

REVIEW DECISION NOTICE

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

Application for Review by T H Fortune & Sons, having a place of business at Castlemains Farm, Gifford EH41 4PL, for refusal of Planning Permission for the siting of two (2) caravans, one (1) officer building and associated works in association with existing equestrian use for a temporary period of 5 years (retrospective) at Castlemains Farm, Gifford EH41 4PL

Site Address: Castlemains Farm, Gifford EH41 4PL

Application Ref: 19/00654/P

Application Drawing: Please refer to the Drawings/Plans detailed at 3.1 (i)

Date of Review Decision Notice: 11 June 2020

Decision

The ELLRB unanimously agreed that the Review should be refused and to refuse 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, 21 May 2020. The Review Body was constituted by Councillor N Hampshire (Chair), Councillor K McLeod, and Councillor S Kempson. All three members of the ELLRB had attended an unaccompanied site visit in respect of this application prior to the meeting.

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

Mr P Zochowski, 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 siting of two (2) caravans, one (1) officer building and associated works in association with existing equestrian use for a temporary period of 5 years (retrospective) at Castlemains Farm, Gifford EH41 4PL

2.2. The planning application was registered on 26 August 2019 and the decision notice refusing the application is dated 25 October 2019.

2.3. The notice for review is dated 21 January 2020.

3. Preliminaries

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

i.	The drawings specified as follows: DWG NO 01 rev A DWG NO 02 rev B DWG NO 03 rev C DWG NO 04 rev B DWG NO 05 DWG NO 06
ii.	The Application for planning permission registered on 26 August 2019
iii.	The Appointed Officer's Submission
iv.	Policies of the adopted East Lothian Local Development Plan 2018 relevant to the determination of the application: <ul style="list-style-type: none"> - Policy DC1: Rural Diversification - Policy DC4: New Build Housing in the Countryside - Policy DP1: Landscape Character - Policy DP2: Design - Policy CH6: Gardens and Designed Landscapes - Policy T1: Development Location and Accessibility - Policy T2: General Transport Impact
v.	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. 19/00654/P which was a retrospective application submitted in August 2019 and refused on 24 October 2019. He also outlined the reasons for refusal.

The Planning Adviser then stated that Castlemains Farm accommodated an existing equestrian and stables business at its northwest part but that the application site was within a wider area that was retrospectively granted planning permission in 2017 for class 6 storage and distribution use. As such, it was not linked to the equestrian business and its assessment in terms of its use required to be against Local Development Plan (LDP) Policy DC1 which required an operational requirement for business use in a countryside location to be demonstrated.

He then confirmed that there had been one letter of objection to the application which was

summarised in the officer's report and which had queried the need for the accommodation for a night manager and the need for an office at that location.

The Planning Adviser then outlined the applicant's submission. The applicant had stated that there was no space within the equestrian area where an office could be private and had noted that the caravans and office were located in an area where they could not be seen. The applicant further stated that on-site cottages were not owned by the applicant and were not an option as accommodation. The applicant had submitted a Business Case for Office and Accommodation with his appeal which had indicated a need for a secure office outside the areas accessed by customers using the equestrian premises. It stated that there was no space for this in the equestrian buildings and that the application area had been selected as it had similar structures. It further stated that there was a need for accommodation for a stable manager to relieve the existing manager for his time off. The cottages were not available, hence the proposal for a caravan for use 5 days or more per week. To minimise its visual impact in the wider area the applicant had concluded that the caravan would be best located within the existing storage yard.

The Planning Adviser referred to the East Lothian Local Development Plan 2018 planning policies relevant to the determination of this application which included Policy DC1 - Rural Diversification and Policy DP1 - Landscape Character and DP2 - Design. He added that Policy DC4 – New Build Housing in the Countryside, while not strictly requiring consideration in the determination of this application had also been referred to in the officer's report.

He advised the Members that Policy DC1 did not support the siting of caravans for temporary full time residential use as a caravan was not designed for a permanent residence. He also referred to Policy CH6 - Gardens and Designed Landscapes as being a consideration as the site lay within the wider Yester Estate which was a nationally designated Garden and Designed Landscape. In relation to the landscape policies, he confirmed that neither the Landscape Officer nor Historic Environment Scotland had made any comments or objection to the application. In addition, neither the Council's Road Services nor the Environmental Protection Manager had made any objection.

- 4.3. The Members then questioned the planning advisor and in response to questions from the Members, the Planning Adviser clarified the boundary of the application site and the structures included within it. He also outlined that storage of vehicles was acceptable under the terms of some of the restrictions placed on the planning permission for Class 6 storage which had been granted in 2017 and which related to the current application site.
- 4.4. The Chair asked his 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 Kempson stated that the caravans appeared to be in the wrong place and should not be used as living accommodation as they would set an unhelpful precedent. Having reviewed the site there should be sufficient space to provide a secure office within the current facility therefore was minded to support the officer's recommendation.
- 4.6. Councillor McLeod agreed with the views of his colleague. While he acknowledged that the business might require a night manager, the caravan accommodation was sited too far away. He was also minded to support the decision of the case officer.

- 4.7. The Chair said he did not think that it was appropriate to have residential caravans located on a storage site. He observed that the business use could be better served by having something closer to the business and that the applicant had not demonstrated a need for caravans on site at their current location. He was also minded to support the case officer's original decision.

Accordingly, the ELLRB decided unanimously that the Review should be refused and the original decision to refuse this application should be upheld, for the reasons set out in the original Decision Letter dated 25 October 2019.

Planning Permission is accordingly refused.



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.