

**REPORT TO:** Planning Committee  
**MEETING DATE:** 6 December 2022  
**BY:** Executive Director for Place  
**SUBJECT:** Application for Planning Permission for Consideration

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Application No. **21/00092/PM**  
Proposal Section 42 application to vary Condition 1, 4 and 3 of planning permission 90/00411/P  
Location **Monks Muir Caravan Park  
Haddington  
East Lothian**

Applicant Bakersfield Properties Ltd  
Per Fox Planning Consultancy

**RECOMMENDATION** Consent Granted

## **REPORT OF HANDLING**

As the site area of the application site is greater than 2 hectares, the development proposed in this application is, under the provisions of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, defined as a major development and thus it cannot be decided through the Council's Scheme of Delegation.

## **APPLICATION SITE**

This application pertains to the existing caravan park at Monks Muir.

The existing caravan park site has a predominantly rectangular shaped, long linear layout extending between the north side of the A199 classified public road and the south side of the minor public road, which provides access to Markle Mains Quarry. An existing house is located within the caravan park, towards its southern end. At its southern end on its east side, there is a further rectangular shaped area of land to the east side of the vehicular access road of the caravan park.

The existing caravan park has been operating at Monks Muir on the north side of the A199 classified public road between Haddington and East Linton with the benefit of a number of planning permissions stretching back to 1954. Subsequent permissions since 1954 have allowed for the progressive expansion of the caravan park. In December 1990 a planning permission was granted under reference P/0411/90 for the redevelopment of the caravan park. This redevelopment and upgrading of the site allowed for a total of 66 pitches, being 51 pitches for static caravans and 15 for either touring caravan or tent use. The docketed drawings for planning permission P/0411/90 show an area of the northern end of the caravan park as being retained as amenity space, and the land to the south of the existing house, and the land to the east of the vehicular access road of the caravan park and to the southeast of the existing house, all being between the house and the public road, as being for late arrival touring caravans and overspill area for tents.

Thus, the caravan park at Monks Muir is a well-established facility operating in the countryside of East Lothian.

The existing caravan park is bounded to the east and west by agricultural land, and to the north by a minor public road which provides access to Markle Mains Quarry beyond which is further agricultural land. To the south is the A199 classified public road on the opposite side of which is an intervening strip of treed land beyond which is the classified A1 Trunk Road.

The existing caravan park is enclosed along its north (roadside) boundary by a low rubble stone wall and along its east and west boundaries by a combination of low rubble stone wall, fencing and hedging. There are some trees positioned at irregular intervals along the east and west boundaries. The south (roadside) boundary with the A199 classified public road is enclosed by a rubble stone wall, some 1.65 metres in height. There is evergreen hedging planted along the inside of the roadside boundary wall. That hedging is some 3.0 metres in height along the west side of the southern boundary (to the west of the vehicular access from the public road) and some 2.0 metres in height to the east side of the southern boundary (to the east of the vehicular access). There is a small group of predominantly evergreen trees on the west side of the access road to the west of the vehicular access from the public road. The east and north boundaries of the rectangular shaped area of land that is to the eastern side of the vehicular access road at the southern end of the caravan park are enclosed by vertical slatted timber fencing some 1.7 - 1.85 metres in height.

The existing caravan park, and thus also the land of the application site, is located within the defined area for a National Gas Transmission Pipeline (Gladsmuir to Aberlady Pipeline).

The route of Core Path No.84 and a Right of Way passes to the north of the application site along the route of the minor public road that is to the north of the application site.

The Beanston House Local Garden and Designed Landscape is located some 490 metres to the west of the caravan park site and the Beanston Mains Local Garden and Designed Landscape is located some 340 metres to the northwest of the caravan park site. The Garleton Hills Special Landscape Area (SPA) is located some 0.7 of a mile to the west of the caravan park site and the Traprain and Tyne Valley Special Landscape Area (SPA) is located some 30 metres to the south of the caravan park site.

## **PLANNING HISTORY**

In July 1954, planning permission Ref. 63/54 was granted for a tea stall, parking, etc. at

the site of Monks Muir. Caravan site.

On 4th December 1964 planning permission Ref. 236/63 was granted for the erection of a toilet block at Monks Muir Caravan site.

On 10th January 1968 planning permission Ref. 197/67 was granted for an extension to the caravan and camping site at Monks Muir. In that planning permission it is noted that at the time, the caravan park site could accommodate 14 caravans or tents and that permission was sought to increase that by an additional 30 caravans or tents.

On 17th November 1970 planning permission Ref. 230/70 was granted for an extension to provide an additional area for tents at Monks Muir Caravan site.

On 26th November 1971 planning permission Ref. 291/71 was granted for the extension of a toilet block at Monks Muir Caravan site.

On 24th August 1973 planning application Ref. 308/73 was refused for an extension of Monks Muir Caravan site. That decision was subsequently appealed to the Scottish Development Department. That appeal was subsequently withdrawn by the applicant.

On 31st August 1976 planning permission Ref. 289/76 granted for the erection of a café building.

On 11th October 1976 planning application Ref. 290/76 was refused for the use of part of Monks Muir Caravan site as a caravan sales site.

In 1978 planning permission Ref. 41/78 was granted for an extension to provide an additional area for 30 tents at Monks Muir Caravan site.

On 11th July 1978 planning permission Ref. 181/78 was granted for an extension to toilet blocks and café at Monks Muir Caravan site. In that planning permission it is noted that at the time, the caravan park site could accommodate 30 caravans and 20 tents.

On 1st April 1981 planning permission Ref. 639/79 was granted for the demolition of existing stores and garage and the erection of new stores and garages.

On 5th December 1990 planning permission P/0411/90 was granted, subject to conditions, for the redevelopment of the existing caravan and camping site. Those conditions pertain to (i) the number of caravans/tents to be positioned on the caravan site and their positioning on the site, (ii) the period of each year when the static caravans shall be occupied, (iii) the use of the southern part of the caravan site between the existing house and the public road, and (iv) landscaping of the caravan site.

It should be noted that the development of the caravan park has since evolved, and the current layout does not now accord with any of the previously approved layouts.

On 16 October 2008 planning permission 07/00796/FUL was granted for the erection of stone walls and pillars along the part of the south roadside boundary of the site with the classified A199 public road (former A1 trunk road) in place of unauthorised walls that had been erected on that part of the boundary. The stone walls are approved to be erected to the west side of the existing vehicular access of the south boundary and for a short length immediately to the east side of the vehicular access.

On 22 December 2017 planning permission 17/00414/P was retrospectively granted for a shed, a gas governor, lampposts, a flagpole, walls, fencing, gates and gate piers that had

been erected on the southeast part of the site of Monks Muir Caravan Park (i.e. the rectangular shaped area of land that is to the east side of the vehicular access road of the caravan park at the southern end of the caravan park) and for hardstanding areas that had also been formed on that part of the caravan park. Planning permission 17/00414/P was granted retrospectively and unconditionally because all of the development had already been undertaken on the site.

In April 2022 planning permission 21/00873/P was retrospectively granted for the erection of an amenity building, measuring some 4.1 metres in length by some 3 metres in width and with a maximum roof ridge height of some 3 metres above ground, that has been positioned on the northern part of the rectangular shaped area of land that is at the southern end of the caravan park site, to the east side of the vehicular access road.

In January 2021, application 21/00094/CLU was registered for a certificate of lawfulness for an existing use for the land involving the stationing of caravans with unrestricted occupancy and the pre-existing unrestricted use of the site. Application 21/00094/CLU has been withdrawn by the applicant's agent.

