

REVIEW DECISION NOTICE

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

Application for Review by Ferguson Planning on behalf of Mr and Mrs Whiteford c/o Ferguson Planning, Shiel House, 54, Island Street, Galashiels for refusal of Planning Permission for conversion of agricultural buildings to form 3 houses and carport, erection of 6 houses and associated works, at Longnewton Farm, Longnewton, Haddington.

Site Address: Longnewton Farm, Longnewton, Haddington EH41 4JW

Application Ref: 18/00421/P

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

Date of Review Decision Notice: 10 August 2021

Decision

The ELLRB resolved that the Review should be dismissed for the reasons set out 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 2020. The Review Body was constituted by Councillor N Hampshire (Chair), Councillor L Bruce, and Councillor K Mackie. All three members prior to the meeting of the ELLRB had attended a site visit accompanied by the Planning Advisor in respect of this application.

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 review of decision of Planning Officer to refuse planning permission for conversion of agricultural buildings to form 3 houses and carport, erection of 6 houses and associated works, at Longnewton Farm, Longnewton, Haddington
- 2.2. The planning application was registered on 5 June 2018 and the decision notice refusing the application is dated 11 October 2019.
- 2.3. The reason for refusal is more particularly set out in full in the said Decision Notice dated 11

October 2019 and is summarised below as follows:

Reasons for Refusal

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.

2.4. The notice of review is dated 12 December 2019.

3. Preliminaries

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

i.	<p>The drawings accompanying this application are referenced and numbered as follows:</p> <ul style="list-style-type: none"> - MANU LITERATURE 1 (Received 15 May 2018) - MANU LITERATURE 2 (Received 16 May 2018) - MANU LITERATURE 3 (Received 16 May 2018) - MANU LITERATURE 4 (Received 16 May 2018) - P528-PL-008 rev. A (Received 16 May 2018) - P528-PL-011 (Received 16 May 2018) - P528-PL-EX1 rev. A (Received 16 May 2018) - P528-PL-EX2 rev. A (Received 16 May 2018) - P528-PL-LOC rev. A (Received 16 May 2018) - PHOTO 1 (Received 30 May 2018) - MANU LITERATURE 5 (Received 30 May 2018) - MANU LITERATURE 6 (Received 30 May 2018) - MANU LITERATURE 7 (Received 30 May 2018) - P528-PL-002 rev. B (Received 30 May 2018) - P528-PL-003 rev. B (Received 30 May 2018) - P528-PL-004 rev. B (Received 30 May 2018) - P528-PL-005 rev. B (Received 30 May 2018) - P528-PL-006 rev. B (Received 30 May 2018) - P528-PL-007 rev. B (Received 30 May 2018) - P528-PL-008 rev. B (Received 30 May 2018) - P528-PL-009 rev. B (Received 30 May 2018) - P528-PL-001 rev. D (Received 05 June 2018) - P528-PL-010 rev. B (Received 05 June 2018)
ii.	The Application for planning permission registered on 5 June 2018
iii.	The Appointed Officer's Submission
iv.	<p>Policies of the adopted East Lothian Local Development Plan 2018 relevant to the determination of the application:</p> <ul style="list-style-type: none"> - 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)
v.	Notice of Review dated 12 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 conditions, including all drawings and copies of all representations and objections received in respect of the original application. They also confirmed they had received and reviewed the Applicant's Submission and further representations made in connection within this appeal before the ELLRB today.

- 4.2. 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 Local Review Body – 19 03 20 be refused on the grounds that the proposals did not accord with the requirements of policies DC5, DC9 and DP2.

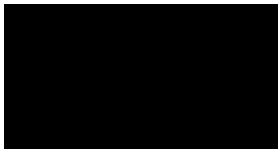
- 4.3. The Members then raised the questions pertinent to the application which the planning advisor responded to by providing further clarification of the reasons why the proposals were considered to be contrary to planning policy, with reference to the scale of the proposed development, its impact on the surrounding area and that it would constitute new build in the countryside.
- 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 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 policies 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.

- 4.6. 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.
- 4.7. 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.

Accordingly, the ELLRB unanimously agreed to uphold the decision of the Planning Officer and decided that the Review should be dismissed and Planning Permission refused for the reasons more particularly set out in the Planning Officer's Report.

Planning Permission is hereby 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.