

# WILLOW RISE WHITTINGEHAME

## NOTICE OF REVIEW

### List of Documents

#### Part 1

- [Planning Application Form – NOT INCLUDED WITH DOCUMENTS](#)
- Registration correspondence (YMA) dated 3/11/2022.
- East Lothian Council Decision Notice 20 January 2023
- [National Planning Framework 4 NPF 4 \(February 2023\)\\*](#)
- [Adopted East Lothian Local Development Plan \(2018\)\\*](#)
- Design and Access Statement (Yeoman McAllister Architects)

#### Part 2

- Planning Advice Note PAN 72 Housing in the Countryside (Scottish Executive)
- Scottish Historic Environments Policy (HES) Managing Change Series-Setting
- Scottish Historic Environments Policy (HES) Managing Change Series-Designated Gardens and Landscapes

#### Part 3

- Plan of Extant and Proposed House Footprints (YMA)
- Photographic evidence of previous use development and access at Whittingehame Estate
- Photographs (1-5)

#### Part 4

- Correspondence from Mr David Luke
- Correspondence from Mr Drew Bain
- Correspondence from Vivian Mahone
- Correspondence from Mr Alan Bain
- [East Lothian Residential Design Guidance 2020\\*](#)
- [Special Landscape Areas Supplementary Guidance \(Part 2\)\\*](#)

\*Document exceeds permitted size for upload. Available elsewhere online.

**NB: The supporting information (List of Documents) is split into 4 parts for upload to ELC website. See above for the contents of each part.**

**EAST LoTHIAN COUNCIL  
LOCAL REVIEW BODY – NOTICE OF REVIEW**

**ERECTION OF A DWELLINGHOUSE AND ASSOCIATED  
INFRASTRUCTURE.**

**WILLOW RISE, WHITTINGEHAME, STENTON, EAST  
LoTHIAN.**

**MARCH 2023**



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## Executive Summary

Mr David McMillan (The Applicant), owns 19 acres of land which were purchased over 20 years ago following his renovation of properties within Whittingehame House. Prior to this Mr McMillan had renovated Seaton Castle. Over this period, he has diligently managed his landholding and restored grassland, woodland and enclosures as part of the Designated Landscape and Gardens. He is aggrieved by the Council's decision and wishes to present relevant photographic, mapping and policy information and evidence as part of this Notice for Local Review.

The Applicant received planning consent on Appeal from Scottish Ministers in 2020 for the reconstruction of a dilapidated dwelling on the disused brownfield site of the Old Headmaster's House. This application is extant, and conditions have been purified with East Lothian Council to allow a meaningful start to development.

However, the Applicant now wishes to re-design and partially re-locate the dwelling for good planning reasons as set out in the Design and Access Statement. Land take would be comparable, and the siting is in close proximity to the extant consented house. There is no discernible difference in impact on the landscape or in relation to the cultural asset of Whittingehame House (Grade A) or the Designated Landscape.

East Lothian Council Planners have misrepresented this application and considered it as a new dwelling in the countryside, despite the clear intention of the applicant that this should be a like for like replacement. The existing consent would be revoked and extinguished by agreement allowing the replacement dwelling to be built. The Applicant is not seeking to circumvent planning policy and achieve an extra house in the countryside, yet the case officer has not allowed for any substantive discussion on the proposal.

The adopted East Lothian LDP does not have any policies (DC1; DC 3; and DC4), which are directly relevant to this application and the present circumstances. The LDP is based on Scottish Planning Policy 2014 which is no longer relevant. Furthermore, the recent NPF4 which now forms part of the East Lothian Development Plan is positive in relation to rural revitalisation and houses in the countryside. This has not been considered, nor has PAN 72 which offers material considerations in favour of the application.

Historic Environment Scotland (HES), has objected to this local application on the basis of landscape designation and impact. These matters are fully addressed in the DAS and within this Statement and cannot be considered as significant given the scale of development in relation to the Whittingehame-Deuchrie Special Landscape Area and the Designated Landscape. Indeed, the application if granted allows for further woodland planting and management as well as access to the green infrastructure on the Applicant's land adjacent to the Estate.

No adverse consultations have been received by the Planning Department. There is also overwhelming support from local neighbours for a resolution to this planning saga in order to create a settled situation. This important material consideration has been effectively overridden by the decision to refuse.

Under normal circumstances this application would be straightforward enough and dealt with through a simple amendment to the red line to allow plot re-location with appropriate conditions and legal agreement. Unfortunately, in this instance the Director of Planning has not been prepared to countenance consideration of this despite strong evidence to the contrary.

The Council has manufactured policy issues as Reasons for Refusal including references to suburban architecture and agricultural land as well as tree damage. These are wholly unjustified and independent advice has been taken from local experts with in depth knowledge of East Lothian and the site. It is hoped that a site visit will establish the benefits in relation to setting and re-address the precedent of recent unfortunate development in Whittingehame which cuts into the landscape and impacts on trees.