In November 2022, retrospective planning permission (Ref. 22/01045/P) was granted for a wood store building that has been erected on the northern part of the rectangular shaped area of land that is at the southern end of the caravan park site, to the east side of the vehicular access road.

## **PROPOSAL**

Through this current application submitted under Section 42 of the Town and Country Planning (Scotland) 1997, permission is sought for the variation of conditions 1 and 4 of planning permission P/0411/90, and to remove or vary condition 3 of planning permission P/0411/90.

Conditions 1, 3 and 4 of planning permission P/0411/90 state:

Condition 1:

"The total number of static and touring caravans and tents to be accommodated on the site will not, at any time, exceed that which is specified in drawings nos. 1675/C/01 and 02 which are docketed to this planning consent and they will be disposed on the site together with the café/shop, workshop, garage and play area and toilet, shower, washing, a water supply, soil and waste-water disposal, and fire alarm and fighting facilities all in the manner shown in those drawings and in accordance with the current Model Standards of the Caravan Site and Control of Development Act.

Reason:

To ensure that the amount of caravans and tents on the site does not exceed the approved number and to ensure that the appropriate facilities are provided to an adequate level and at satisfactory locations all in respect of ensuring the caravan park is operated in an acceptable manner."

Condition 3:

"The part of the site between the existing house and café/shop and the A1 trunk road will be used solely as a temporary overspill area for touring caravans and tents, for accommodating both caravans which arrive late and tents on an occasional basis, and on that part of the site no single touring caravan and tent will remain for more than 24 hours.

Reason:

To minimise the visual impact of the use of the front part of the site in the interest of

safeguarding the rural character and amenity of the area."

Condition 4:

"Prior to the commencement of any part of the development and upgrading scheme which is the subject of this planning consent, a fully detailed landscape plan for the entire site, to include enhanced planting both with the site and along its boundaries will be submitted to and approved by the Director of Planning, and that landscaping will be completed in its entirety during the first full planting season following commencement of work to further develop and upgrade the site, and thereafter that planting will be maintained in accordance with a management plan which will also have received the prior approval of the Director of Planning.

Reason:

To ensure that the use of the site does not cause visual intrusiveness to the detriment of the rural character and amenity of the area."

A supporting Planning Statement, a Landscape Appraisal report (prepared by John Richards Landscape Architects, dated December 2020), a Landscape Management Plan (prepared by John Richards Landscape Architects), and two supplementary reports on Landscape Proposals (prepared by John Richards Landscape Architects, dated 3/6/21 and 20/1/22) have been submitted with the application.

In the supporting Planning Statement, the applicant advises that the site layout has differed to the 1990 approved layout for many years however does not know precisely when these layout variations first occurred. They note that the park has benefitted from a residential site licence for more than 10 years. These two applications (Refs. 21/00093/PM and 21/00092/PM) are proposed by the applicant to regularise the current site layout/development and also provide landscaping enhancements under the landscaping condition.

The Planning Statement states that it is clear from the 1967 planning consent that occupancy restrictions were not applied, and indeed that caravans on the park have benefitted from a residential site license for more than 10 years.

The supporting Planning Statement proposes that conditions 1, 3 and 4 should respectively be amended to read as follows:

Condition 1 - "The development shall be carried on in accordance with the site layout shown in the following drawings: MON 0000 Location Plan, MON 0001 CP Site Context Plan, MON 001C Landscape Strategy Plan and MON 002B South Area Landscape Plan, and shall be retained in this manner unless otherwise agreed in accordance with drawings which shall be submitted to and approved in writing by the Local Planning Authority. The total number of static and touring caravans to be accommodated on the site shall not, at any time, exceed 69 unless otherwise approved in writing by the Local Planning Authority in accordance with a revised layout scheme.

Reason: To ensure that the amount of caravans and tents on the site does not exceed the approved number and to ensure that the appropriate facilities are provided to an adequate level and at satisfactory locations all in respect of ensuring the caravan park is operated in an acceptable manner."

Condition 3 - "That part of the site between the existing house and the A199 road shall only be used and set out in accordance with the site layout shown on the following drawings: MON 0000 Location Plan, MON 0001 CP Site Context Plan, MON 001C Landscape Strategy Plan and MON 002B South Area Landscape Plan, and shall be

retained in this manner unless otherwise agreed in accordance with drawings which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To minimise the visual impact of the use of the front part of the site in the interest of safeguarding the rural character and amenity of the area."

Condition 4 - "The site shall be landscaped in accordance with the landscaping scheme contained in the following documents and drawings: MON 0000 Location Plan, MON 0001 CP Site Context Plan, MON 001C Landscape Strategy Plan and MON 002B South Area Landscape Plan, 020 Hv St Prep Rb 2016, 021 Hv St - Bare Root, 023 Mixed Hedge Detail, Landscape Appraisal Report dated December 2020, and Landscape Management Plan dated 19 January 2021. The landscaping shall be completed in its entirety during the planting season ending on 31st March 2022 and thereafter that planting shall be maintained in accordance with the submitted Landscape Maintenance and Management Plan. The landscaping layout shall be retained in this manner unless otherwise agreed in writing in accordance with drawings which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: As agreed with the applicant to ensure that the use of the site layout does not cause visual intrusiveness to the detriment of the rural character and amenity of the area."

The supporting statement purports that conditions 1, 3 and 4 of planning permission P/0411/90 fail to meet the relevant tests set out in Circular 4/1998. It is stated that planning permission P/0411/90 does not specify the total number of caravans permitted on the site, rather it only specifies the number of caravan pitches as it allows for an unrestricted number of caravans on the informal areas on the front of the site (southern end of the site between the existing house and the public road).

It is stated that the caravan park site layout has differed from that shown on the drawings docketed to the grant of planning permission P/0411/90 for many years and that the caravans on the site have benefited from a residential caravan site licence for more than 10 years.

It is further stated that condition 1 seeks to control the provision of facilities on the caravan park site, which are outwith planning controls (i.e. the provision of and position of café/shop, garage, workshop, fire safety equipment), and that in this the condition is 'ultra vires'. In the supporting statement the applicant's agent puts forward a case that conditions 1, 3 and 4 of planning permission P/0411/90 are ambiguous and that the Affidavit submitted with the application demonstrates how the site has been used for more than 10 years.

Since the application was registered the application drawings have been amended to:

- (i) reduce the number of caravan pitches from 70 to 69, comprising 66 static caravans, 1 smaller green coloured static caravan, and 2 touring caravans;
- (ii) clearly identify and label all buildings and structures on the caravan park site; and
- (iii) change the landscaping proposals to include the provision of a wildlife garden on an area of land previously detailed as an empty caravan pitch on the northeast part of the site.

These changes are shown on amended application drawings submitted by the applicant's agent.

Following comments received from the **Council's Landscape Officer (Policy and Projects)** Supplementary landscape proposals reports have been submitted for the application.

Drawing no. MON 0000 has been submitted with this application. That drawing is entitled 'Location Plan'. On it, each of the caravans on the caravan park site are annotated with the word 'house'. In planning terms, the structures on the site are caravans, and not houses. The agent for the application had advised that drawing no. MON 0000 would be updated to replace the word 'house' with 'caravan'. However, the agent now declines to amend the annotation on drawing no. MON 0000. That drawing should not therefore be docketed as part of a grant of planning permission.

