the reasons for refusal which have been issued by East Lothian Council in connection with Planning Application Reference 19/00558/P. The intention is to set out the appellant's case and to address each reason in turn evidencing that the proposed development is acceptable in relation to relevant Planning Policy.

SITE AND SURROUNDINGS

- 2.1 The application site is located at Cairndinnis Farm, east of Haddington, west of the Traprain Law. The site is located within a Special Landscape Area (SLA15 – Traprain and Tyne Valley).
- 2.2 Cairndinnis farm is located to the south of an unclassified road which links Haddington and East Linton. The road almost runs parallel to the A1 main trunk road and is located approximately 1.25km south of this. The unclassified road runs to the south of the Haddington Golf Club, eastwards, where it skirts around Traprain Law before bearing north and crossing over the A1 to East Linton. The Cairndinnis Farm steading is located approximately 0.33 km south of this road, approximately 1.75km south of the A1 and approximately 0.60km due west of Traprain Law.
- 2.3 The access to the farm steading is noted by existing farm cottages to the east of the farm access track, these are slightly set back from the narrow road. The access track is narrow but straight running north/south and is bounded by hedgerows with some mature hedgerow trees. There is a single storey residential building to the west of the track approximately mid-way, before further hedgerows and trees and views of the main farm steading also to the west of the track. The farm house lies to the east of the track and farm steading, it is well enclosed by mature trees and a small mature woodland to the south. Traprain Law is visible to the east of the track.
- 2.4 The farm steading comprises a farm house a range of more traditional farm buildings and a number of purpose built more modern agricultural buildings to the west. All the buildings are in use and necessary for the continued operation of the farm business.
- 2.5 The siting of the proposed agricultural building is to the west of the existing farm buildings, on the steading, on a site currently used for open air storage. The site is bounded by existing agricultural buildings to the east and south east, with agricultural land to the north and west.

Proposed Development

- 2.6 The proposed agricultural building will be used as a grain store and for general undercover storage. This will improve the operations of the site and the general viability of the business.

- 2.7 The proposed building would have a height of 7 metres to the eaves, 9.8 metres to the ridge (pitched roof) with a length of 36 metres and a width of 22 metres. This would provide an additional undercover floor space of 792 square metres. The proposed building will be constructed of steel profile cladding above a concrete panel wall. Sliding doors are proposed to the eastern elevation, with pedestrian access to the west. The building is orientated to complement the existing buildings with the ridge running east to west, the ridge height has been designed so as to be at the same height as the existing buildings.
- 2.8 The application site is well related to the existing agricultural buildings, and on land clearly part of the existing steading.

APPEAL SUMMARY

- 3.1 This appeal is against the decision of East Lothian Council to refuse planning permission for the erection of an agricultural building at Cairndinnis Farm.
- 3.2 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 in this regard is the South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Development Plan 2018.
- 3.3 It is accepted that the SESplan is silent on matters relating to the proposed development. The relevant Local Plan policies are agreed as Policy DC1, DC2 and DC9. It is agreed that Policy DC1 Rural Diversification is generally favourable to the proposed development.
- 3.4 As part of the Appellants case, policies from the East Lothian Local Development Plan (Local Plan) cited as the reason for refusal Policies DC2 and DC9 will be explored in detail to evidence that the proposals are in general accord with the Planning Policy and should be approved.
- 3.5 The planning application was refused for the following reason:
- In its position and given its east-west orientation, the new agricultural building would appear as a dominant feature within the landscape and would fail to be screened from public views. As such, the proposed building would be a harmfully dominant and intrusive addition to the agricultural holding and would be harmful to the character and appearance of the Traprain and Tyne Valley Special Landscape Area. As such the proposal is contrary to Policies DC9 and DP2 of the adopted East Lothian Local Development Plan 2018.*
- 3.6 The grounds of appeal relate primarily the potential landscape impact of the proposed development.

APPELLANT'S CASE

- 4.1 In addressing the reason for refusal, it is essential to understand the policies to which this decision relates to. The overall reason for refusal is a result of the potential landscape impact of the proposed development. The LPA have cited two policies within the reason for refusal, Policy DC9 and Policy DP2.
- 4.2 Policy DC9 of the Local Plan relates to designated Special Landscape Areas (SLA) stating that developments affecting such areas will only be permitted where they accord with the Statement of Importance and do not harm the character of the area; or the public benefits outweigh any adverse impacts. The appellant is of the view that the proposal accords with the Statement and does not harm the character of the area.
- 4.3 The Council has published Supplementary Planning Guidance (SPG) for the Special Landscape Areas (2018). The application site is located due west of the Traprain Law. The SPG states that the area is centred on the iconic volcanic outcrop set within a rolling arable landscape. It is further stated that built development in the area is sparse, consisting predominantly of traditional farm building and related steadings and cottages.
- 4.4 The SPG states within the guidelines for development that any proposed large farm building should be carefully sited and coloured to fit within the landscape form. It is noted within the planning officer report that the LPA do not consider the use of the proposed green cladding to be easy to blend into the landscape, suggesting a dark grey would be less intrusive. The appellant has stated they accept this suggestion, and would agree to a suitably worded condition to secure this. Thus meeting the guidance and satisfying the LPA comments.
- 4.5 The siting of the proposed building was chosen to ensure the building would:
- be well associated with the existing farm complex, integrated into its surroundings and respecting the existing landform, its positioning, size and massing are proportionate to its use and the existing buildings;
 - use land already in use for open storage purposes thus creating a more attractive and tidy site;
 - fit within the operational logistics of the farm operations,

- have some landscape separation provided by the existing tree belt located to the east, thus reducing the potential landscape impact with view from Traprain Law.

4.6 Other sites on the farm were considered however they did not fit as well operationally, or would have a detrimental and unacceptable impact on residential amenity of the existing cottage, and it is considered that they would have had a similar impact on the landscape. The building would not be dominant in the landscape in that it is of a similar form, scale, massing and height as the existing development, and would be read in this context when viewed from the wider area. The east-west orientation of the building is necessary for operational reasons and also utilises an area of the steading already in use. Additional landscaping in the form of earth bunding and native tree and hedgerow planting incorporating oak or ash (or acceptable alternative) could be provided along the western, and northern boundary of the site to assist with mitigating any potential negative visual impact. This could be secured by way of a suitably worded condition.