In essence the decision taken by the case officer is fatally flawed based on the following serious misconceptions that :

- The Applicant is trying to circumvent planning policy for the erection of a new house which needs operational justification;
- The Designed Landscape and Garden Inventory was historically open parkland and not in actual fact a working agricultural area for sheds and agricultural machinery;
- The woodland planting features especially the Lime Avenue is authentic woodland;
- The asset, setting and integrity of Whittingehame House is adversely or significantly impacted by the proposed development;
- The proposed access is new as opposed to an upgraded field access which bisected the two trees en route to previous sheds along a historic gravel track;
- The land was or is capable of being used for productive arable agricultural purposes;
- The new proposal is not superior to the extant consent in terms of site planning and architecture; and that,
- The appearance and landscape of Whittingehame Estate as a Special Landscape Area would not be improved by the redevelopment of the existing brownfield site.

Each of the Reasons for Refusal has been addressed with reference to policy and related evidence including letters from specialists who have knowledge of the site. Indeed the adjoining landowner Mr Michael Brandon welcomes the development and its potential for enhanced recreational and visitor activity.

Of particular interest is the existing historic field entrance which is improved through this development and was the only legal access into the site from 2008. This access provides a historic route into the site through the trees to former sheds and a stable block. This is verified by submitted photographic and written evidence.

The Applicant respectfully asks the Local Review Body to take a pragmatic, common sense approach and seriously consider why this application cannot be granted. Furthermore, the Applicant is prepared to agree planning conditions that address the more minor design matters raised in this decision. We therefore respectfully ask that the Council balances matters raised in this Statement and grants planning consent.



## **1.0 Introduction Background and Context**

### ***Introduction***

This Planning Review Notice and Statement has been prepared on behalf of Mr David McMillan of 12 Letham Mains Holdings, Haddington (the Applicant), in support of an Application for Full Planning Permission (FPP). The Application is for the development of a single house on land comprising part of a previous consented development at Willow Rise Whittingehame, East Lothian.

This current application (Ref 22/01020/P) was registered on the 18 November 2022 and the Decision Notice issued by East Lothian Council on the 20 January 2023. Regretfully the Applicant received communication of the decision through a third party in advance of any direct correspondence to his agent Yeoman McAllister Architects.

The Application is a local development under the terms of the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009. Given the history of the site and the seemingly straightforward nature of the application, there was no formal pre-application consultation undertaken.

Proposed development is for a single dwellinghouse as a replacement for the extant consent and not a 'new development in the countryside' as mistakenly described in the Report of Handling. This disingenuous interpretation and resultant approach have led to a fundamental misunderstanding by the case officer. We are aggrieved that the application has been handled in this negative manner without due consideration and respectfully ask the LRB to re-consider matters afresh.

For the avoidance of doubt the Appellant is seeking a replacement house for his existing / extant consent which would be revoked and extinguished in favour of the current updated proposal. This would involve a straightforward legal agreement with the Council as the previous consent has not been fully implemented and construction has not commenced.

### ***Handling Report***

The Report of Handling unfortunately contains a series of inaccuracies which seeks to misdirect the Council. We assume that this was inadvertent despite the architects explaining the nature of the application to the case officer at the registration stage. Notwithstanding the refusal to engage in pre-application from the outset, the case officer intimated that the application would be refused prior to it being registered and irrespective of other considerations.

The Handling Report mistakenly advises the Council that this is an application for a 'new house in the countryside'. This is not the description of development within the Planning Application form nor was the correct address registered. Despite acknowledging that the application raises important planning issues as 'a new house' it was not referred to Committee for scrutiny and determined under delegated powers.

In the case officer's haste to refuse the application within the shortest possible period, meaningful discussion was precluded and he completely failed to communicate the Council's recommendation until later intervention. This is contrary to Development management Regulations and Planning Performance Standards required by the Scottish Government. This represents extremely poor practice and customer care to a local resident of East Lothian who paid a substantial planning fee for a properly processed application.

The Reasons for Refusal appear to be contrived (as well as containing many typographical errors), in order to seek an express refusal. No substantial reference is made to the previous consent or whether the retrospective consent requested for entrance gates and pillars is permitted development of a long-standing existing opening.