The site area the subject of this application is more than 2 ha and therefore is a major development type. Section 35A (1) of The Town and Country Planning (Scotland) Act 1997 (as amended) requires the submission of a Proposal of Application Notice and notice of community consultation for major development types prior to the application for planning permission being made to the Council. However subsection 1A of Section 35A of the Act is clear that this requirement for public consultation does not apply to applications made under Section 42 of the Town and Country Planning (Scotland) Act 1997. As this application is one made under Section 42 of the Act then there was no statutory requirement for public consultation to be carried out.

Through separate application (Ref. 21/00093/PM), permission is sought under Section 42 of the Town and Country Planning (Scotland) Act 1997 for the removal of condition 2 of planning permission P/0411/90. Application 21/00093/PM stands to be determined on its own merits and is reported at this time on this Planning Committee Agenda.

## **EIA SCREENING**

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 the proposed development falls within the category of a Schedule 2 Development, being one that may require the submission of an Environmental Impact Assessment (EIA). Schedule 3 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 sets out the selection criteria for screening whether a Schedule 2 development requires an EIA. On 1st July 2021, the Council issued a formal screening opinion to the applicant's agent. The screening opinion concludes that it is East Lothian Council's view that the proposed development is not likely to have a significant effect on the environment such that consideration of environmental information is required before any grant of planning permission. It is therefore the opinion of East Lothian Council as Planning Authority that there is no requirement for the application submitted under Section 42 of the Town and Country Planning (Scotland) for the variation of conditions 1, 3 and 4 of planning permission P/0411/90 to be the subject of an EIA.

## **DEVELOPMENT PLAN**

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan, unless material considerations indicate otherwise.

The development plan is the approved Edinburgh and South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Development Plan 2018.

The purpose of the approved Edinburgh and South East Scotland Strategic Development

Plan (SESplan) is to set out the strategic planning framework to assist preparation of local development plans. Its policies are generally not relevant for assessing individual applications.

There are no policies of the approved Edinburgh and South East Scotland Strategic Development Plan (SESplan) relevant to the determination of this application.

Relevant to the determination of the application are Policies DC1 (Rural Diversification), DC9 (Special Landscape Area), CH6 (Gardens and Designed Landscapes), DP2 (Design), NH8 (Trees and Development), T1 (Development Location and Accessibility) and T2 (General Transport Impact) of the adopted East Lothian Local Development Plan 2018.

Also material to the determination of the application is the Special Landscape Areas Supplementary Planning Guidance (adopted 30th October 2018) of the adopted East Lothian Local Development Plan 2018.

Revised Draft National Planning Framework 4 (NPF4) was published by the Scottish Government on the 08 November 2022. The Town and Country Planning (Scotland) Act 1997 (as amended) requires that NPF4 must be approved by the Scottish Parliament before it can be adopted by Scottish Ministers. On adoption the Scottish Government will commence the provisions in the Planning Act which will make NPF4 part of the statutory development plan. The Existing National Planning Framework 3 and Scottish Planning Policy remain in place until NPF4 has been adopted by Scottish Ministers.

## **REPRESENTATIONS**

Forty-five public representations have been received to the application. Forty-four of those public representations raise objection to the application and as summarised the main grounds of objection are:

- i. the caravan park is a residential park for retired/semi-retired people over 50 years of age and no children are allowed, and none of the proposals will have any benefits to the residents;
- ii. although planning permission has not been sought for the units on the front (between the house and the public road) and rear of the site, there is no objection to the 5 units on the front of the site and one of the units on the rear of the site as they are occupied and have been bought in good faith;
- iii. residents express a concern for a lack of care and all residents amenities on the site have now been removed without any consultation with residents;
- iv. no amenities for residents (no shop, green seating area, club room);
- v. it will be a blight on the amenity of the park;
- vi. the use of static and touring caravans which do not comply with BS3632 are not allowed as residential;
- vii. there will be an increase in traffic generation;
- viii. the site is not suitable for disabled people under the Disability Act;
- ix. the site, which had retrospective planning for a large shed was designed solely to house machinery;



x. no planning permission has been sought for the siting of units 2 and 3 Cedar on the northern part of the site and these units have led to the loss of mature trees and wildlife habitat, loss of privacy and an increased demand on water and sewage system;

xi. the units on the northern part of the site have resulted in loss of tree cover on the northern part of the caravan park site resulting in noise and dust from lorries accessing Geddes Markle Quarry having a harmful impact on existing caravans;

xii. devaluing of existing caravans as the caravan park becomes much less desirable by becoming a site for touring caravans.

Forty-three of the forty-four representations raising objection to the application are in the form of two different pro-forma letters.

Forty-two of the representations have been received from twenty-one representors.

The one remaining representation expresses support for the application, and comments that the park is a safe environment for mature residents and the owner/ manager has made significant changes and improvements to provide a post box, bus shelter, main road lighting and more importantly mains gas, which has made homes being heated more affordable addressing fuel poverty associated with bottled gas, and that the amenities available suit most residents who prefer privacy.

Compliance with guidelines and matters controlled under legislation other than planning (i.e. complying with BS3632) are not a material consideration in the determination of this planning application.

The matter of the impact of this planning application on the value of the existing caravans/mobile homes is not a material planning consideration in the determination of this planning application.

There is no planning control attached to the previous grants of planning permission that restricts the occupancy of the caravans at Monks Muir Caravan Site to a person(s) over the age of 50 who has retired or is semi-retired and has no children. Thus, these matters are not a material planning consideration in the determination of this planning application.

The use of the shed approved by the grant of planning permission 17/00414/P as part of the operation of the caravan park site is not a material planning consideration in the determination of this planning application.

This application pertains to the variation of conditions 1 and 4 and the variation or removal of condition 3 of planning permission P/0411/90. Although the conditions relate to the physical development on the site the application does not specifically propose the siting of caravans or any changes to the caravans as they exist on the site. Thus, the subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

## **COMMUNITY COUNCIL**

Dunpender Community Council (DCC), as a consultee on the application, raises objection to the application to vary conditions 1, 3 and 4 of planning permission P/0411/90, and as summarised their main grounds of objection are:

1) Loss of amenity green space - considerable frontage development on the site has taken

away the last communal green amenity space left on the site. This loss of green space is detrimental to health and well-being and, when possible, social interaction - especially important in these difficult times (Covid-19 pandemic). DCC believe that this situation does not meet the guideline standards developed by Scottish Government and the Scottish Confederation of Park Home Residents Association (SCOPHRA). Therefore DCC objects to this retrospective development application on the frontage of the Monks' Muir Park.

2) Loss of communal building - the communal building on the site has been lost for the use of residents and is now being used for private use only. DCC strongly feel that in post COVID times the building should be reinstated for the use of all residents. DCC believe that this situation does not meet the guideline standards developed by Scottish Government and SCOPHRA. Further space has also been lost to a shower block development. Therefore DCC objects to this retrospective development application on the grounds that essential communal residents' facilities have been lost.

3) Static caravan and other caravans on the frontage of the site - DCC objected to the industrial development of this frontage site back in 2017 (planning permission 17/00414/P). Their original objections still stand to the development of that part of the site. However, in addition, DCC are extremely upset that this area of the site (an industrial area) is currently being used for living in. This yard was built on a communal green space provided for residents. DCC believe that this ground should be reinstated as a green communal area. DCC believe that this situation does not meet the guideline standards developed by SCOPHRA. Therefore DCC objects to this site being used for any living purposes, even for caravans. The Monks' Muir Residents Association have outlined their concerns in an excellent submission made by their Chair. DCC agrees with all of their well-made points and gives them their fullest support on these matters.