4.7 The reason for refusal makes reference that the site “*would fail to be screened from public views. As such, the proposed building would be a harmfully dominant and intrusive addition to the agricultural holding...*”. As indicated the applicant would be willing to provide additional landscaping to the site to assist in the assimilation of the building into the landscape. The building has been proposed such that it will not be any higher than the existing buildings on site and as such the potential for dominance of the building has been reduced. Reference is made in the reason for refusal to the impact on public views, however no information has been provided to indicate where the key sensitive viewpoints are, either by a published Landscape Officer comment (none are available on the planning portal), or within the planning officers report. Repeated requests were made to the planning case officer to discuss this, unfortunately no contact was returned.

4.8 Core Path 312 follows the unclassified road to the north of the site. It is accepted that at some points along this route, the site and proposed building may be viewed. However, much of the route is bounded by hedgerows and mature trees, closer to the site the coverage is reduced, however at this point the farm steading which is well set back from the road is viewed against the backdrop of the mature trees to the east. An additional building in the location would be read as part of this wider group and as such would not be overly dominant or harmful to the landscape character.

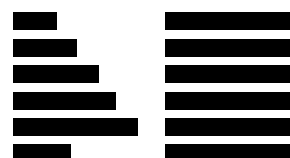
- 4.9 Taking the above into consideration the proposed building is considered to be in general accordance with policy DC9 of the Local Plan. The proposed location, scale and colour of the building will minimise landscape impact which could be further mitigated through appropriately worded conditions.
- 4.10 Whilst it is understood that consideration must be given to the conservation of the landscape, the proposed building is characteristic of Cairndinnis Farm and surrounding farm steadings, it will be viewed alongside the existing buildings, is of a similar scale to existing buildings, the same form and follows the same ridge line, all assisting in as simulating the building into the landscape. Indeed, the SPG at A1 – 40 acknowledges that the area has a number of large farm buildings sited carefully within the area and mentions a new horse riding arena to the east of Traprain Law which is considered to be in scale with the landscape.
- 4.11 The applicant wishes to note a number of applications which have been approved by East Lothian Council within the Traprain and Tyne Valley Landscape area.
- 4.12 Planning permission (reference 13/00931/P) for the change of use of agricultural land to equestrian use, erection of indoor riding arena, 2 outdoor arenas and associated works was granted in May 2014 at Sunnyside Farmhouse, East Linton. At the time of determination, the application site was located just outside of the Area of Great Landscape Value and was therefore deemed to not conflict with policy NH4 of the adopted 2008 local plan. Whilst not designated at the time of determination the case officer stated that the proposed building was similar to those of other agricultural and equestrian buildings in the wider landscape of East Lothian. The approved indoor arena covers a ground area of approximately 1,800 square metres. With an additional 4,962 square metres allocated as outdoor arenas. It was concluded that the proposed development would not harm the landscape character and appearance of the area. As acknowledged by the more recent SPG which specifically states this building is in scale with the landscape. The proposed agricultural building is of a much small scale and could therefore also be in considered in scale with the landscape.
- 4.13 Planning permission (reference 16/00215/P) for the erection of an agricultural building was permitted in May 2016. The application site is located at Cockielaw, Traprain. Similar to the above application the site was not within the Special Landscape Area at the time of determination. However, the proposed building measured 66 metres in length and 30 metres in width, with a height of 14 metres. The case officer noted that as the building would be seen in relation to the existing building group and the proposed building would be satisfactorily integrated into the landscape.

- 4.14 The appellant considers it necessary to note the above two permissions as both have now been included within the Special Landscape Area. Both approved buildings are of a greater scale than the proposed and are considered to be more intrusive. Whilst every application is determined on its own merits a precedent has clearly been set within the area.
- 4.15 The case officer also cites Policy DP2 under the reason for refusal which relates to the design of all new development. Policy DP2(1) requires development to be appropriate to its location in terms of positioning, size, form, massing, proportion, scale, colours and materials. It has previously been stated that the applicant would be willing to amend the colours of elevations to dark grey to ensure the proposed development is reflective of its surroundings. With regards to scale and massing the building is considered to be of a similar scale to the existing buildings located to the west and does not exceed the existing ridge height. Taking Policy DP2 and the existing structures into consideration the application site is considered appropriate for the erection of a new agricultural building.
- 4.16 It is stated within the officer report that given the increased spread of the farm complex to the west the landscape officer is not in a position to support the proposal. The applicant is aware that Cairndinnis Farm is in a sensitive location, however the Local Plan supports development for agriculture. When assessing the applicants land holding the proposed site is considered to be the most appropriate for the construction of a new building. Therefore, should the local review body seek to refuse this application it appears likely that the farm will be unable to expand.
- 4.17 It is understood the Council consider the principle of development is appropriate in this location and in accordance with DC1 of the local plan. The applicant considers the above demonstrates that the proposed building will not have a detrimental impact on the Special Landscape Area and therefore requests the decision to refuse the proposed development is reviewed subject to appropriate conditions and members grant consent.

CONCLUSION

- 5.1 Taking account of the reasons for refusal, the assessment as part of this appeal statement and the evidence put forward it is considered that the development should be considered acceptable. It is understood that Traprain Law is a prominent landscape feature and views to and from should be preserved, however the proposed erection of an agricultural building is not considered to have a harmful impact on the landscape character, or to be dominant and intrusive.
- 5.2 The applicant has noted that due to the comments received by the landscape officer should the Council seek to review and approve this application this could be subject to suitably worded conditions to secure the colour of materials used in construction of the proposed building, and appropriate native landscaping to the western and northern boundaries of the site.

GEORGE F. WHITE



OFFICER REPORT

18th September 2019

App No. 19/00558/P

Application registered on 19th July 2019

Target Date 18th September 2019

Proposal	Erection of agricultural building	SDELL	A /N
		CDEL	A /N
Location	Cairndinnis Farm Haddington East Lothian EH41 4PX	Bad Neighbour Development	A /N

APPLICANT: Mr E Smith

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

**c/o JTS (Construction) Ltd
Station Works
Station Road
Duns
TD11 3EJ**

DECISION TYPE:

Application Refused

PLANNING ASSESSMENT

Planning permission is sought for the erection of an agricultural building at Cairndinnis Farm, Haddington. It would be bounded to the east and south east by existing farm buildings. The site is bounded to the north, west and south by agricultural land. The application site is located within the countryside to the south west of Haddington and is sited within a Special Landscape Area (SLA15 - Traprain and Tyne Valley).