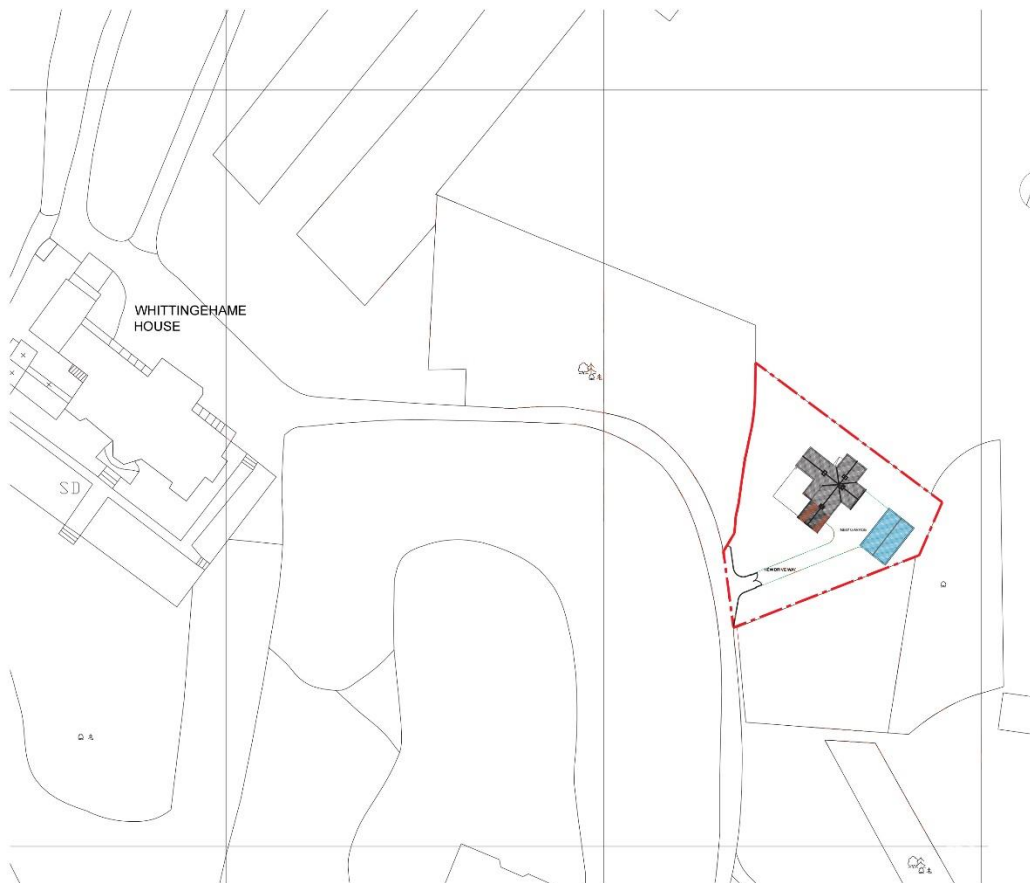
The Council takes no account of the National Planning Framework 4 which now forms part of the adopted East Lothian Development Plan under transitional arrangements.

### ***Planning History***

We note the summary of the planning history within the Report of Handling which is fairly accurate but paints a rather negative picture of planning disputes on the site. These relate to the site of the Old Schoolmasters and Caretakers houses and the surrounding land which was previously tenanted (with buildings) for livestock. It should be emphasised that no enforcement action was taken by the Council and a new application was submitted in 2020 (Ref 20/ 00169/P). It was subsequently approved by Scottish Ministers on appeal.

This application (Ref 22/01020/P) was refused for rather esoteric and spurious policy reasons which are substantially different from the reasons for refusal of the previous application. This is a wholly inconsistent policy stance in relation to the same adopted LDP, and the specific policy issues are addressed later in this statement as part of the Rebuttal (Section 4).

As explained the previous application (Ref 20/00169/P) was considered by Committee and went the Scottish Ministers Department of Planning and Environmental Appeals for determination (REF PPA-210-2083). The Reporter came to a pragmatic conclusion in terms of policy interpretation and material considerations, and we are requesting that a similar approach is taken as part of the LRB.





Planning conditions associated with the approval by DPEA have been implemented at a significant additional cost by the landowner, thereby allowing a meaningful start on site. However, the Applicant has re-considered plans and is seeking what amounts to a normal modification to the extant consent. In normal practice this is a straightforward planning request and procedure.

What is excluded from the Council's history of the site, is the role that the applicant has played in estate management at Whittingehame over the last two decades, helping to maintain the appearance, character and landscape of the land through good practice. In effect, the landowner has independently managed / maintained the woodland and grounds in accordance with both the Council's and Historic Environment Scotland policies. This included restoration of properties at Whittingehame House, removal of agricultural buildings and sheds, and the reclamation of the land which he now owns following a legal dispute with a former tenant.



The Applicant worked during 2019-20 to restore the land and manage woodland enclosures to public access on tracks and footpaths generally protecting and enhancing the designated landscape. HES were not active in assisting during that period and have continued to play a passive role until objecting to this application but not others on the Estate.

Again, we must point out the inconsistency of the Council's' current position as against the reasons relating to the previous application (consented), notwithstanding the same development plan policies being applied. The stance taken by HES is also inconsistent given their passive response to the last application which was approved by Scottish Ministers. Both are at odds with the approach taken by the Scottish Office Reporter in allowing the previous application.

## ***Planning Context***

In reality, the planning department has failed to understand the nature of this application and as a result provided an esoteric and generic policy response which recommends refusal. Reasons are largely based on the adopted LDP which has a presumption against housing development in the countryside and is not equipped to reasonably deal with this case.