## **CONSULTATIONS**

The **Council's Senior Environmental Health Officer** has no comment to make from a public health perspective regarding the application to vary conditions 1 and 4 and to vary or remove condition 3 of planning permission P/0411/90.

The **Council's Environmental Health Food and Safety Officer (Business Regulation)** advises that the current caravan site licence is based on the site being a residential site with no closure period, and the licence does not include provision for touring caravans and/or tents, and that if any touring caravans and/or tents were to be located on the site their occupancy should be restricted to prevent them being used as permanent residencies as such forms of accommodation are not suitable for use as a permanent residence.

The **Council's Road Services** has been consulted on the application and advises that the removal/variation of conditions 1, 3 and 4 would not have a detrimental impact on the surrounding road network, with regard to safety and parking provision, and therefore Road Services raise no objection to the planning application to vary conditions 1, 3 and 4 of planning permission P/0411/90.

The **Council's Landscape Officer (Policy and Projects)** advises that the site is located in the Lower Tyne Valley Plain landscape character area as identified in the Special Landscape Area Supplementary Planning Guidance (SPG), and that a feature of the landscape character area includes an abundance of mixed small-scale shelterbelts throughout the farmland which help to strengthen the chequerboard field pattern. The Landscape Officer notes that there has been a caravan park at this location for over thirty years and that for the majority of that time the caravans have been enclosed in a shelterbelt of woodland set between two arable fields, respecting the landscape character of the area.

The Landscape Officer raises concerns about the number of trees and lower level vegetation that has been removed from the boundaries of the site and from within the site, and how this has resulted in the loss of the shelterbelt within which the caravan park site was located, and the resulting detrimental visual impact from this which amounts to a loss of rural landscape character due to the removal of the trees and lower level vegetation and the additional development on the caravan park site. It is the Landscape Officer's opinion that the replacement of the shelter belt planting along the boundaries would not be possible, as the caravans are positioned close to the site boundaries.

The Landscape Officer recommends that condition 3 not be modified and that the static caravans on the southern part of the site be removed.

The landscape advice further is that the proposed landscape planting scheme is insufficient to address the loss of trees and lower vegetation on the site that formed the shelter belt and created the woodland feel to the area, providing a setting for the caravans. In her original comments, the Landscape Officer also comments that whilst overall the proposed landscape planting scheme is insufficient to reinstate the shelter belt feel to the site, the proposed landscape planting scheme does offer minimal landscape screening to the southernmost part of the western site boundary that would help to reduce the impact of the southern-most caravans in views from the A199 on the approach from the west.

The Landscape Officer goes on to advise that there is now an opportunity to reintroduce planting to the boundaries of the caravan park site to include evergreen and low level planting to help reinstate the shelter belt character of the site that would be in keeping with the landscape character of the area and reduce the detrimental landscape and visual impact created by the caravan park in its current form. The Landscape Officer further comments that it is important to include an on-going management plan to manage the trees and other vegetation on the site to avoid repeating the current situation.

The Landscape Officer recommends that condition 4 be retained and that a new landscape plan and management plan be submitted to introduce tree and low level vegetation planting along the site boundaries in order to reintroduce the shelter belt feel to the site.

## **PLANNING ASSESSMENT**

As the applicant advises, the site layout has differed to the 1990 approved layout for many years. This application (Ref. 21/00092/PM) and the associated application Ref. 21/00093/PM are proposed by the applicant to seek to regularise the current site layout/development on the caravan park site.

The existing caravan park, and thus the land of the application site, is located within the defined area for a National Gas Transmission Pipeline (the Gladsmuir to Aberlady Pipeline), and thus is an existing facility within the defined area for that pipeline. However, as the application does not propose any development to the established caravan park site, there is no requirement to consult on this matter.

The **Council's Road Services** has been consulted on the application and advises that the variation of conditions 1 and 4 and the removal or variation of condition 3 would not have a detrimental impact on the surrounding road network, with regard to safety and parking provision, and therefore Road Services raise no objection to this planning application to vary conditions 1 and 4 and to vary or remove condition 3 of planning permission P/0411/90. Accordingly, on transportation and road safety matters, the variation of conditions 1, 3 and 4 does not conflict with Policies T1 and T2 of the adopted East Lothian Local Development Plan 2018.

Local Development Plan Policy DC1 sets out criteria whereby development in the countryside may be supported in principle. It does not specifically refer to caravan park sites. As this planning application relates to an existing established operational caravan park site within this countryside location, there can be no objection in principle to the caravan park site in this countryside location.

The caravan park site at Monks Muir is a well-established facility operating in the countryside of East Lothian and with the benefit of a number of planning permissions has operated from this site stretching back to 1954. This current planning application relates only to the site area of the existing caravan park site at Monks Muir and does not propose to extend the site area from that already established by previous grants of planning permission.

The decision notices for the grants of planning permission (Refs. P/0236/63, P/0197/67, P/0230/70, P/0291/71, P/0289/76, P/041/78, P/0181/78, and P/0639/79), some of which pertain to the siting of additional caravans and/or tent pitches at Monks Muir caravan park, do not include any planning controls to restrict the occupancy of the caravans and/or tents.

Although unable to locate the decision notice for the 1954 grant of planning permission for the caravan park site (Ref. planning permission P/063/54), given that subsequent planning permissions did not include any conditions to control occupancy of the caravans on the caravan park site, it is likely that the 1954 grant of planning permission for the caravan park site (Ref: planning permission P/063/54) also did not include any such occupancy restriction. Thus, it would not be unreasonable to conclude that prior to the grant of planning permission P/0411/90 there was no planning control to restrict the occupancy of the caravans at Monks Muir Caravan Park.

It is worth noting that the park has benefitted from a residential site licence for more than 10 years.

The grant of planning permission P/0411/90 is for the redevelopment of the existing caravan and camping site at Monks Muir.

Condition 1 of planning permission P/0411/90 reads "The total number of static and touring caravans and tents to be accommodated on the site will not, at any time, exceed that which is specified in drawings nos. 1675/C/01 and 02, which are docketed to this planning consent, and they will be disposed on the site together with the café/shop, workshop, garage and play area and toilet, shower, washing, a water supply, soil and waste-water disposal, and fire alarm and fighting facilities all in the manner shown in those drawings and in accordance with the current Model Standards of the Caravan Sites and Control of Development Act. Reason: To ensure that the amount of caravans and tents on the site does not exceed the approved number and to ensure that the appropriate facilities are provided to an adequate level and at satisfactory locations all in respect of ensuring the caravan park is operated in an acceptable manner."

Condition 3 of planning permission P/0411/90 reads "The part of the site between the existing house and café/shop and the A1 trunk road will be used solely as a temporary overspill area for touring caravans and tents, for accommodating both caravans which arrive late and tents on an occasional basis, and on that part of the site no single touring caravan and tent will remain for more than 24 hours. Reason: To minimise the visual impact of the use of the front part of the site in the interest of safeguarding the rural character and amenity of the area."

Condition 4 planning permission P/0411/90 reads "Prior to the commencement of any part of the development and upgrading scheme which is the subject of this planning consent,

a fully detailed landscape plan for the entire site, to include enhanced planting both with the site and along its boundaries will be submitted to and approved by the Director of Planning, and that landscaping will be completed in its entirety during the first full planting season following commencement of work to further develop and upgrade the site, and thereafter that planting will be maintained in accordance with a management plan which will also have received the prior approval of the Director of Planning. Reason: To ensure that the use of the site does not cause visual intrusiveness to the detriment of the rural character and amenity of the area."