By way of planning history, planning application (Ref: 19/00260/P) was withdrawn in May 2019 for the erection of an agricultural building on the site. This was withdrawn following concerns raised by the Council's Landscape Policy Officer with regards to the impact of the proposal on the Traprain and Tyne Valley Special Landscape Area.

Planning permission is now sought for the erection of a new agricultural building, in the same location as that which was previously subject of the withdrawn application. The building would have a height of 7 metres to the eaves and 9.789 metres to the top of the pitched roof. The building would have a length of 36 metres and a width of 22 metres. The side cladding would be constructed of steel profile cladding above a 3.6 metre high concrete panel wall. The building would be accessed via sliding doors within the east elevation and a personal door within the west elevation.

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 South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Development Plan 2018.

There are no relevant policies contained within the approved South East Scotland Strategic Development Plan (SESplan). Policies DC1 (Rural Diversification), DC9 (Special Landscape Areas) and DP2 (Design) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of the application.

No letters of objection in respect of the proposed development have been received.

With regards to the proposed use, the new building would be used for agricultural purposes as a grain store for the existing farm. Accordingly, it has an operational justification for its siting within the open countryside and therefore complies with Policy DC1 of the East Lothian Local Development Plan 2018.

The Council normally regards a distance of 18 metres between directly facing windows and 9 metres between a window and a garden boundary as a sufficient separation distance to prevent harmful overlooking of neighbouring residential properties.

The proposed building would be located some 100 metres away from the walled garden of one of the farm cottages to the south east of the proposed building and separated by existing farm sheds. Accordingly, given that distance and the intervening farm buildings, the proposed building would not affect the privacy or amenity to this property.

Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice" by P.J. Littlefair gives guidance on the impact of a proposed extension on the daylight and sunlight received by neighbouring properties. With regard to daylight the Guide gives a two-part test, one part measured horizontally and the other vertically. The Guide advises that there will not be a harmful loss of daylight if a proposed extension passes at least one part of the test when applied to a window of a neighbouring house. In this instance, the horizontal and vertical tests would be passed and as such, the proposals would not give rise to a harmful loss of daylight received by neighbouring residential properties.

With regards to sunlight, given the siting, scale and orientation of the proposed extension to the north west of the existing building, the proposal would not allow for the detrimental increase in overshadowing of any neighbouring properties.

The Council's Road Services raises no objection to the proposal.

The Council's Environmental Protection Officer has stated that they have no comments to make on this proposal.

The property is sited within SLA15 - Traprain and Tyne Valley as defined by Policy DC9 of the East Lothian Local Development Plan 2018. In this regard, development within or affecting Special Landscape Areas will only be permitted where it accords with the Statement of

Importance and does not harm the special character of the area or the public benefits of the proposal outweigh the adverse impacts.

The Council's Landscape Policy Officer has been consulted on the proposal and has responded to state that a guideline for development within the Statement of Importance for this SLA notes that "any proposed large farm building development should be carefully sited and coloured to fit within the landscape form and retain the sense of history and character of the area and not harm the setting of Traprain Law".

The proposed building is 12 metres longer than the previous proposal and 2 metres narrower, while also being 1.425 metres lower to the ridge and 1 metre lower to the eaves than previously proposed. The applicant has submitted a planning statement outlining the reasons for the building. It states that the floor of the building will be at a lower level than the existing buildings and the roof apex of the new building would be at the same level as the existing.

Consideration has been given to the guidelines for development within the SLA with the proposal to clad the sides and gable with green coloured steel profile and natural grey fibre cement roof to help it blend into the buildings and landscape behind. The Landscape Officer has stated that green is a difficult colour to blend to the landscape and alternatively a dark grey such as the central building within the farm, with a darker grey roof colour as well, may be less intrusive within the wider landscape and should be considered. The concrete panels to the side should also be coloured in a dark grey to reduce their visual impact. The addition of a number of hedgerow trees to the hedge to the north side of the building would help to reduce its massing when viewed from the north.

However, given the increase in length from the previous withdrawn application and therefore increased spread of the farm complex to the west, the Landscape Officer is not in a position where they can support the current proposal in landscape terms.

Accordingly, in its position and given its east-west orientation, the new agricultural building would be a dominant feature within the Traprain and Tyne Valley Special Landscape Area and would fail to be screened from public views. As such, the proposed building would be a harmfully dominant and intrusive addition to the agricultural holding and would be harmful to the character and appearance of the Traprain and Tyne Valley Special Landscape Area.

There are no public benefits which outweigh these concerns. Accordingly, the proposal fails to comply with Policies DC9 and DP2 in this regard.

The proposed agricultural building fails to comply with Policies DC9 and DP2 of the adopted East Lothian Local Development Plan 2018.

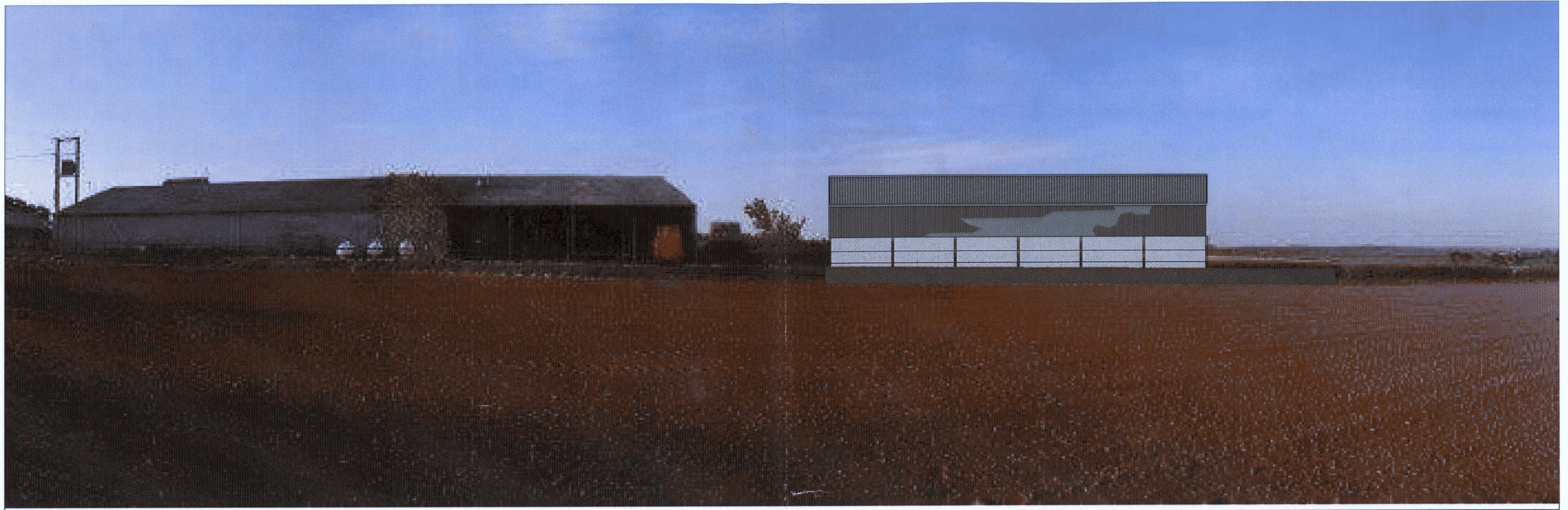
REASON FOR REFUSAL:

- 1 In its position and given its east-west orientation, the new agricultural building would appear as a dominant feature within the landscape and would fail to be screened from public views. As such, the proposed building would be a harmfully dominant and intrusive addition to the agricultural holding and would be harmful to the character and appearance of the Traprain and Tyne Valley Special Landscape Area. As such the proposal is contrary to Policies DC9 and DP2 of the adopted East Lothian Local Development Plan 2018.

LETTERS FROM

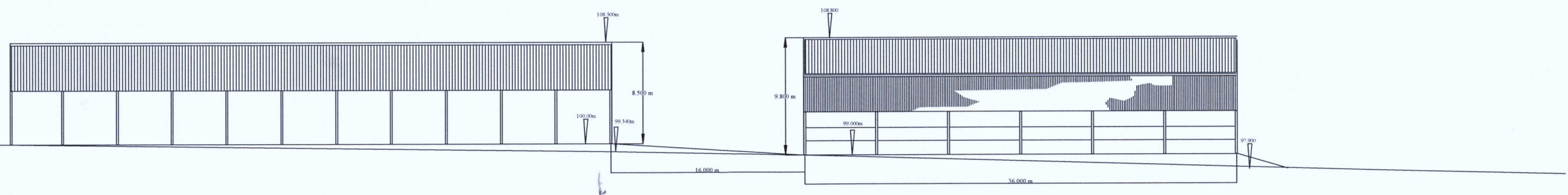
18th September 2019

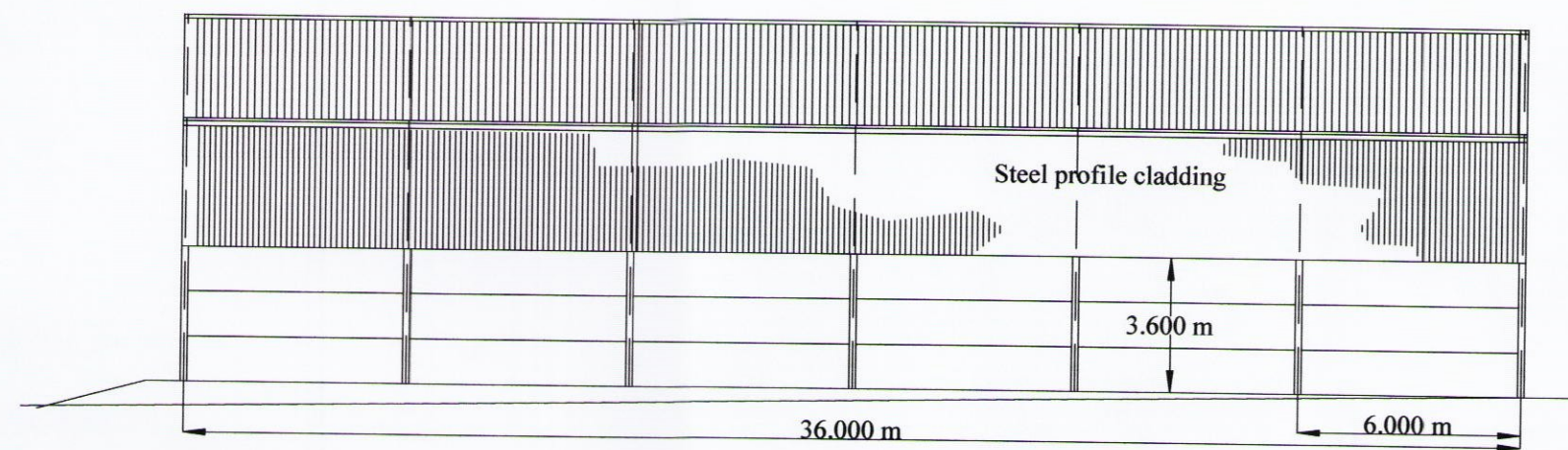




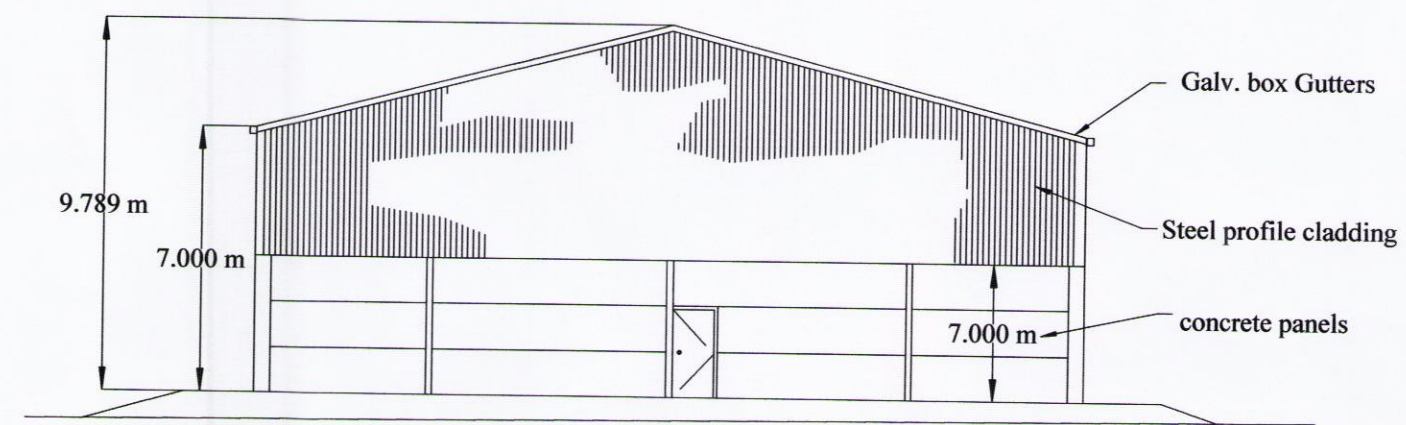
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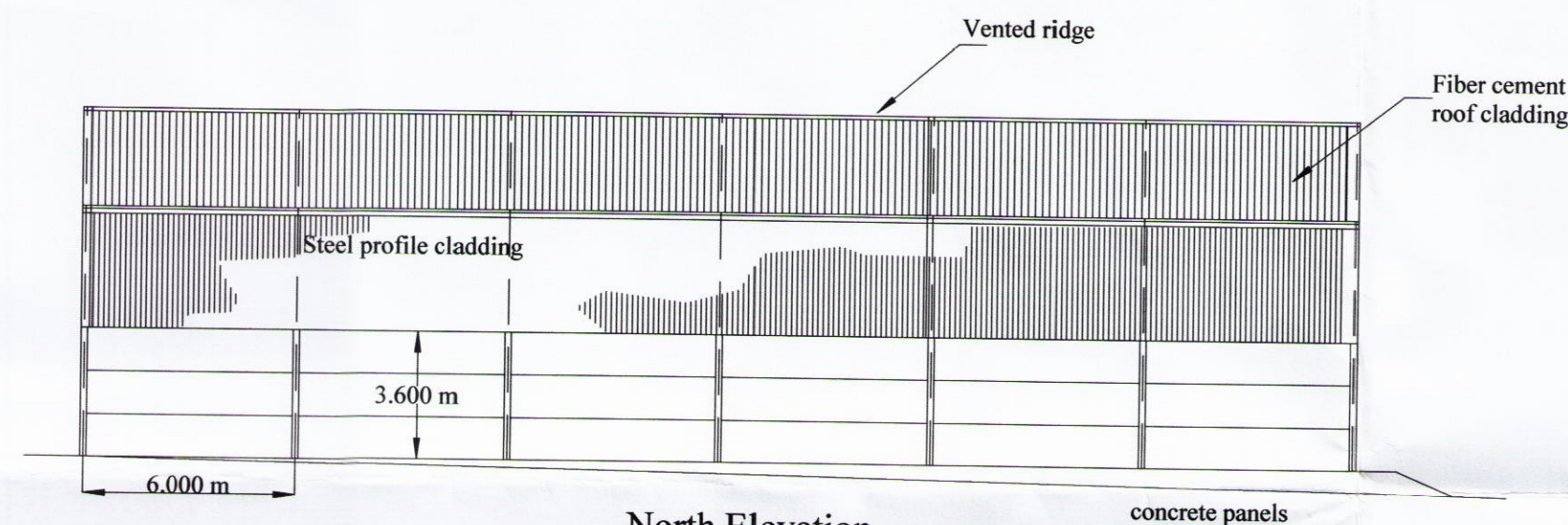




