



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

**THURSDAY 19 MARCH 2020
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Committee Members Present:

Councillor N Hampshire (Chair)
Councillor L Bruce
Councillor K Mackie

Other Councillors Present:

Councillor C Hoy (Item 1)

Advisers to the Local Review Body:

Mr C Grilli, Legal Adviser to the LRB
Mr R Edgar, Planning Adviser to the LRB

Clerk:

Ms F Currie, Committees Officer

Apologies:

None

Declarations of Interest

None

Introductory Statement by the Legal Adviser

The Legal Adviser welcomed everyone and invited nominations to chair the meeting. Councillors Bruce and Mackie proposed and seconded Councillor Hampshire. The Legal Adviser confirmed that Councillor Hampshire would chair the Local Review Body (LRB) on this occasion.

1. PLANNING APPLICATION NO. 18/00421/P: CONVERSION OF AGRICULTURAL BUILDINGS TO FORM 3 HOUSES AND CARPORT, ERECTION OF 6 HOUSES AND ASSOCIATED WORKS AT LONGNEWTON FARM, LONGNEWTON, HADDINGTON EH41 4JW

The Chair invited the Planning Adviser, who had had no involvement in the original decision, to present a summary of the planning policy considerations in this case.

The Planning Adviser outlined the background and detail of planning application no. 18/00421/P which related to the conversion of agricultural buildings to form 3 houses and the erection of a further 6 houses at Longnewton Farm, Haddington. He advised that the existing steading buildings were in varying states of repair and the proposals would involve the demolition of the majority of these buildings. The application had been refused.

The Planning Adviser drew Members' attention to the planning policies and guidance which were most relevant to the determination of the application. These were: Policy DC2 (Conversion of Rural Buildings to Housing); DC4 (New Build Housing in the Countryside); DC5 (Housing as Enabling Development); DC9 (Special Landscape Areas); and DP2 (Design) of the adopted East Lothian Local Development Plan 2018.

He advised that there was no dispute that the development was in the countryside and therefore policies DC2 and DC4 were of particular relevance. Policy DC2 set out specific criteria in relation to conversion of existing buildings, including a separate section on steading conversions. Policy DC4 listed circumstances under which new housing may be deemed acceptable, including as a direct operational requirement of agricultural or other similar business use.

The Planning Adviser summarised the planning case officer's assessment which had looked at the individual elements of the development. He had concluded that Blocks C, E and B would have to demonstrate a link with existing agricultural or other operations to be acceptable under policy DC4; however they may be allowed under policy DC5 as this part of the proposal enabled the primary/main structure to be retained. The case officer had noted that the financial appraisal which had been carried had been inconclusive, however, the applicant had argued that the new build element was necessary to ensure the preservation of the existing steading. In response, the case officer had pointed out that the majority of the existing buildings were to be demolished as part of the development.

In relation to Block A and D, the planning case officer had concluded that while these were acceptable in terms of policy DP2, there were elements which were not in keeping with the steading or surrounding area. In addition, policy DC9 required that the development should not be harmful to the historical character of the steading buildings. In summary, the planning case officer had come to the view that the application should

be refused on the grounds that the proposals did not accord with the requirements of polices DC5, DC9 and DP2.

The Planning Adviser confirmed that the application had been refused for the reasons outlined. He then invited questions from Members.

The Chair thanked the Planning Adviser for his summary.

In response to questions from the Chair, the Planning Adviser provided further clarification of the reasons why the proposals were considered to be contrary to planning policy, with reference to the scale of the proposed development, its impact on the surrounding area and that it would constitute new build in the countryside.

The Chair asked his colleagues if they were satisfied that they had sufficient information before them to determine the application. They confirmed this to be the case.

The Chair then invited Members to give their opinions.

Councillor Bruce observed that this was a sizeable application with a significant amount of supporting documentation. He said that the site visit had been very helpful and that the application site was in a beautiful part of the county. He considered polices DC1 and DC4 to be the most important with regard to protecting the countryside and keeping East Lothian special. He believed it was important to interpret and apply policy correctly and, in his view, the planning case officer had made the correct decision. Councillor Bruce believed that the proposed development would set a harmful precedent. He also agreed that the balance between the new development and restoration of the existing steading buildings was out of kilter, and would be out of place and harmful to the surrounding landscape. For these reasons, he would uphold the decision of the planning case officer to refuse planning permission.