The following policies were indirectly used to dismiss the application through Reasons for Refusal: Policy DC1; Policy DC4; Policy DC5; DC9, DP1, DP2 and Policy CH1 of the adopted East Lothian LDP 2018. Reasons for Refusal are rebutted in Section 4 of this Statement as inappropriate to finding a practical solution for the existing site and extant permission.

The LRB will be aware that as of the 13 February 2023 National Planning Framework 4 (NPF4) was enacted by Scottish Ministers and came into force as part of the Development Plan. It revokes the Strategic Development Plan and removes the provisions of Scottish Planning Policy (SPP2014).

The Council has used SPP as its reference point in relation to the adopted Local Development Plan 2018 policies, and as a material consideration in its own right as part of this decision. Transitional Arrangements issued by the Chief Planner confirms that SPP is no longer Scottish Planning Policy, and its provisions are therefore nullified. Clearly the LRB will now need to review these matters in the light of policies within NPF4.

This Statement highlights relevant development plan policies emanating from NPF4 along with material considerations which now need to be fully taken into account in determination of this Application.

The Council also reflects the views of HES with reference to Scottish Historic Environments Policy (SHEP), Managing Change Guidance and The Town and Country Planning (Scotland) Planning Listed Buildings and Conservation Act 1997 in relation to setting. This is examined in detail within this Statement but would appear to be neither reasonable nor proportionate for a local application notwithstanding any subsequent call in should consent be granted. Again, we refer to the previous successful appeal decision issued by Scottish Ministers for guidance.

## ***Summary***

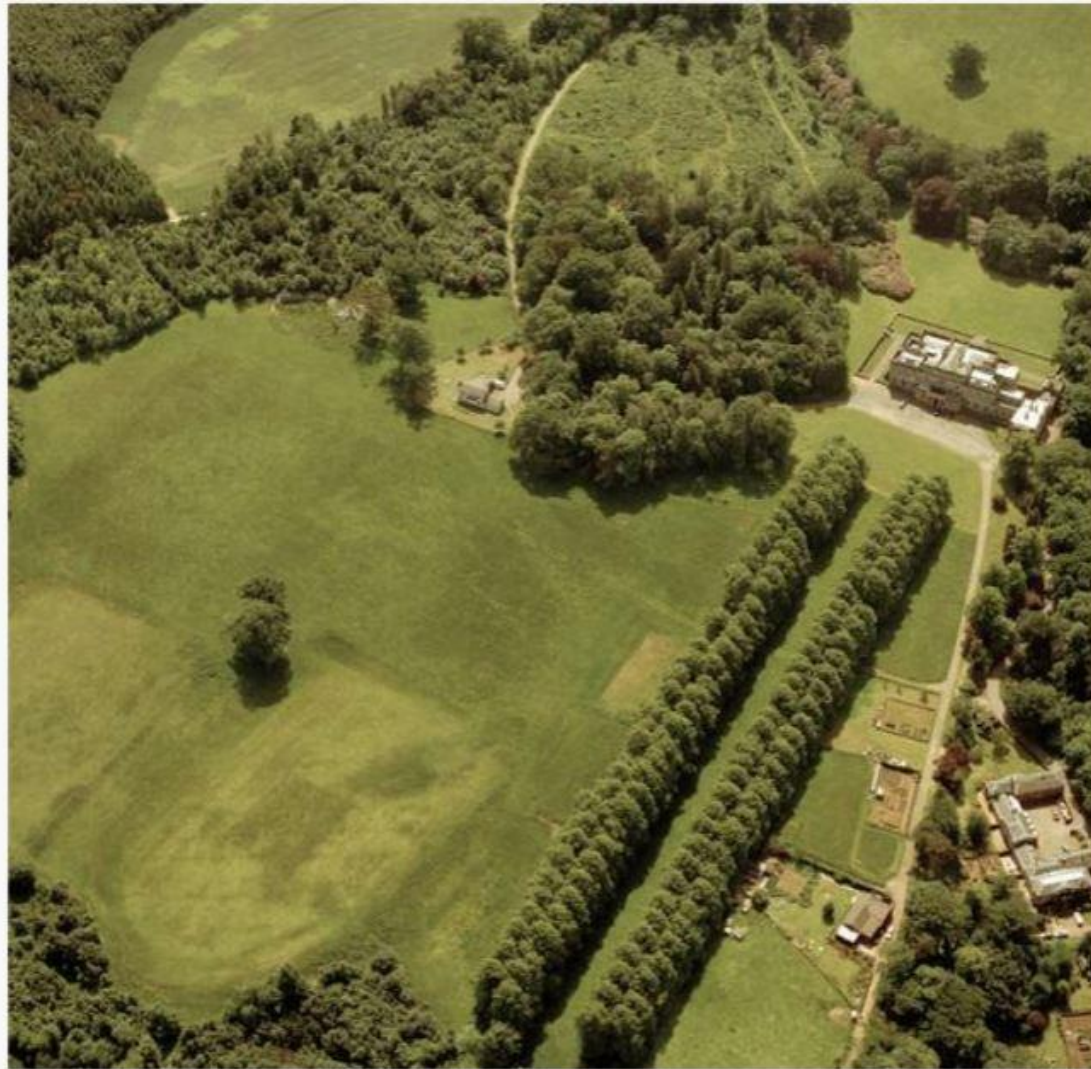
Despite the history of the site the case officer concluded that there were no material considerations which would justify planning permission being granted. We are unsure what material planning evidence was considered in coming to this rather surprising conclusion.