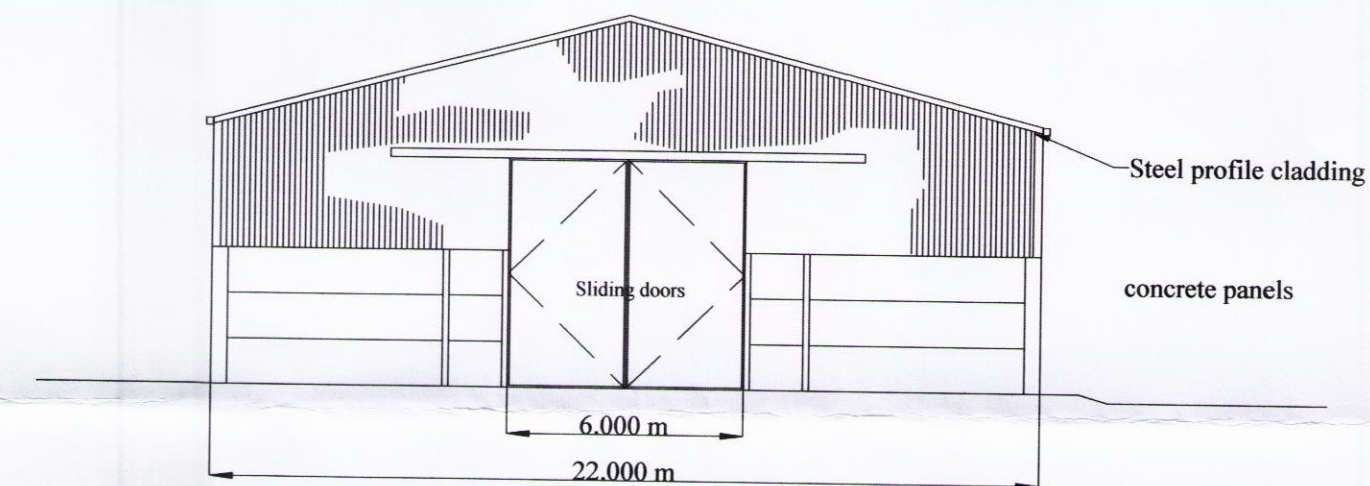
South Elevation



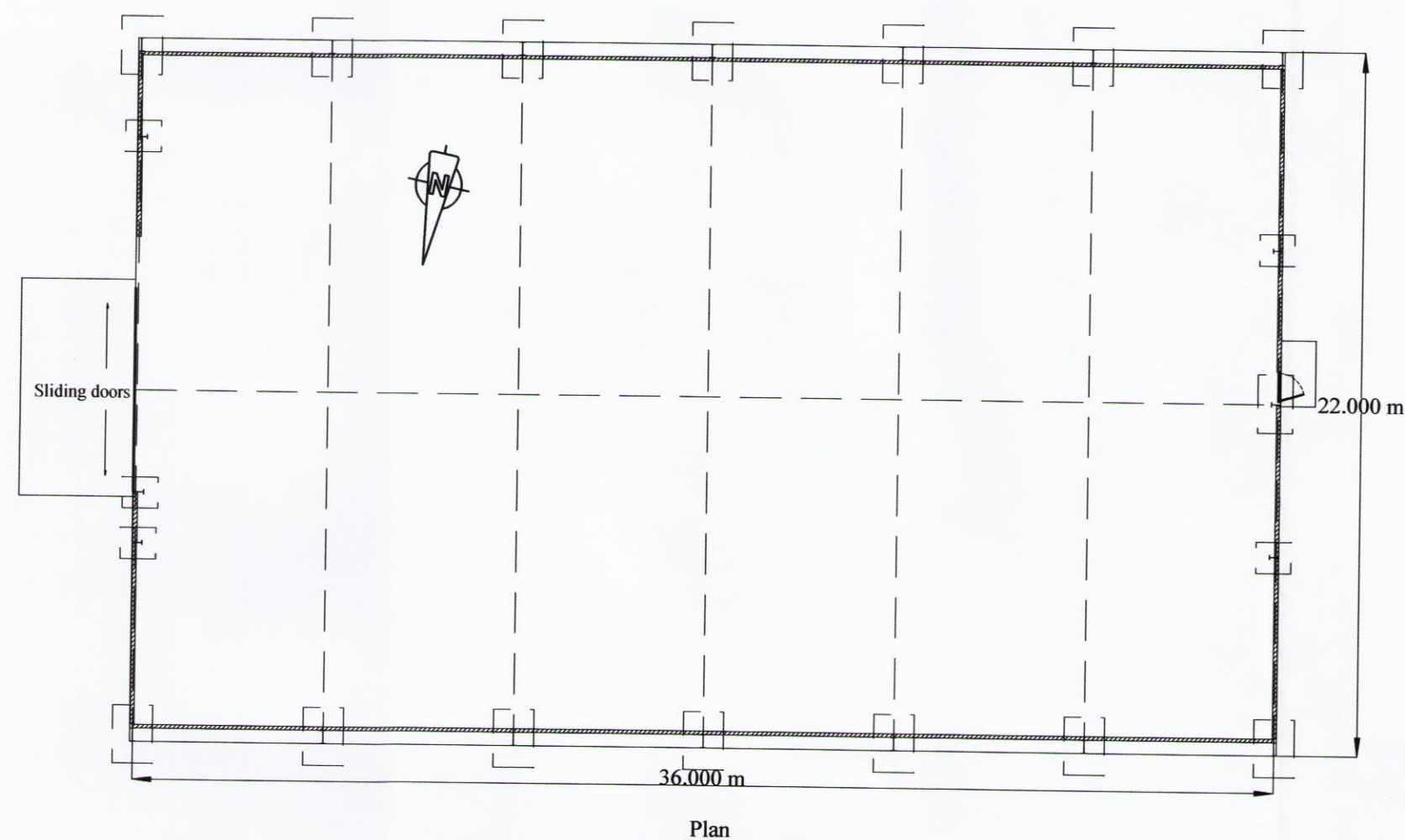
West Elevation



North Elevation



East Elevation



Plan

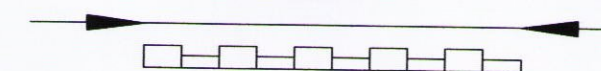
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This is to certify that this is a true copy of the original drawing supplied for the application
 Signed - *BMSullo*
 Dated - 20/5/19

19/00558/W

Scale - 1:200 A2

10.000 m



Planning

- Proposed general purpose building
- Building class 2 BS5502
- Width 22.000
- length 36.000
- Height to eaves - 7.000m
- Main standards -456x191 UB