This planning application along with the associated planning application to remove condition 2 of planning permission P/0411/90 (Ref. 21/00093/PM) together seek to regularise the layout of the caravan park site and its operation to reflect the current layout of the caravan park site and the occupation of the caravans on the caravan park site.

This planning application (Ref. 21/00092/PM) seeks to vary the wording of conditions 1 and 4 of planning permission P/0411/90 and to vary or remove condition 3 of planning permission P/0411/90, all to reflect the current layout of the caravan park site, that being 67 static caravan pitches and 2 touring caravans, rather than the 51 static caravans and 15 touring caravans and capacity for further touring caravans and tents approved by the grant of planning permission P/0411/90, and to propose an additional landscaping scheme for the caravan park site.

The drawings docketed to the grant of planning permission P/0411/90 show a layout for the caravan park site comprising 51 static caravans and 15 serviced touring caravan pitches. All of those pitches are located on the land of the caravan park site that is located to the north of the existing house. Additionally, the docketed drawings of planning permission P/0411/90 show the area of land to the south of the existing house as being an area for touring caravans and occasional tents and the area of land to the southeast of the existing house is shown to be an overspill area for camping and late arrival touring caravans. An area of land of the northern part of the caravan park site, being roughly some 9.4% of the site area, is labelled as a play area.

Whilst condition 3 of planning permission P/0411/90 clearly stipulates that the southern part of the site shall only be used as an overspill area for touring caravans and tents with no touring caravan or tent remaining there for more than 24 hours, that condition does not make clear whether the area of the site referred to includes the land to the east side of the caravan park site access road.

Contrary to that stated in the supporting Planning Statement, only the caravan park site layout shown on the drawings docketed to the grant of planning permission P/0411/90 are relevant to the grant of planning permission P/0411/90. Other drawings submitted to that application having the same reference number as the docketed drawings but not docketed are not relevant, and it is only the docketed drawings that can be referred to.

Therefore notwithstanding that revised drawings received on planning permission P/0411/90 in September 1990 show an additional 4 serviced touring caravan pitches on the area of land to the south of the existing house, between it and the A199 classified public road (at that time the A1 Trunk Road) the overall total number of pitches identified on the caravan park site on the docketed drawings of planning permission P/0411/90 is 66 (being 51 static pitches and 15 serviced touring caravan pitches). The key of the docketed drawings for planning permission P/0411/90 do not specifically identify the static caravan pitches however the area for the serviced touring caravan pitches is labelled on the docketed drawing and thus it is not unreasonable to conclude that the larger rectangular shapes are the static caravan pitches, and furthermore the number of larger rectangular shapes corresponds with the number of static caravan pitches and the smaller

rectangles corresponds with the number of services touring caravan pitches in the drawing's key/legend.

The material considerations in the determination of this planning application are whether the current site layout and the amended landscape scheme for the site would be of an appropriate scale and character for this countryside location, would result in harmful impacts to the landscape character of the area, including the elements justifying designation of the Beanston Local Garden and Designed Landscape and the special character of the Garleton Hills Special Landscape Area, would result in harmful impacts to the amenity of neighbouring properties or users of the nearby public rights of way, whether the proposed development would have a harmful impact on the trees that are on or adjacent to the site and whether the development could be suitably serviced, and provided with a satisfactory means of vehicular access and provision for on-site parking.

The application drawings submitted with this planning application show the caravan site layout as being a total of 67 static caravans and 2 touring caravans, giving an overall total of 69 pitches. Of the 67 static caravans shown on the application drawings for this planning application, 5 of the static caravans are located on the area of land to the south of the existing house, between it and the A199 classified public road (formerly the A1 Trunk Road) and one static caravan is located on the southeast area of land of the caravan park site (still being land between the existing house and the A199 classified public road). The 2 touring caravans are also located on the southeast area of land of the caravan park site (still being land between the existing house and the A199 classified public road).

Thus, the current layout of the caravan park site amounts to an overall increase in the total number of caravans on the caravan park site from 66 to 69, being an increase of 3. This breaks down into an increase in the number of static caravan pitches from 51 to 67 (a 32% increase in static caravans) and a decrease in the number of touring caravan pitches from 15 to 2 (being an 86% decrease in touring caravan pitches).

The caravan park site has been in operation from this site at Monks Muir at varying densities for some 50 years and there are no specified planning controls relating to the size of each caravan unit. The majority of the static caravans that are now sited on the existing caravan park site have a larger footprint than the static caravans approved by the grant of planning permission P/0411/90. Nonetheless, by their dimensions, the units on the site are caravans that are capable of being moved. The caravans on the site are not dissimilar in size and appearance to other caravan sites in East Lothian.

In terms of the number of units, the increase in the total number of caravans on the caravan park site from 66 to 69 does not result in there being any perceptible change in the use of the site as a caravan park site.

However, as a consequence of their larger dimensions, the static caravans on the site now extend across the majority of the land of the caravan park site, including the land to the south and southeast of the existing house, between that house and the A199 classified public road, and the northern part of the site identified as play area on the drawings docketed to the grant of planning permission P/0411/90, and as a result of this and their resulting layout there is a perceivable visual impact associated with the change to the size, number and layout of the existing static and touring caravans on the site.

As a whole the caravan park site is visible in public views when approaching from the east and west along the A199 classified public road. It is also visible in public views in approaches from the north, northeast and northwest on the U157 public road, and from the public right of way/core path that approaches from the east from Pen Craig Wood/Brae and passes to the north of the caravan park site along the U157 public road, which provides

access to Markle Mains Quarry.

The caravan park site and surrounding landscape are located in the Lower Tyne Valley Plain landscape character area as identified in the Special Landscape Area Supplementary Planning Guidance (SPG) of the Local Development Plan, and is characterised as being gently undulating farmland with hedges and mixed small-scale shelterbelts which help to strengthen the chequerboard field pattern. The landscape of the Lower Tyne Valley Plain comprises a series of gently undulating east-west aligned ridges, rising gradually towards the fringes of the Lammermuir Hills to the south and with Pencraig ridge and the Garleton Hills forming the northern boundary of the area. In terms of built features, the main settlement in the area is Haddington consisting of a largely traditional core surrounded by 20th century housing development, and with the area also containing a scattering of farmsteads and small clusters of houses.

In the original submission, the application drawings propose the planting of 16 new trees along the east and west boundaries of the caravan park site and the addition of a new hedgerow along part of the west boundary of the southern part of the site. The majority of those new trees are proposed to be planted along the west and east boundaries of the southern part of the caravan park site, between the existing house and the A199 public road.

Since the Landscape Officer's initial comments, the landscaping proposals for the site have been amended and the number of trees to be planted has been reduced.

The applicant's agent advises that the written agreement between the owner of the site and the occupier(s) of each caravan pitch (Written Statement under the Mobile Homes Act 1983) are such that the owner cannot plant a tree(s) on any of the caravan pitches without the agreement of the relevant occupier. The applicant's agent further confirms that each caravan pitch extends east to west from the edge of the access road to the edge of the title boundary of the caravan park site and north to south to the shared boundary or boundaries of any adjoining caravan pitch. The agent further advises that the Written Statement under the Mobile Homes Act 1983 sets out that the occupier(s) are entitled to undisturbed possession of their caravan and caravan pitch during the terms of their agreement, save in specific circumstances set out in that agreement.