A review of the Report of Handling suggests that the Case Officer's interpretation of policies considered in the determination results is a misdirection of how this application should have been determined. An assessment of the proposal's compliance with the development plan is set out below and demonstrates no operational need or similar justification for this proposed development.

## 2. The Site and Proposed Development

The proposed site at Willow Rise is as generally described in the Handling Report. We would respectfully urge LRB members to make a site visit to the location to understand its context and make their own judgement on potential impacts. Also, to assess how recent applications in Whittingehame have been integrated into the landscape.

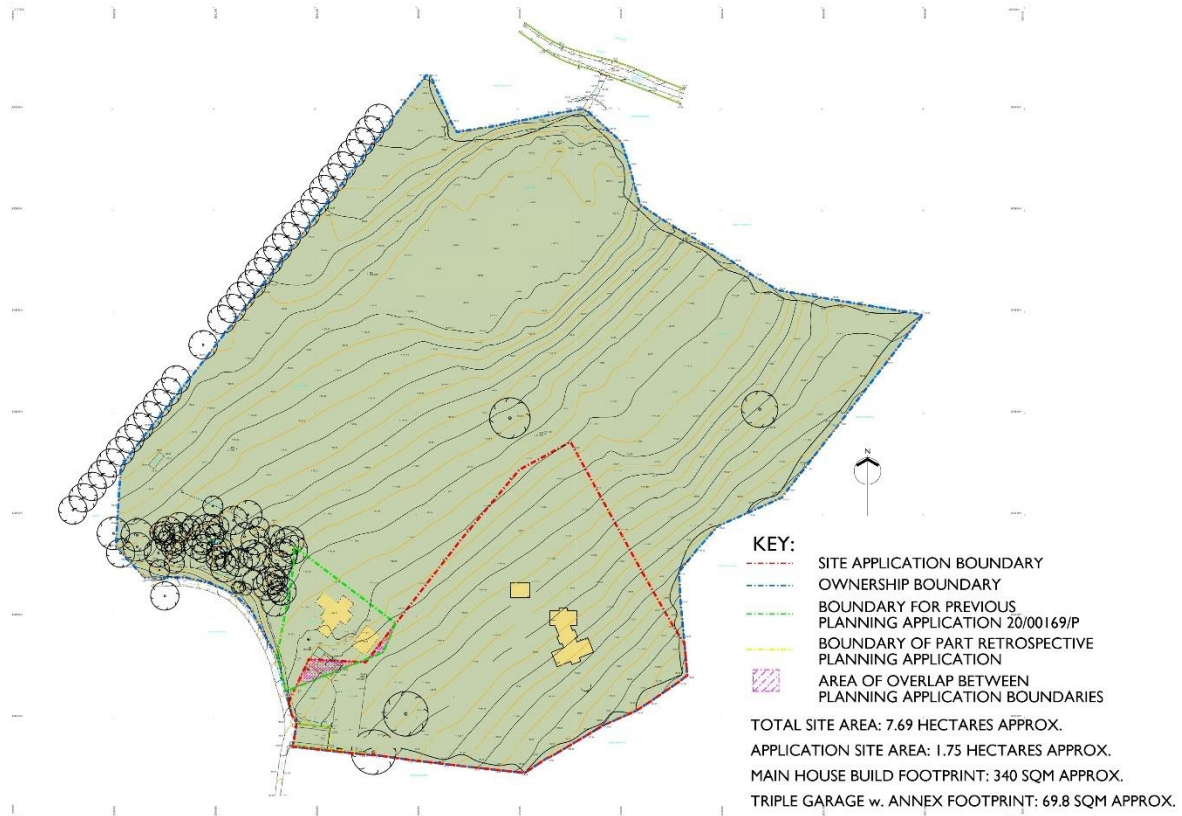
No account has been taken of historical uses and the fact that the park field was used for sheds and a greenery with the benefit of access from existing openings. The Report of Handling states that the area is *'characterised by a low density dispersed built form within an agricultural landscape. re existing buildings and thus they are not therefore new build developments. Those existing characteristics are long established in their countryside location and form part of the landscape character and appearance of the area'*. There is ample photographic and mapping evidence of how the landscape has changed and adapted over the recent past with only remnants of the original remaining.



The planning submission was made with a comprehensive Design and Access Statement (DAS) setting out site planning and a full description of the proposed house. No further information was requested from the case officer. Design of the proposals meet the Council's Design Standards for New Housing Areas (May 2020) Supplementary Planning Guidance which is a material consideration.

In particular, it is important to note that the proposed site overlaps with the boundary and curtilage of the existing consented dwelling and its garden ground. Fig 1 shows the relative positioning of the two boundaries within the overall, landholding of the Applicant which extends to @19 acres.

