



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

**THURSDAY 21 MAY 2020
VIA SKYPE**

Committee Members Present:

Councillor N Hampshire (Chair)
Councillor S Kempson
Councillor K McLeod

Advisers to the Local Review Body:

Mr C Grilli, Legal Adviser to the LRB
Mr P Zochowski, 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 Kempson and McLeod proposed and seconded Councillor Hampshire. The Legal Adviser confirmed that Councillor Hampshire would chair the Local Review Body (LRB) on this occasion.

The Legal Adviser also outlined the procedure for the meeting to take place via Skype and statutory matters which the Local review Body were required to consider before reaching decisions on each planning application.

1. PLANNING APPLICATION NO. 19/00654/P: SITING OF 2 CARAVANS, 1 OFFICE BUILDING AND ASSOCIATED WORKS IN ASSOCIATION WITH EXISTING EQUESTRIAN USE FOR A TEMPORARY PERIOD OF 5 YEARS (RETROSPECTIVE), CASTLEMAINS FARM, YESTER, GIFFORD EH41 4PL

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. 19/00654/P which was a retrospective application submitted in August 2019 and refused on 24 October 2019. He also outlined the reasons for refusal.

He reminded Members 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. The Case Officer had contacted the agent for the application to seek a statement of justification for the application but none was forthcoming and the application was therefore determined as submitted.

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 when the equestrian area was large.

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 him 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 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 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 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 Officer nor the Environmental Protection Manager had made any objection.

The Chair thanked the Planning Adviser for his summary.

In response to questions from Members, the Planning Adviser clarified the boundary of the application site and the structures included within and outwith the area that had previously been granted permission for storage use. He also outlined that storage of vehicles was acceptable under the terms of the grant of planning permission for Class 6 use as storage, which had been granted in 2017 and which related to the current application site.

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 Kempson said that, in her view, the caravans were located in the wrong place and should not be used as living accommodation as they would set an unhelpful precedent. She added that there seemed to be sufficient room at the equestrian business for the siting of an office building and that any office associated with the business should be as accessible as possible for its clients. For these reasons, she was minded to support the case officer's original decision.

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.

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.

Decision

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

1. There is no authorised existing equestrian business operating from the application site and no business case has been submitted to justify the need for the temporary accommodation to serve

the equestrian business to the northwest of the site, or for any other equestrian business. In all of this, there is no justification of need for either of the proposed 2 residential caravans or the office building. Consequently the development is contrary to Policy DC1 of the adopted East Lothian Local Development Plan 2018.

2. The siting of the caravans for use as a residential dwelling would set an undesirable precedent for the siting of caravans within the countryside as residential dwellings, the cumulative effect of which would result in a detrimental impact on the rural character of the countryside in East Lothian.

2. PLANNING APPLICATION NO. 19/00759/P: ERECTION OF SHEDS, GATES AND FENCING (PART RETROSPECTIVE), 11 GLEBE CRESCENT, ATHELSTANEFORD EH39 5BG

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. 19/00759/P which was an application made in October 2019 for the erection of sheds, gates and fencing (part retrospective), at 11 Glebe Crescent Athelstaneford. The application was granted but with a condition that planning permission was not granted for the erection of the proposed fencing to be situated along the eastern and western boundaries of the existing driveway of the house at 11 Glebe Crescent.

He highlighted the applicant's submission to the Local Review Body which had originally stated that the review related to a refusal notice. This was not in fact the case and the applicant had subsequently written to confirm that it was a review of the Grant of Permission with Conditions imposed. Therefore the Local Review Body must review the application as originally submitted and consider whether it or not it agreed with the conditional grant of permission. However, the grant of permission for those parts of the application that were granted, namely the summer house and sheds to the rear and front of the property, side gate, driveway gates, side fencing and gate and front gate, was not for review.