- Rafters -406x178 UB
- Eaves beam -152x76 RSC
- Roof braces - 114.3 CHS
- Side brace -114 CHS
- Purlin braces - 50x50x3 angle
- Purlins -175/150 METL-CON
- Side rails -150x75 treated timber
- Gable cladding - steel profile cladding
- Roof cladding -no con drop
steel profile cladding
- Side cladding steel profile cladding
- Roof lights none
- Gutters -170 PVC gutter
- Down pipes -110mm PVC

Proposed grain store building
 J Smith
 Cairndinnis Ltd.
 Cairndinnis Farm
 Haddington
 East Lothian
 EH14 4PX

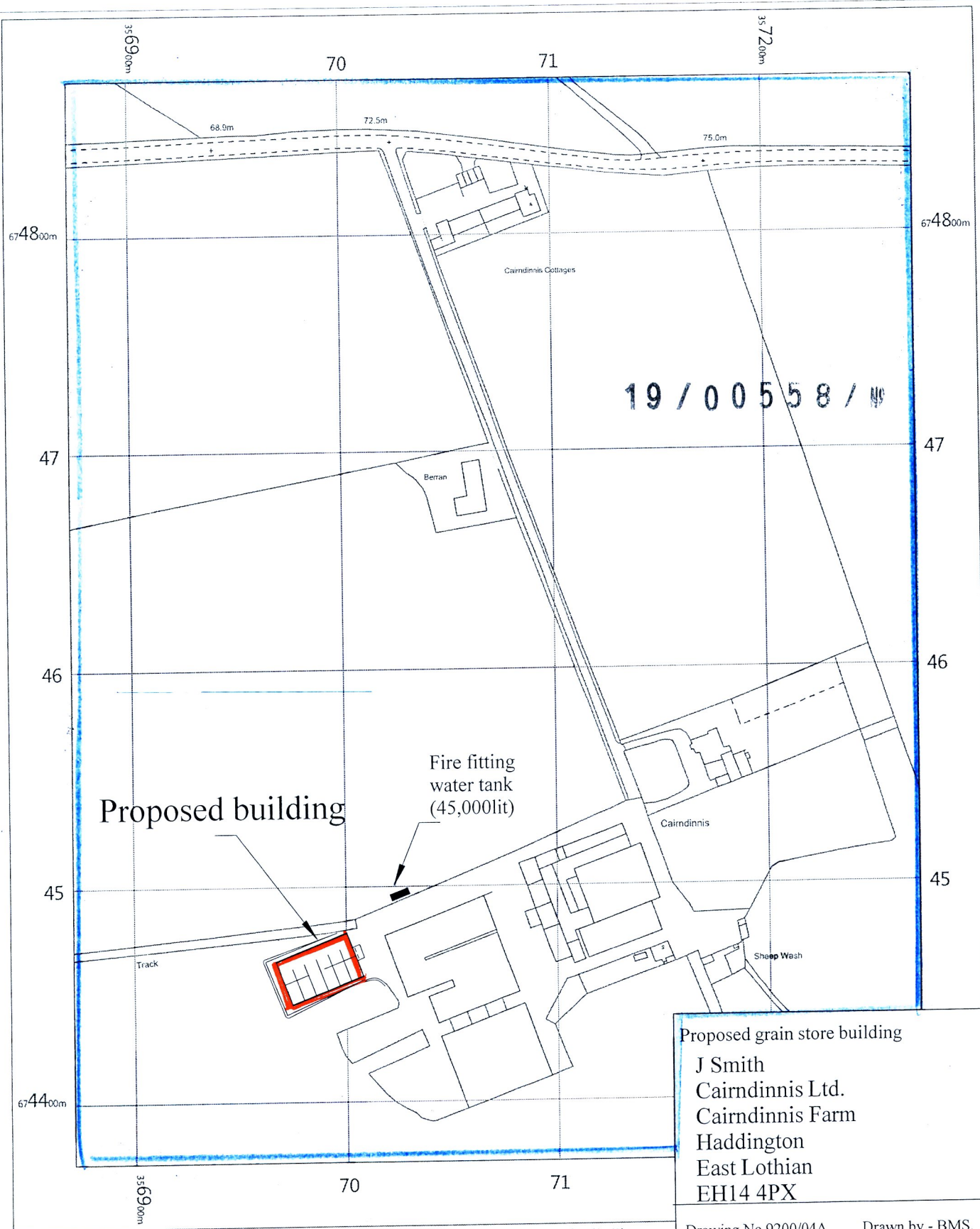
Drawing No.9200/04 Drawn by - BMS.