In light of this, the applicant's agent has advised that it is not possible to carry out the landscape scheme originally proposed and thus the landscape scheme has been amended.

The now proposed scheme of landscaping proposes identifies a total of 8 trees to be planted along the west and east boundaries of the southern part of the site between the existing house and the A199 public road, a new mixed species hedgerow is proposed along the west boundary of the southern area of garden of the existing house, a new tree would be planted adjacent to the eastern edge of the turning/parking area between No.1 Rowan and No.8 Aspen, and the empty caravan pitch at the northeast corner of the caravan park site would be planted as a wildlife garden. The proposed wildlife garden area would comprise of 8 new trees, mixed species hedgerows, wild-flower meadow and conservation grassland. The grassland and wild-flower meadow would be at its core and would be enclosed by the hedgerow on four sides with an opening towards its southwest corner allowing access, and the new trees would be planted around its edges.

The drawings docketed to the grant of planning permission P/0411/90 show existing shrubs and trees and proposed tree and shrub planting on the caravan park site. The site layout shown on the current application drawings shows that much of that existing tree and shrub cover has been removed in the intervening years. However, the trees on the

caravan park site are not protected by a tree preservation order or by virtue of being within a conservation area. Furthermore, condition 4 of planning permission P/0411/90 does not require the trees that were on the site at that time to be retained. Thus, there is no restriction to the removal of trees and shrubs from the caravan park site.

This application seeks to vary the wording of condition 4 of planning permission P/0411/90 to approved the landscaping layout detailed on the application drawings the subject of this current application. The now proposed landscaping scheme includes a total of 8 new trees to be planted along the west and east boundaries of the southern part of the site between the existing house and the A199 public road, a new hedgerow is proposed along the west boundary of the southern area of garden of the existing house, a new tree would be planted adjacent to the eastern edge of the turning/parking area between No.1 Rowan and No.8 Aspen, and the empty caravan pitch at the northeast corner of the caravan park site would be planted as a wildlife garden. The proposed wildlife garden area would comprise of 8 new trees, mixed species hedgerows, wild-flower meadow and conservation grassland.

The applicant's agent advises that in the context that there is no record of any landscaping scheme having been submitted in respect of condition 4 of planning permission P/0411/90, the proposed landscaping scheme is an improvement on no landscaping scheme at all.

The applicant's agent further advises that the applicant cannot plant a new tree on any of the caravan pitches without the agreement of the occupiers of the relevant caravan pitch and has provided evidence to demonstrate this. Furthermore, the applicant's agent has highlighted the age demographic of the occupiers of the caravans, with the average age being over 60, and advises that in many cases, due to the age and abilities of the occupiers, the caravan pitches have been laid out by their occupiers in a manner that requires little maintenance.

Nonetheless the applicant's agent advises that the applicant has approached the occupiers of 26 of the caravan pitches, being those pitches on which the Landscape Officer suggested the planting of a tree may have a beneficial impact on the landscape character on the caravan park to break up the massing of the caravans when viewed from the east and west, and asked those occupiers if they would be agreeable to have a tree on their property. The offer to the occupiers of the 26 caravan pitches was for the positioning of a tree within a large planter. The species of tree offered were Holly (*Ilex aquifolium*), Cherry (*Prunus 'spire'*) and Rowan (*Sorbus 'Autumn Spire'*). Each tree species would be planted as 'full standard' and would be planted in a 900mm by 900mm square planter with a height of 873mm, with an anticipated height of some 3 metres.

Of the 26 offers made to occupiers of the caravan pitches, the applicant's agent advises that 21 responses were received, and that those who did not respond were assumed to be declining the offer. Of the 21 responses, 13 confirmed that they did not wish to have a tree in a planter on their caravan pitch, and 8 confirmed that they would take up the offer for a tree in a planter on their caravan pitch. Those pitches that agreed to the offer were: 5 Rowan, 4 Oak, 6 Ash, 1 Beech, 6 Beech, 8 Beech, 2 Birch and 4 Birch. These caravan pitches are primarily on the southern half of the caravan park site. Three are on the west side of the caravan park site and five are on the east side of the caravan park site. Of the three on the western side of the caravan park site, two are on the area of land to the south of the existing house between it and the A199 public road. Five of the eight new trees in planters would be Holly (*Ilex aquifolium*), two would be Rowan (*Sorbus 'Autumn Spire'*) and one would be Cherry (*Prunus 'spire'*). The specific positions of the trees in planters have not been provided.

In addition, the hardstanding formed on the empty caravan pitch at the northeast corner of the caravan park site is to be removed and that pitch is proposed to be laid out as a wildlife



garden with trees, hedges and grassed areas.

The A199 classified public road from which Monks Muir caravan park site is accessed was formerly the A1 Trunk Road however now, although it remains a main route through East Lothian, it is a rural road. The new A1 Trunk Road is located some 35 metres to the south of the A199 classified public road and at the location of the caravan park site the two roads are separated by an intervening tree belt. As a result of that tree belt the caravan park site is not readily visible from the A1 Trunk Road.

In long range views when approaching from the east, the caravan park site sits in part in a dip in the undulating landform, and the intermittent trees along the east and west boundaries of the caravan park site, and along the north side of the A199 classified public road, and the tree belt some 140 metres further to the west on the west side of the U157 public road help to integrate the caravan park site into its landscape setting and help to break up the mass and number of the caravans on the site as well as providing a backdrop.

When approaching the caravan park site from the west along the A199 classified public road, the existing shelterbelt of trees on the west side of the U157 public road and the undulating landform help to screen the caravan park site in public views. Roadside boundary hedging on the east and south sides of the U157 public road to the west and north of the caravan park site and the existing stone wall and hedging and the intermittent trees on the east and west edges of the caravan park site help to integrate it into its landscape setting in these views.

Nonetheless as a result of their larger size, their increased number, and their layout on the caravan park site, the caravans and thus the caravan park site, are visible to a greater degree than would have been the case at the time of planning permission P/0411/90.

Although visible from the A199 classified public road and other surrounding public roads and footpaths, the caravan park site nonetheless sits within the undulating landscape of the Lower Tyne Valley Plain landscape character area and as a result of that undulating landform, the shelterbelt trees, the hedges, the existing trees on the boundaries of the caravan park site, and the stone wall, hedge and trees on the southern roadside boundary of the caravan park site, where the caravan park site, and thus the caravans, are visible in public views from the A199 public road and from the surrounding road and footpath network, the views of the caravan park site and caravans are relatively short duration views. Thus, in such relatively short duration views, the trees, hedges and boundary enclosures, and the low single storey height of the caravans, help to integrate the caravan park site and the caravans into their landscape setting, and due to their relatively short duration, such views are locally injurious for only a short time whilst passing the site. On balance the localised impact resulting from the larger caravan units and their dispersal across the caravan park site is not harmful to the wider landscape character of the area.

Five static caravans are now positioned on the southern part of the site on the west side of the access road of the caravan park site, between the existing house and the A199 classified public road. Those caravans are readily visible in public views from the A199 classified public road and from the U157 public road to the west of the caravan park site.

The south roadside boundary of the caravan park site is enclosed by a stone wall some 1.7 metres in height and a Lawson Cypress hedge some 3.0 metres in height, and there is a small group of predominantly evergreen trees on the west side of the access road to the west of the vehicular access from the public road. The southern end of the west boundary of the caravan park site is enclosed by a combination of a rubble stone wall and small shrubs.