Councillor Mackie agreed that the site visit had been helpful. She also agreed with the majority of the points made by the planning case officer and she made particular reference to policy DC5, quoting the circumstances in which housing as an enabling development may be supported. However, in her opinion, not enough of the original buildings would be maintained and restored to comply with this policy. She also considered that the proposals would have an adverse and unacceptable impact on the surrounding landscape. In addition, she did not think that the proposals were of an appropriate nature for the location and would be contrary to policy DC2. She would be supporting the decision of the planning case officer to refuse planning permission.

The Chair acknowledged that East Lothian contained a lot of steading developments, many of which included restoration work. He noted that the steading at Longnewton Farm was in very poor condition and required significant restoration or it could be lost. However, he considered that the proposals amounted to an overdevelopment of the site. He added that it would have been better to have had a smaller proposal which was more sympathetic to the site, more ecologically viable, and at the same time safeguarded the long-term future of the existing buildings.

Decision

The ELLRB agreed unanimously to uphold the decision of the planning case officer to refuse the application for the following reasons:

1. The three detached and two semi-detached new build houses proposed would be sporadic new build housing development in the countryside of East Lothian for which a need to meet the operational requirements of an agricultural, horticultural, forestry or other employment use has not been demonstrated. The three detached and two semi-detached new building houses proposed are therefore contrary to Policies DC1 and DC4 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.
2. If approved the proposed development would set an undesirable precedent for the development of new houses 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.
3. It is not demonstrated that the new build housing proposed is the only means of preventing the loss of historic buildings making a positive contribution to the rural landscape and built heritage of the area and, on the contrary, the detached and semi-detached housing proposed in this application would, by its proposed siting, result in the loss of historic buildings which would lend themselves to a positive conversion to housing. The erection of the proposed three detached and two semi-detached houses are contrary to Policy DC5 of the adopted East Lothian Local Development Plan 2018.
4. The proposed detached and semi-detached houses would not, by virtue of their form, architectural detailing, fenestration or materials be well integrated into their surroundings and would not be in keeping with the original buildings on the site. They would significantly alter the contribution the steading makes to the character of this part of the East Lothian countryside and would be harmful to the character and appearance of the area including the special character of the Special Landscape Area all contrary to Policies DC9, DP1 and DP2 of the adopted East Lothian Local Development Plan 2018, to the Council's Supplementary Planning Guidance on Special Landscape Areas and on Farm Steading Design Guidance and with Government advice on the design of new housing development in the countryside given in Planning Advice Note 72.

2. PLANNING APPLICATION NO. 19/00558/P: ERECTION OF AGRICULTURAL BUILDING, CAIRNDINNIS FARM, HADDINGTON EH41 4PX

The Chair invited the Planning Adviser, who had had no involvement in the original decision, to present a summary of the planning policy considerations in this case.

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. The application had been refused.

The Planning Adviser drew Members' attention to the planning policies and guidance which were most relevant to the determination of the application. These were: Policy DC1 (Rural Diversification); DC9 (Special Landscape Areas); and DP2 (Design) of the adopted East Lothian Local Development Plan 2018.

He advised that the development met the requirements of policy DC1 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 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. He then invited questions from Members.

The Chair thanked the Planning Adviser for his summary.

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.

The Chair asked his colleagues if they were satisfied that they had sufficient information before them to determine the application. They confirmed this to be the case.

The Chair then invited Members to give their opinions.

Councillor Bruce said that it was important to protect SLAs and sites such as Traprain Law, and that planning Policy DC9 supported this view. However, he also acknowledged that East Lothian's landscape had always included worked farmland and the question for him was what impact would this additional building have on the surrounding landscape. He had concluded 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 also acknowledged the need to support existing businesses. For all of these reasons, he would not be supporting the planning case officer's recommendation and was instead minded to uphold the appeal.

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.

The Chair 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.

Decision

The ELLRB agreed by majority to overturn the decision of the case officer and to grant planning permission subject to conditions to be agreed between the Planning Adviser, Legal Adviser and the applicant.

Signed

Councillor N Hampshire
Chair of Local Review Body (Planning)