

REVIEW DECISION NOTICE

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

Application by Seath Planning Consultancy Limited on behalf of Mr Steven Reynolds of 16 Camptoun Holdings, North Berwick for Review against refusal of Planning Permission in Principle for the erection of one house and garage at, 14 Camptoun Holdings, North Berwick.

Site Address: 14 Camptoun Holdings, North Berwick

Application Ref: 18/01107/PP

Application Drawing: Drawing Number: 2205_D_001A

Drawing Number: 2205_D002A

Drawing Number: 2205_D_004

Drawing Number: 2205_D_003A

Date of Review Decision Notice: 14 August 2020

Decision

The ELLRB by a majority agreed to refuse the application 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

1.1. The above application for planning permission was considered by the ELLRB, at a meeting held on Thursday, 16 May 2019. The Review Body was constituted by Councillor J Williamson (Chair); Councillor J McMillan, Councillor F O'Donnell, and Councillor S Kempson. All four members of the ELLRB had attended an unaccompanied site visit in respect of this application prior to the meeting.

1.2. 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
Fiona Stewart, Clerk.

2. Proposal

- 2.1. The planning application sought planning permission in principle for the erection of a dwelling house and garage on a site at Camptoun Holdings near Drem that lies within the countryside as designated by the East Lothian Development Plan.
- 2.2. The planning application was registered on 26 October 2018 and the decision notice granting planning permission subject to condition was issued on 20 December 2018
- 2.3. The notice of review against the decision to refuse the Planning Permission was dated 28 February 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 26 October 2018
3	The Decision Notice dated 20 December 2018
4	The Appointed Officer's Submission
5	<p>SESplan policy 1B The Spatial Strategy: Development Principles East Lothian Local Development Plan 2018 policies as follows:</p> <ul style="list-style-type: none"> - DC5: Rural Diversification - DC2: Conversion of Rural Building to Housing - DC3: Replacement Dwelling in the Countryside - DC4: New Build Housing in the Countryside - DC5: Housing as Enabling Development - DC8: Countryside Around Towns - DC9 Special Landscape Areas - DP1: Landscape Character - DP2: Design - T1: Development Location and Accessibility - T2: General Transport Impact - T3: Segregated Active Corridor - T4: Active Travel Routes and Core Paths as part of Green Network Strategy <p>East Lothian Development Plan 2018</p> <p>East Lothian Development Plan Supplementary Planning Guidance 2018</p> <p>Scottish Planning Policy: June 2014</p>
6	Notice of Review dated 28 February 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 decision to refuse Planning Permission 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 gave a brief presentation to Members advising the application sought planning permission in principle for the erection of a dwelling house and garage on a site at Camptoun Holdings near Drem that lies within the countryside as designated by the East Lothian Development Plan. The Planning Adviser then stated that no objections to the application had been received and one letter of support had been submitted. Relevant to the determination of this application were the development in the countryside policies of the ELLDP 2018, specifically policies DC1 (Rural Diversification); Policy DC4 (New Build Housing in the Countryside) and Policy DC5 (Housing as Enabling Development). Also of relevance were Local Development Plan (LDP) policies DC9 (Special Landscape Areas) and DP2. The LDP 2018 became the adopted plan for East Lothian on 27 September 2018. In considering the application the Planning Officer concluded, in line with the pre application response, that the application was not supported by Policy DC1 in that it was justified by any agricultural or employment use. The Planning Officer had also considered that the application was not supported by Policy DC4 nor DC5 and that there were no exceptional circumstances that would justify the setting aside of policies DC1, DC4 or DC5 and that it was not therefore able to be supported under national or local plan policy. Further, material considerations considered by the Planning Officer included SPP 2014 (national policy) and the location of the property within a cluster of residential properties as part of the Camptoun Holdings, but not defined as a settlement on the LDP map. The Planning Officer refused the application as it was contrary to planning policy and, if approved, would set an undesirable precedent for the development of new houses in the countryside, to the detriment of its character and amenity. The Planning Adviser then provided comment on the Applicant's submission. He stated that the appellant as part of the documentation submitted for this review presented material considerations which, in his opinion, would justify the application. They included the current derelict state of the site, the definition of cluster and the location of the site. He also cited the wrongful use of the word 'suburbanisation' as a reason for the Council's refusal. In conclusion, the Planning Adviser stated that the determining issues in this application were whether it met policy requirements and whether there were any other material considerations that should be taken into account.
- 4.3. Some questions of clarification were then asked of the Planning Adviser.
- 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 it was difficult to reach a decision on this application since the site, in its present condition, was unattractive. However, she had been persuaded by the discussion which had taken place that the argument for setting a precedent was a strong one. She would therefore support the original decision of the Planning Officer.
- 4.6. Councillor McMillan agreed with Councillor Kempson that arriving at a decision on this application was difficult. However, he did consider that the present condition of the site would have an undesirable impact on neighbours and the environment. On balance,

therefore, he was minded to uphold the appeal.

4.7. Councillor O'Donnell stated that the East Lothian Development Plan had been many years in preparation and had been widely consulted upon. As this plan had been approved in September 2018, she was minded to adhere to the Council's planning policy and refuse the application.

4.8. The Chair noted that the proposed development was not related to any employment in the area and agreed with his fellow board members Councillor Kempson and Councillor O'Donnell and, therefore, Chair was minded to support the planning officer's recommendation and refuse the appeal.

Accordingly, the ELLRB, by a majority of three to one, refused the application for the reasons set out in more detail in the original Decision Notice dated 20 December 2018.

The Review Application was accordingly dismissed.



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.