**Figure 1 Relative Site Boundaries**



### ***Siting and Design:***

Re-siting of the house provides a range of practical landscape and design benefits as outlined in the DAS (S4.2). These have been discounted by the Council without due consideration.

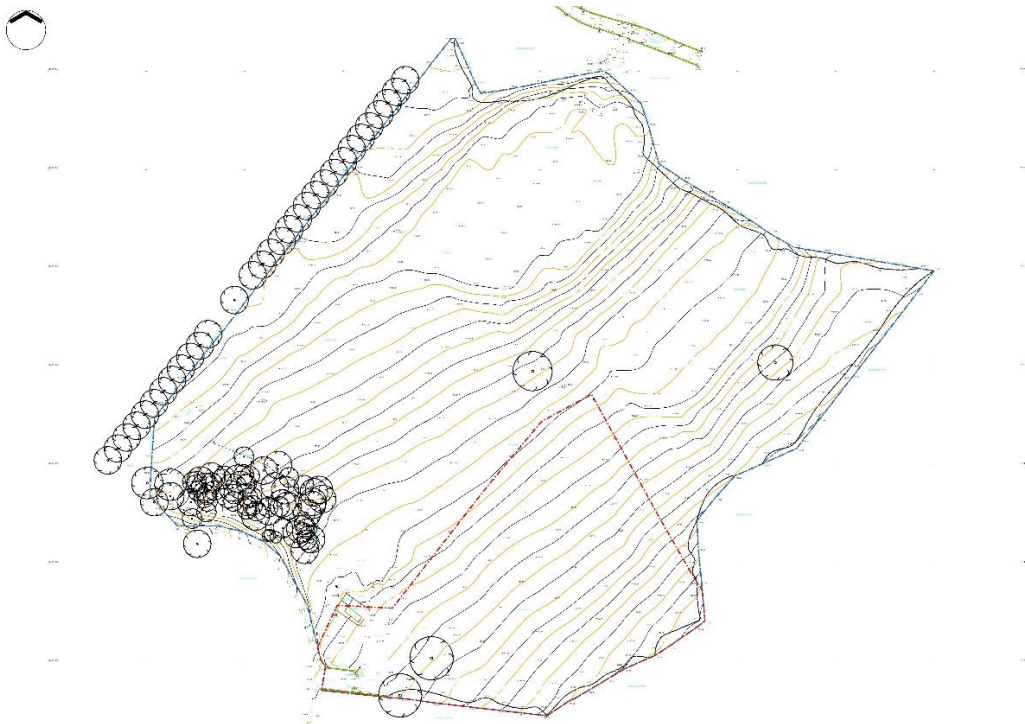
The proposed built form is less than 70 metres from the previously consented house. A replacement house has been located in a small pocket towards the very southern corner of the site in order to minimise its impact on the wider setting of the Estate. It is positioned further away from the surrounding landscape, which is a better scenario than the historic consent, yet it is still screened on all sides from the overall surrounding area.

The proposed design is a contemporary interpretation of the traditional vernacular style. The Report of Handling suggests that this is not the case, however the HES correspondence referred to in the report acknowledges that settlement within the area is of vernacular style. The Council also appears to suggest that the design should reflect Whittingehame House. The Applicant believes that any attempt to mimic the grandeur of the Grade A listed building would be futile and result in a pastiche.

The architectural style of the replacement house is an improvement on the consented house. It demonstrates that different styles can successfully be incorporated and is not dissimilar to the nearby garage and overall house design in terms of the use of sustainable timber.

The house footprint is located in order that the main entrance and south wing faces directly down the drive and addresses the existing access road. This is better than the consented house which relates neither to the road or the landscape boundary. The house utilises a symmetrical form but angles the northern wing to suit the surrounding site profile. This, along with the addition of the new garage helps to enclose the dwelling and form a courtyard like arrangement.

The proposed development (red line) extends to only 5% of the total land holding within the Applicant's ownership (blue line). Furthermore, we would draw attention to the section within the Report of Handling that refers to the submitted DAS.



What the case officer does not assess are the reasonable planning, landscape and environmental justifications for re-location of the house which are all site specific, reflect good practice and Council design policy. An alternative site has been chosen because of a change in circumstances requiring an amended design and on the basis that the new location allows improvements to amenity, servicing, woodland management, and ecology.

A new house design would be required as the previous footprint was not appropriate for its location being out of scale with the previous site. . Furthermore, the footprint of the dwelling could be located and re-orientated in a better, more well drained and ecologically appropriate location which provides a better landscape fit with the wider Whittingehame Estate.

There is no operational need for this house but there is a clear design rationale which better meets the Councils own planning policies. This current Application is, therefore, a standalone proposal for a home where traditionally earlier houses previously existed.

It is recognised that the site lies within the Whittingehame Special Landscape Area (SLA) which is extensive in size and has been subject to other proposed development consents. There is no preclusion of appropriate development within the SLA. The Applicant considered the Impact on the Setting of Cultural Assets, and Visual Assessment as part of the design approach set out in the DAS.