The 5 static caravans that are positioned on this part of the site are readily visible in public views from the A199 and U157 public roads when approaching from the west. Such views as there are of the 5 static caravans that are positioned on this part of the caravan park site are of a relatively short duration, and in such views, the roadside boundary wall, Lawson Cypress hedging and the small group of trees to the west of the existing vehicular access, provide some screening and contribute towards the integration of the caravans into their landscape setting. In this context the views of the 5 static caravans are localised. Furthermore, the application drawings propose the planting of four additional trees and hedge planting on the western side of the southern part of the garden of the existing house, one additional tree to the east of the existing house, 3 additional trees on the east side of the caravan park access road, and the addition of two trees in planters on two of the caravan pitches on the west side of this area of the caravan park site. Such planting would further contribute to the integration of the caravans on this southern part of the site into their landscape setting and would help to break up the massing of some of the caravans. The requirement for such additional landscape planting could be secured through the variation of condition 4 of planning permission P/0411/90. Subject to the such planning control to secure the additional landscape planting, on balance the localised impact resulting from the siting of the 5 static caravans on the southern part of the site to the west side of the access road between the existing house and the A199 classified public road is not harmful to the wider landscape character of the area.

One static caravan and 2 touring caravans are now positioned on the southeast part of the caravan park site to the east of the vehicular access road. The southeast part of the caravan park site is enclosed along its roadside boundary with the A199 classified public road by a rubble stone wall some 1.7 metres in height behind which is a Lawson Cypress hedge some 2.0 metres in height, along its east and north boundaries by timber fencing some 1.7 - 1.85 metres in height, and along its west boundary with the internal access road of the caravan park site by a combination of 1.8 metre high timber fencing, a pedestrian gate, 1.35 to 1.65 metres high vehicular gates and a length of rubble stone wall some 1.6 metres in height. There is a further small group of trees located on the southeast part of the caravan park site adjacent to its west boundary, and further Lawson Cypress hedging along part of the east boundary of this part of the site and a tree also along the east boundary of this part of the caravan park site. As a result of these enclosures, by their small size, scale and massing, and in their positions on the southeast part of the caravan park site, the one static caravan and 2 touring caravans are not readily visible in public views from outwith the site, but rather are afforded a degree of containment by the existing boundary enclosures and vegetation. Any glimpsed views of them, are short duration and they are viewed in the context of the boundary enclosures and vegetation and do not have a harmful impact on the landscape character of the area.

The caravan park site is some 0.7 of a mile to the east of the Garleton Hills Special Landscape Area, defining features of which are the volcanic rocks of the Garleton Hills and scattered deciduous woodland areas. Due to the intervening undulating landscape, the shelterbelt on the west side of the U157 public road, and other intervening woodland areas, the caravan park site as it is laid out is partially visible in view of the Garleton Hills Special Landscape Area. However such views are of relatively short duration and thus are localised, and on balance due to their relatively short duration and localised nature, such views as there are of the caravan park site in the setting of the Garleton Hills SPA do not have a lasting long term impact on the Garleton Hills SPA and do not harm the special character of the SPA or its setting.

The Traprain and Tyne Valley SPA is located some 30 metres to the south of the caravan park site. There is an intervening treed area between the north edge of the Traprain and Tyne Valley SPA and the A199 classified public road. Due to the intervening tree cover between the caravan park site and the Traprain and Tyne Valley SPA, the caravan park

site is not readily visible from within the SPA, and thus, does not harm the special character of the SPA or its setting.

Due to the intervening land, the intervening shelterbelt of trees along the west side of the U157 public road, and the existing trees on the caravan park site, the caravans as they are now laid out on the caravan park site, do not appreciably alter the relationship between the caravan park site and the Beanston House and Beanston Mains Local Garden and Designed Landscapes respectively some 490 and 340 metres to the west and northwest of the caravan park site. Accordingly, in their positions on the caravan park site, the caravans do not harm the elements justifying the designation of the Beanston House and Beanston Mains Local Garden and Designed Landscapes.

On the foregoing visual impact considerations, although visible in public views from the surrounding road and footpath network, the caravan park site as it is now laid out with the increased number of caravans and the larger form of the majority of the caravans and their positioning on the caravan park site, is nonetheless afforded some degree of visual containment and back drop in such views by the local undulating landform, tree belt, trees and roadside hedges, and the proposed new tree and hedge planting would, in time, once established would help to improve the integration of the caravan park site into its landscape setting.

On balance, any short duration impact of the caravan park site as it is now laid out has little overall impact on the character of the wider area and nearby SLAs. Furthermore, the requirement for the additional landscape planting could be controlled through the rewording of condition 4, and in such context the visual impacts of the caravan park site as it is now laid out are not so injurious as to have a lasting harmful impact on the elements justifying the designation of the Beanston House and Beanston Mains Local Garden and Designed Landscapes or the special character or setting of the Garleton Hills SPA or the Traprain and Tyne Valley SPA.

Based on the planning assessment given above and subject to the aforementioned planning controls, the variation of conditions 1, 3 and 4 of planning permission P/0411/90 does not, on balance, conflict with Policies DC1, DC9, NH8, CH6, DP2, T1 and T2 of the adopted East Lothian Local Development Plan 2018, and the Special Landscape Areas Supplementary Planning Guidance (adopted 30th October 2018) of the adopted East Lothian Local Development Plan 2018.

The wording of conditions 1, 3 and 4 recommended to be respectively amended to read:

Condition 1 - "The development shall be carried on in accordance with the site layout shown in the following drawings: MON 0001 F Rev 1 Landscape Strategy Plan, MON 002 B Rev 1 South Area Landscape Plan and MON 1130 F Rev 1 North East Site Layout Wildlife Garden, and shall be retained in this manner unless otherwise agreed in accordance with drawings which shall be submitted to and approved in writing by the Local Planning Authority. The total number of static caravans to be accommodated on the site shall not at any time exceed 67, and the total number of touring caravans to be accommodated on the site shall not at any time exceed 2, unless otherwise approved in writing by the Local Planning Authority in accordance with a revised layout scheme. Reason: To ensure that the amount of caravans on the site does not exceed the approved number and to ensure that the appropriate facilities are provided to an adequate level and at satisfactory locations all in respect of ensuring the caravan park is operated in an acceptable manner."

Condition 3 - "That part of the site between the existing house and the A199 classified public road shall only be used and set out in accordance with the site layout shown on the

following drawings: MON 001 F Rev 1 Landscape Strategy Plan, MON 002 B Rev 1 South Area Landscape Plan and MON 1130 Rev 1 North East site Layout Wildlife Garden, and shall be retained in this manner unless otherwise agreed in accordance with drawings which shall be submitted to and approved in writing by the Local Planning Authority. Reason: To minimise the visual impact of the use of the front part of the site in the interest of safeguarding the rural character and amenity of the area."