Date - 15.5.20

Scale - 1:200

John Thorburn & Sons Construction LTD.
 Station Works
 Duns
 Berwickshire
 TD11 3EJ
 Tel. 01361 883245
 Fax. 01361 883637





19 / 00558 / 10

Proposed building

Fire fitting water tank (45,000lit)

Proposed grain store building

J Smith
 Cairndinnis Ltd.
 Cairndinnis Farm
 Haddington
 East Lothian
 EH14 4PX

Drawing No.9200/04A Drawn by - BMS.

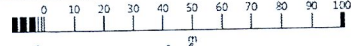
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Scale - 1:2500

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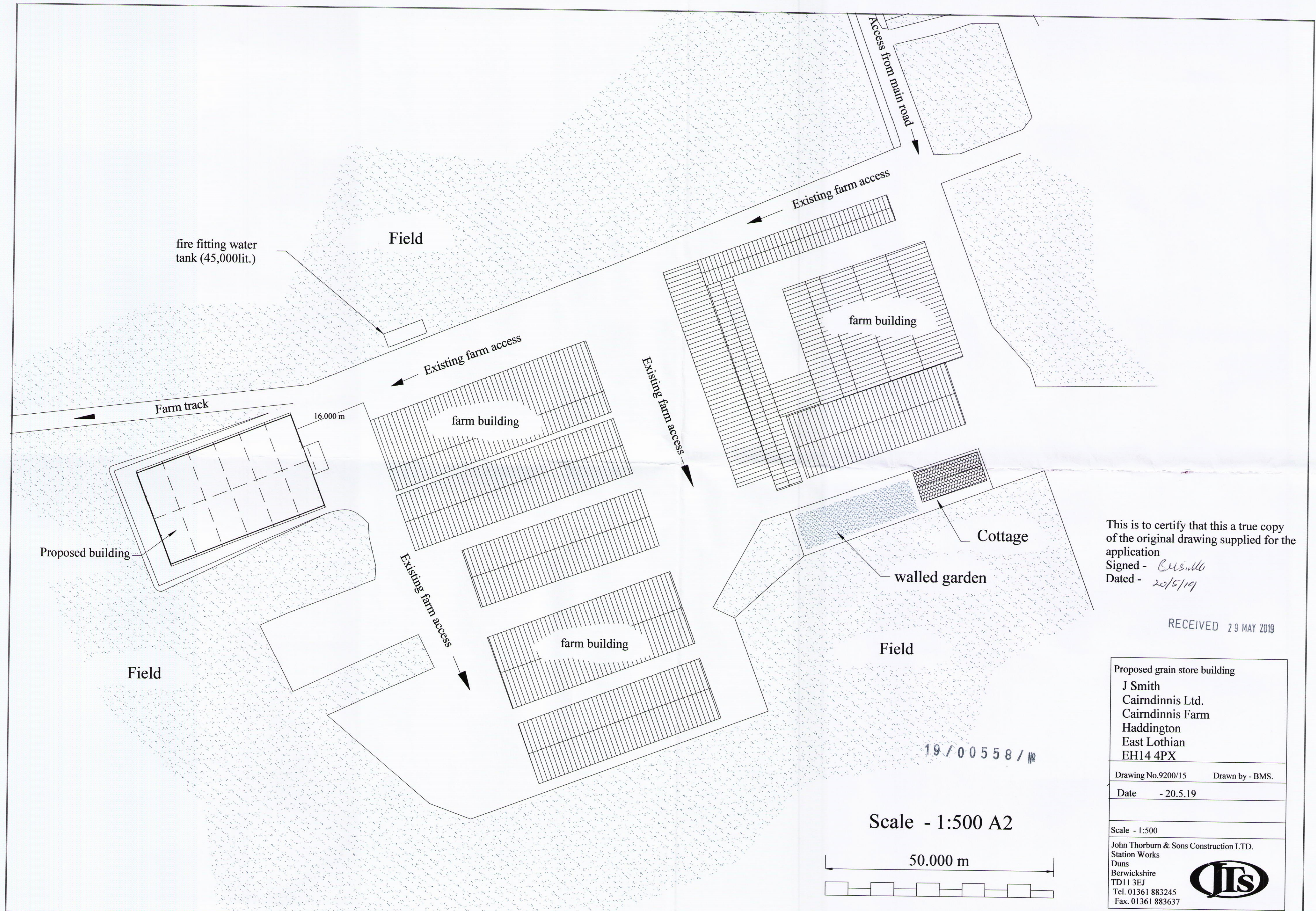


BMS
 20/5/19

OS MasterMap 1250/2500/10000 scale
 Tuesday, March 12, 2019, ID: M4P-00784474
 John Thorburn

1:2500 scale print at A4, Centre: 357071 E, 674622 N

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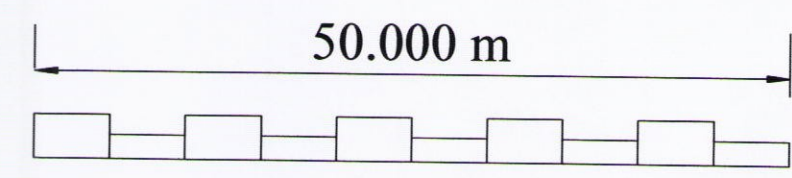