Contrary to the remarkable view of the case officer, despite the site being in a countryside location, it is not agricultural land and has no history of arable farming, previously having been playing fields for the Old School. This is further discussed in relation to soils.

This is similar to the house being proposed. Development will therefore have more limited impact. This is the fundamental reason as explained in PAN 72 why housing in the countryside can be located in relation to building groups.

The previous house was a feature of the landscape prior to its demolition. Currently there are outbuildings and a caravan on the site which have established use rights but would be removed as part of the proposed development. There is an existing access to the site which passes through the existing Estate and will allow service access.

The location of the house on its site has been chosen to minimise impacting on the setting of the Listed Building as a cultural asset. It is contemporary but reflects the design influences of the residential development at Whittingehame House. Nonetheless there is clear visual separation, and the design is appropriate to the wider landscape.

- The proposed house has also been set back from the woodland and site boundary.
- Roof heights are restricted to limit scale and integrate with landscape features.
- Access into the site will be taken from the existing track which runs along the northern boundary of the site.
- A 3.5m wide gravel driveway will be created to allow parking.
- A limited palette of quality materials complements the site's setting. It is a distinctive house being designed in a modern contemporary style.
- Landscape proposals integrate the built form into the wider landscape as well as responding to the surrounding character including tree planting filtering views.
- Attractive boundary treatments for the proposal comprise a new post & wire fence and hedgerow will be retained.
- A feature stone wall entrance is also proposed will create character as well as enclosure.
- The proposal includes the incorporation of low carbon technology to minimise CO2 emissions,

Although we cannot locate a typical height for any of the trees that surround the site (of which they will of course vary) we can confidently say that the tree line is higher than the ridge point of the new house and in most cases, significantly higher. This can be demonstrated in the attached photographs of the site.

Although information is limited, it is estimated that the new house FFL is around 10 metres higher than that of Whittingehame house. New house FFL = 117.0m. Ridge level = 126.2m. For the purposes of this application, it has been assumed that the FFL of Whittingehame house is 107.0m, with a ridge height of 125.0m.

Policy SEH2: Low and Zero Carbon Generating Technologies states that "*all new buildings must include Low and Zero Carbon Generating Technologies (LZCGT) to meet the energy requirements of Scottish Building Standards*". The proposal will utilise air source heat pumps. The proposed LZCGT measure is included within the technologies considered acceptable under Policy SEH2.

## 3.0 Planning Policy

### ***Preamble***

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006, requires that this Application must be determined in accord with the provisions of the development plan unless material considerations indicate otherwise.

The development plan now comprises the approved National Planning Framework 4 (NPF 4) and the adopted East Lothian LDP (2018). SES Plan no longer forms part of the Development Plan and Scottish Planning Policy (SPP2014) has been superseded.

The proposal is a 'local development' and does not raise issues of strategic significance which makes HES interest on this occasion noteworthy. We await clarification from HES on their comments. Much of the policy framework for this application has now been superseded and needs a fresh appraisal.

East Lothian Council does not incorporate a Housing in the Countryside Policy and contrary to advice in Planning Advice Note PAN 72 Housing in the Countryside In this decision it is reliant on paragraphs 76 and 81 of SPP which is now relevant given NPF 4. PAN 72 remains current Government guidance.

The Council's adopted LDP is now also contrary to the advice in NPF 4 and its supporting Planning Advice Notes (PANs). Less weight should therefore be given to Policies DC1 and DC4 which are not fully aligned to NPF4.

### ***Policy Review***

The following sections briefly review relevant policies applicable to this determination together with an assessment of the proposal's compliance against these policies.

#### *Policy DC1: Rural Diversification*

- This policy supports the development in the countryside for specific countryside purposes. It does not refer to new housing in countryside. Supporting text to the policy makes it clear that this policy is about rural economic development not housing.
- Policy DC1 is therefore not a relevant policy in the determination of this Application.

#### *Policy DC 4: New Build Housing in the Countryside*

- This is the adopted LDP's policy on new housing in the countryside. The Council's position is that there is a general presumption against new housing in the countryside although this is not an approved policy.
- A new house is not being proposed and in any case this stance is inconsistent with the Scottish Government's advice on housing in the countryside as set out in NPF4 and PAN 72.
- Accordingly, Policy DC4 needs to be given limited weight in the determination of this Application.

#### *Policy DC3: Replacement Buildings in the Countryside.*

- Policy DC3 makes provision for redevelopment of previously occupied or uninhabitable dwellings It replaces a dwelling with existing use rights.
- The replacement dwelling is in character for its location.

- Given the Council's approach to prohibit private housing in the countryside irrespective to its planning merits This means that there is no policy support for a single house within an infill site such as this proposal even where it replaces an extant consent
- The Council's policies do not reflect the advice of Scottish Ministers set out in PAN 72 (February 2005). This policy support for housing in the countryside is material in the determination of this application.