Condition 4 - "The site shall be landscaped in accordance with the landscaping scheme contained in the following documents and drawings: MON 001 F Rev 1 Landscape Strategy Plan, MON 002 B Rev 1 South Area Landscape Plan and MON 1130 Rev 1 North East site Layout Wildlife Garden, MON 1150 Trees in Planters, MON 020 Heavy Standard Rootballed Tree, MON 021 Heavy Standard Bare Root Tree, MON 023 Hedge Details, and Landscape Management Plan dated 19 January 2021. Details of the specific location of the 8 trees in planters shall be submitted to and approved in advance in writing by the Planning Authority prior to their placement on the site. The landscaping shall be completed in its entirety during the first planting and seeding season following this grant of planning permission and thereafter that planting shall be maintained in accordance with the submitted Landscape Maintenance and Management Plan. The landscaping layout shall be retained in this manner unless otherwise agreed in writing in advance by the Planning Authority in accordance with drawings which shall be submitted to and approved in writing by the Planning Authority. Reason: As agreed with the applicant to ensure that the use of the site layout does not cause visual intrusiveness to the detriment of the rural character and amenity of the area."

In conclusion, the proposal is considered to be in accordance with the provisions of the stated relevant Development Plan policies and there are no material considerations which outweigh the proposal's accordance with the Development Plan.

A revised version of Planning Series Circular 3/2013 (Development Management Procedures) was published by the Scottish Government in October 2022 (Circular 3/2022: Development Management Procedures). Annex I of the Circular gives guidance on applications for planning permission under section 42 of the Town and Country Planning (Scotland) Act 1997, as amended. The application that is the subject of this report is made under section 42 of the Act. Annex I states that "Planning authorities should attach to the new permission all of those conditions from the previous permission, where it is intended these should apply and ensure (where appropriate) that permission is granted subject to the conclusion of any appropriate planning obligation". In this case, planning permission is recommended to be granted subject to the applied for variation of conditions 1, 3 and 4. A further Section 42 Application (Ref. 21/00093/PM) for the removal of condition 2 is reported separately at this time on this Planning Committee Agenda.

Through separate application Ref. 21/00093/PM, which is reported at this time on this Planning Committee Agenda, permission is sought under Section 42 of the Town and Country Planning (Scotland) Act 1997 for the removal of Condition 2 of planning permission P/0411/90 to remove the occupancy restriction from the caravans on the site.

Therefore, if the Planning Committee is minded to grant planning permission for the variation of Conditions 1, 3 and 4 of planning permission P/0411/90 and to grant the removal of Condition 2 of planning permission P/0411/90 through separate planning application Ref. 21/00093/PM, which is reported at this time on this Planning Committee Agenda, then other than the varied conditions recommended through this current planning application Ref. 21/00093/PM no other conditions would apply.

However, if the Committee refuses the associated planning application Ref. 21/00093/PM then the original wording of condition 2 of planning permission P/0411/90 should also apply

to this grant of Section 42 application (Ref. 21/00092/PM) for the variation of Conditions 1, 3 and 4 of planning permission P/0411/90.

## **RECOMMENDATION:**

That planning permission for the variation of conditions 1, 3 and 4 of planning permission P/0411/90 be approved subject to the following:

a) If Planning Committee resolve to grant the removal of condition 2 of planning permission P/0411/90 through separate planning application Ref. 21/00093/PM then planning permission (Ref. 21/00092/PM) should be granted subject to the following conditions:-

1. The development shall be carried on in accordance with the site layout shown in the following drawings: MON 0001 F Rev 1 Landscape Strategy Plan, MON 002 B Rev 1 South Area Landscape Plan and MON 1130 F Rev 1 North East Site Layout Wildlife Garden, and shall be retained in this manner unless otherwise agreed in accordance with drawings which shall be submitted to and approved in writing by the Local Planning Authority. The total number of static caravans to be accommodated on the site shall not at any time exceed 67, and the total number of touring caravans to be accommodated on the site shall not at any time exceed 2, unless otherwise approved in writing by the Local Planning Authority in accordance with a revised layout scheme.

Reason:

To ensure that the amount of caravans on the site does not exceed the approved number and to ensure that the appropriate facilities are provided to an adequate level and at satisfactory locations all in respect of ensuring the caravan park is operated in an acceptable manner.

2. That part of the site between the existing house and the A199 classified public road shall only be used and set out in accordance with the site layout shown on the following drawings: MON 001 F Rev 1 Landscape Strategy Plan, MON 002 B Rev 1 South Area Landscape Plan and MON 1130 Rev 1 North East site Layout Wildlife Garden, and shall be retained in this manner unless otherwise agreed in accordance with drawings which shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To minimise the visual impact of the use of the front part of the site in the interest of safeguarding the rural character and amenity of the area.

3. The site shall be landscaped in accordance with the landscaping scheme contained in the following documents and drawings: MON 001 F Rev 1 Landscape Strategy Plan, MON 002 B Rev 1 South Area Landscape Plan and MON 1130 Rev 1 North East site Layout Wildlife Garden, MON 1150 Trees in Planters, MON 020 Heavy Standard Rootballed Tree, MON 021 Heavy Standard Bare Root Tree, MON 023 Hedge Details, and Landscape Management Plan dated 19 January 2021. Details of the specific location of the 8 trees in planters shall be submitted to and approved in advance in writing by the Planning Authority prior to their placement on the site. The landscaping shall be completed in its entirety during the first planting and seeding season following this grant of planning permission and thereafter that planting shall be maintained in accordance with the submitted Landscape Maintenance and Management Plan. The landscaping layout shall be retained in this manner unless otherwise agreed in writing in advance by the Planning Authority in accordance with drawings which shall be submitted to and approved in writing by the Planning Authority.

Reason:

To ensure that the use of the site layout does not cause visual intrusiveness to the detriment of the rural character and amenity of the area.

b) If Planning Committee resolve to refuse the removal of condition 2 of planning permission P/0411/90 through separate planning application Ref. 21/00093/PM then planning permission (Ref.

21/00092/PM) should be granted subject to the following conditions:

1. The total number of static and touring caravans and tents to be accommodated on the site will not, at any time, exceed that which is specified in drawings nos. 1675/C/01 and 02 which are docketed to this planning consent and they will be disposed on the site together with the café/shop, workshop, garage and play area and toilet, shower, washing, s water supply, soil and waste-water disposal, and fire alarm and fighting facilities all in the manner shown in those drawings and in accordance with the current Model Standards of the Caravan Sites and Control of Development Act.

Reason:

To ensure that the amount of caravans and tents on the site does not exceed the approved number and to ensure that the appropriate facilities are provided to an adequate level and at satisfactory locations all in respect of ensuring the caravan park is operated in an acceptable manner.

2. No static caravan will be occupied outwith the periods 1st March to 31st October and 15th December to 15th January annually, both sets of dates inclusive and during these periods their occupation by any one person either alone or as one of a group of people will be restricted to a period of not more than one month.

Reason

To ensure that the static caravans to be positioned on the site are not used as permanent residential accommodation.

3. The part of the site between the existing house and café/shop and the A1 trunk road will be used solely as a temporary overspill area for touring caravans and tents, for accommodating both caravans which arrive late and tents on an occasional basis, and on that part of the site no single touring caravan and tent will remain for more than 24 hours.

Reason:

To minimise the visual impact of the use of the front part of the site in the interest of safeguarding the rural character and amenity of the area.

4. Prior to the commencement of any part of the development and upgrading scheme which is the subject of this planning consent, a fully detailed landscape plan for the entire site, to include enhanced planting both with the site and along its boundaries will be submitted to and approved by the Director of Planning, and that landscaping will be completed in its entirety during the first full planting season following commencement of work to further develop and upgrade the site, and thereafter that planting will be maintained in accordance with a management plan which will also have received the prior approval of the Director of Planning.

Reason:

To ensure that the use of the site does not cause visual intrusiveness to the detriment of the rural character and amenity of the area.