

REVIEW DECISION NOTICE

Decision by East Lothian Local Review Body (the “**ELLRB**”)

Application for Review by Mr E Smith of Cairndinnis Farm, Haddington EH41 4PX for refusal of Planning Permission the replacement windows at 57A High Street, Tranent, EH33 1LN.

Site Address: Cairndinnis Farm, Haddington EH41 4PX

Application Ref: 19/00558/P

Application Drawing: DWG(s): 9200/04; 9200/04A; 9200/15; DWG1; and DWG2

Date of Review Decision Notice: 30 April 2020

Decision

The ELLRB unanimously agreed to overturn the Planning Officer's decision and grant planning permission for the reasons given below.

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

1. Introduction

The above application for planning permission was considered by the ELLRB, at a meeting held on Thursday, 19 March 2019. The Review Body was constituted by Councillor N Hampshire (Chair), Councillor L Bruce, and Councillor K Mackie. All three members of the ELLRB had attended an unaccompanied site visit in respect of this application prior to the meeting.

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

Mr R Edgar, Planning Adviser to the LRB
Mr C Grilli, Legal Adviser/Clerk to the LRB
Ms F. Currie, Clerk.

2. Proposal

2.1. The planning application is for refusal of Planning Permission for the erection of Agricultural Building at Cairndinnis Farm, Haddington.

2.2. The planning application was registered on 19 July 2019 and the decision notice refusing the application is dated 18 September 2019.

2.3. The notice for review is dated 18 December 2019

3. **Preliminaries**

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

1	The drawings specified above
2	The Application for planning permission registered on
3	The Appointed Officer's Submission
4	Policies of the adopted East Lothian Local Development Plan 2018 relevant to the determination of the application: Policy DC1 (Rural Diversification); DC9 (Special Landscape Areas); and DP2 (Design).
5	Notice of Review dated 18 December 2019 together with Applicant's Submission with supporting statement and associated documents.

4. **Findings and Conclusions**

4.1. The ELLRB confirmed that the application for a review of the planning application permitted them to consider the application afresh and it was open to them to grant it in its entirety, grant it subject to conditions or to refuse it. They confirmed that they had access to the planning file in respect of this matter and to all the information that the Appointed Officer had available when reaching the original decision to grant planning permission subject to the condition, including all drawings and copies of all representations and objections received in respect of the original application.

4.2. The Members then asked the Planning Adviser to summarise the planning policy position in respect of this matter. The Planning Adviser outlined the background and detail of planning application no. 19/00558/P which related to the erection of an agricultural building on Cairndinnis Farm, Haddington. The proposed development was within a collection of existing agricultural buildings and while it would be larger than the other buildings, it would be narrower and with a lower ridge height. advised that the development met the requirements of policy DC1 of the adopted East Lothian Local Development Plan 2018 as the applicant proposed to use it as a grain store and this use was linked with the existing farm. In relation to policy DP2 of the adopted East Lothian Local Development Plan 2018 however, the Landscape Officer had concluded that scale and location of the development did not fit with the statement of importance for the Special Landscape Area (SLA). The Officer considered that the structure would be overly prominent in the surrounding landscape and that the finish of the building may not be in keeping with existing buildings and within the local setting.

The Planning Adviser concluded that, based on the advice of the Landscape Officer, the planning case officer had refused the application.

4.3. The Members then questioned the planning advisor in response to questions from the Members, the Planning Adviser confirmed that the SLA would take into account the special

characteristics of the local landscape which would include worked farmland and the businesses associated with this land. He reminded members that planning policy DC1 emphasised the need to ensure that any development was appropriate in scale and did not detract from the characteristics of the local landscape. He also confirmed that the reasons for refusal reflected the Landscape Officer's views that this extension to the business would take it beyond the scope and purpose of the SLA. He also outlined the definition of 'public benefit' as it related to the SLA.

- 4.4. The Chair asked her colleagues if they had sufficient information to proceed to determine the application today and they unanimously agreed to proceed. Comments on the application followed.
- 4.5. Councillor Bruce stated that it was important to protect SLAs and sites such as Traprain Law, and that planning Policy DC9 supported this view. He was of the view that the SLA would not be harmed by the proposal and, when seen from a distance, the building would not be a dominant feature on the landscape. However, he said that had the site been close to a public path then his view may have been different. He confirmed that he would not be supporting the planning case officer's recommendation and was minded to uphold the appeal.
- 4.6. Councillor Mackie agreed with many of Councillor Bruce's comments and said that the site visit had been very helpful in putting the application into context. She referred to planning policy DP2 and its reference to design and scale. Having looked at the location within the farm and noting that there were already a significant number of buildings on the site, she did not think that the new building would be inappropriate or out of keeping with the surrounding site. She also noted that the farm lay within a SLA and that East Lothian had a rich farming tradition which contributed to its history and landscape. She did not believe that the development would have an adverse impact on the surrounding area and she would not be supporting the case officer's original decision and was minded to uphold the appeal.
- 4.7. The Chair said that he had also found the site visit useful. He said that the proposed building would be part of a group of buildings which already existed on the site and would be narrower and lower than the others. For these reasons, he did not think that it would have a significant visual impact on the area. He also noted that this additional building was needed to support and sustain the applicant's business and, in his view, the application should not be refused. He was therefore minded to uphold the appeal.

Accordingly, the ELLRB by majority agreed by majority to overturn the decision of the case officer and to grant planning permission subject to the following planning condition:

1. Prior to the commencement of development the finishing colour for the walls of the agricultural building shall be submitted to and approved in writing by the Planning Authority. The walls shall thereafter be finished in accordance with the finishing colour so approved.

Reason:

In the interests of the landscape character and appearance of the Traprain and Tyne Valley Special Landscape Area.

Planning Permission is accordingly granted.



Carlo Grilli
Legal Adviser to ELLRB

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

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

- 1 If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.

- 2 If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.