This is to certify that this a true copy of the original drawing supplied for the application
 Signed - *C. S. Smith*
 Dated - *20/5/19*

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Scale - 1:500 A2



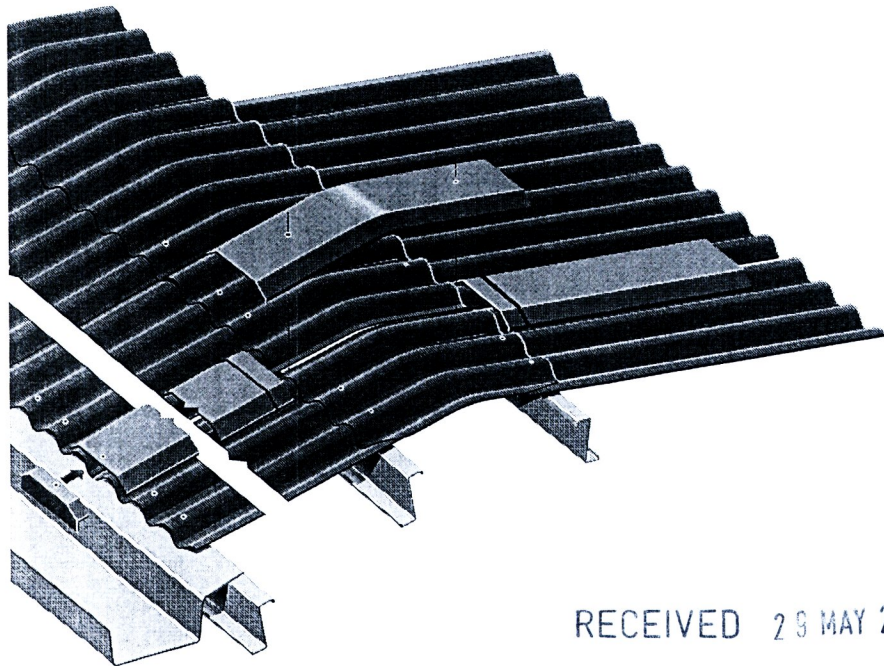
Proposed grain store building	
J Smith Cairndinnis Ltd. Cairndinnis Farm Haddington East Lothian EH14 4PX	
Drawing No. 9200/15	Drawn by - BMS.
Date	- 20.5.19
Scale - 1:500	
John Thorburn & Sons Construction LTD. Station Works Duns Berwickshire TD11 3EJ Tel. 01361 883245 Fax. 01361 883637	



The advantages of profiled sheeting

19 / 00558 / No

- Vapour permeability significantly reduces condensation
- High level of corrosion resistance increases product life expectancy
- Excellent acoustic insulation
- Class 0 material
- Completely weatherproof
- Wide range of colours and accessories available
- Easy to install and fix
- Maintenance-free products
- 30 year guarantee available on request
- British Board of Agrément Certificate No. 00/3700
- Manufactured in Great Britain to a quality system registered under BS EN ISO 9001
- Complies with BS EN 494 requirements for Class 1X sheeting
- Profile 6 meets the latest requirements for roof safety as laid down by the Health and Safety Executive.

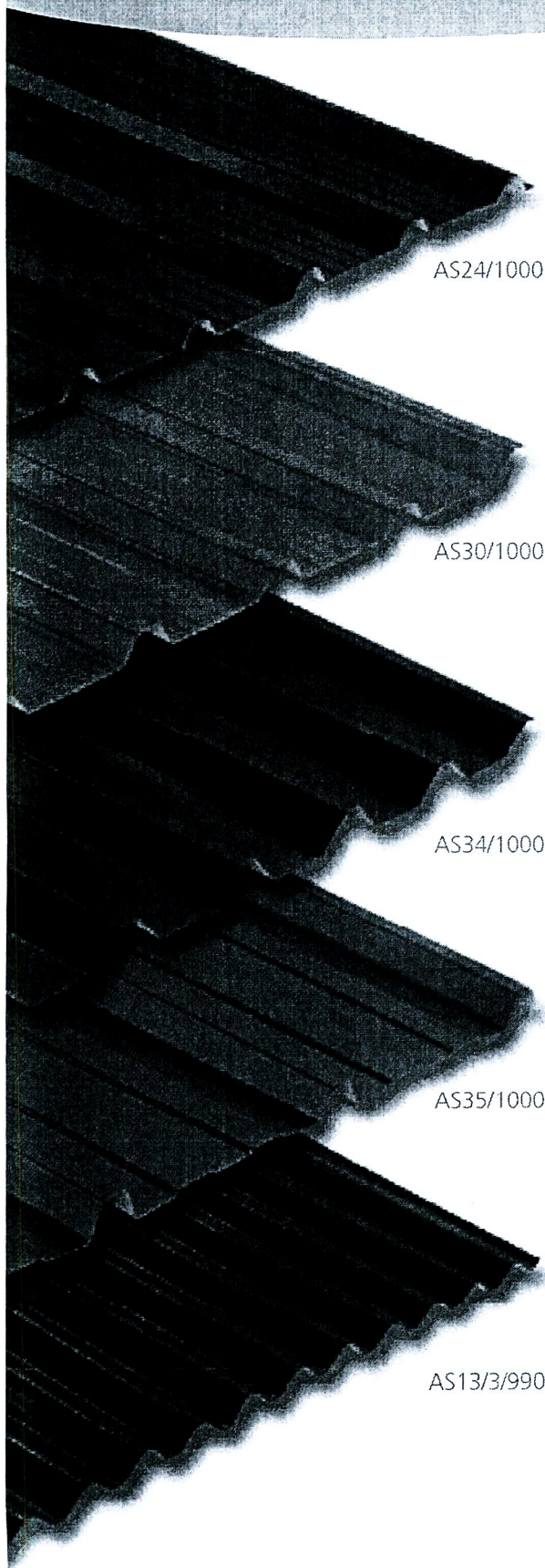


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SINGLE SKIN SYSTEMS

AS SERIES ROOF & WALL PROFILES



INTRODUCTION

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ABOUT STEADMANS

A Steadman & Son Limited (usually known as Steadmans) are one of the UK's leading manufacturers of roofing and cladding, supplying high quality cladding materials from our sites in England, Scotland and Northern Ireland. We offer total roofing and cladding solutions which we deliver with our dedicated haulage fleet.

Our continuous investment programme and on-going product development ensures we can provide high quality products promptly and at competitive prices.