The Planning Adviser stated that the fencing that had not been granted permission was that which had been proposed to be situated along the eastern and western boundaries of the existing driveway of 11 Glebe Crescent, in the case of the eastern boundary the fencing was to have replaced the existing high hedge. The applicant had submitted a photo of the driveway that was electronically adjusted to give an impression of what the drive would look like with the driveway gates and the 2m high timber fencing at either side, which would have a solid appearance.

The Transportation Planning Officer had not supported the erection of the proposed fencing as it would compromise visibility for drivers emerging from the driveway from both no 11 and no 13 Glebe Crescent. The Council's Road Services would normally require that any such fence should be lower than drivers eye and under 1m in height for a distance of at least 2.5m along the length of the driveway. It was for these reasons, and that the height of the proposed fencing at 2m would appear as harmfully dominant, intrusive and incongruous within the streetscape which would harm the character and appearance of the conservation area, that the fence was not granted permission.

The Planning Adviser reported that one objection had been received to the original application which had expressed concerns regarding the height and material of the

fence to be situated on the driveway, on the basis of limited visibility exiting the driveway and of any oncoming traffic in the narrow road.

The Planning Adviser drew Members' attention to the most relevant policies of the adopted East Lothian LDP in relation to the application: these were Policy CH2 - Development Affecting Conservation Areas and Policy DP2 – Design. Both policies sought to ensure that any proposed development should be appropriate to its location, particularly in respect of a conservation area.

The Planning Adviser then summarised the applicant's submission noting that, in his statement seeking the review, he asked if he could lower the proposed left side fence – the boundary with the neighbouring drive – to a height of 0.9m and in the same style and materials as previously proposed. This was confirmed in the applicant's letter, dated 26 January 2020, which referred to discussion the applicant had had with the planning case officer who had indicated that a 0.9m high fence would be acceptable. The Planning Adviser also drew attention to a further representation which stated that the neighbouring occupants had erected the fence they had been granted planning permission for through application 18/01393 and which lay at the boundary between the two properties.

The Chair thanked the Planning Adviser for his summary.

Councillor Kempson asked whether the fencing on one or on both sides of the driveway would have to be adjusted. The Planning Adviser confirmed that, although the application referred only to one side, the fencing on both sides of the driveway would have to be adjusted to a height of 0.9m to comply with the requirements of Road Services.

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 Kempson commented that if the fencing on both sides of the driveway were to be erected no higher than 0.9m this would be acceptable. She supported the comments of the Roads Officer and agreed that the fencing on both sides of the driveway should be the same.

Councillor McLeod referred to the applicant's Notice of Review and his e-mail clarifying the focus of his review request. He noted that the applicant appeared to have taken on board the reasons for refusal of the fencing and had shown his willingness to change the height to 0.9m. Councillor McLeod agreed with his colleague's views that both side of the driveway should be the same.

The Chair also agreed with his colleagues that lowering the proposed fencing on both sides of the driveway to 0.9m would be acceptable and would be in line with the comments from the planning case officer and the Roads Officer. He noted Members' support for the review of condition and that the original condition of the planning permission should be revised or replaced.

The Planning Adviser stated that if Members were minded to strike condition 1 from the original planning permission and replace it with an alternative, he would suggest the following wording:

'The driveway fences are approved on condition that they be lowered in height to 0.9m on both sides of the driveway and for a minimum length of 2.5m from the inner edge of the footway along the length of the driveway and that they are fully installed within a period of two months of the date of this decision'.

All three Members supported the striking of the original condition 1 and the wording of the new condition.

Decision

The ELLRB agreed unanimously to strike condition 1 from the original planning permission and to replace with the following:

1. The driveway fences are approved on condition that they be lowered in height to 0.9m on both sides of the driveway and for a minimum length of 2.5m from the inner edge of the footway along the length of the driveway and that they are fully installed within a period of two months of the date of this decision.

Signed

Councillor N Hampshire
Chair of Local Review Body (Planning)