It is evident that the Council's LDP is designed to restrict any private housing development in the countryside to only that required for ongoing operational matters, contrary to the advice in PAN 72 and NPF4.

Policy DC4 provides justification for exemptions to the LDP presumption against housing in the countryside. These relate to operational needs and the small-scale affordable housing projects in small rural settlements identified in the adopted LDP.

In development management terms, the policy only applies to housing in the countryside which is required for a direct operational purpose related to a rural business. To control development approved under Policy DC4, the Council needs to impose occupancy conditions. This approach was not only contrary to the previous SPP 2014 (paragraph 81) but is now contrary to NPF4. Historic restrictive occupancy conditions are now ultra vires.

PAN 72 supports limited new housing within small settlements unrelated to operational needs and allows housing in small groups to encourage a supply of new housing for those living in rural locations. The weight given to DC4 and its associated DC1 and DC3 policies used as Reasons for Refusal should therefore be limited.

Regarding these policies Scottish Government Advice in PAN 72 Housing in the Countryside recognises that there is a demand for houses in the countryside which needs to be accommodated acknowledging that a degree of change is inevitable and that landscapes are resilient if change is carefully planned.

Every settlement should have its own distinctive identity determined by local characteristics, architectural style and the relationship of buildings to each other. PAN 72 sets out the key principles for what is acceptable and appropriate, and these have guided the design and layout at Willow Rise.

#### *Policy DC 9: Special Landscape Areas*

Map 4 Coastal Categorisation and Special Landscape Areas of the adopted LDP designates the site within the Whittingehame Special Landscape Area (SLA). The Council has prepared Supplementary Planning Guidance on Special Landscape Areas and confirms that development is required to be in accord with this Supplementary Planning Guidance.

LDP Policy DC9: Special Landscape Areas states that in assessing planning applications development within or affecting a Special Landscape Area will only be permitted where: it complies with the Statement of Importance and does not harm the special character of the area; or alternatively the public benefits of the development clearly outweigh any adverse impact and the development is designed, sited and landscaped to minimise such adverse impacts.

Whittingehame is designated as an SLA because it is an important feature that contributes to sense of place, recreational, wildlife, cultural and archaeological values. Any proposed development must not harm open views and any proposed development must not harm close and distance views or



compete with it as a focal point within the landscape. The diminutive effect of the proposal would not materially affect the special qualities and features of the SLA.

This current proposal is, therefore, less than other areas previously consented by the Council for development within the SLA. Assessment has demonstrated that this current proposal will not harm existing views and the Council has also previously supported built development within the SLA. Visual separation has been achieved by siting the proposed house within the eastern part of the Application site.

Landscape and visual appraisal within the DAS, indicates that that whilst the proposal will introduce a building within the Estate landscape, the scale and design makes it subservient to the main house. The proposal will only have a minor effect on this viewpoint.

- Regarding LDP Policy DC9 Development this application would only have a minor negligible effect on the surrounding landscape and is, therefore, in accord with the Council's Statement of Importance for the Whittingehame SLA.
- Policy DC9 also states that development will only be permitted if the public benefits outweigh any adverse impact associated with the development. Given its scale relative to the wider area, the development proposal will not lead to any adverse impacts on the immediate or wider landscape.
- The proposal conforms to the Statement of Importance and will not harm its special character. A single house will not have any adverse impacts on the SLA due to its location and its small-scale relative to the overall site geography.
- The proposal is therefore fully in accord with Policy DC9 of the adopted LDP.

#### *Policy DP1: Landscape Character*

- LDP Policy DP1 requires a proposal to consider its impact and integration with its surroundings; and thereafter include appropriate landscaping and green infrastructure.
- The proposal is sensitively located and responds to the surrounding landform, integrating the proposal into the Special Landscape Area and wider setting.
- An assessment of the proposal against the two criterion of Policy DP1 is set out above. The findings of this assessment are that the proposal is compliant with these criteria.

Furthermore, it will include tree planting in and around the site boundaries for mitigation. This additional tree planting will help to restrict views of the proposal. Given the scale of the proposal, there is no requirement to provide multi-functional green infrastructure and areas of open space. The proposed footprint of the building is a small fraction of the total site area. The proposal provides sufficient garden ground and open space within the site.

The proposal is therefore in accord with Policy DP1.

#### *Policy DP2: Design*

- LDP Policy DP2: Design sets out the Council's design requirements for development and much of it is not relevant to a single house plot. The house is appropriate to its location in terms of its positioning, size, form, massing, proportion and scale.
- Reference is made to design requirements including quality architectural design, orientation and connectivity to green networks achieved by the proposal.
- An assessment of the proposal against these eight criteria is set out below and concludes that the proposal is compliant with these criteria in Policy DP2

### *Policy CH1: Listed Buildings*

- This Policy is relevant insofar that new development should not harm the setting of a listed building, and any that does will not be permitted.
- The layout respects the cultural asset of Whittingehame House and takes into account visual separation and views ensuring that the proposed house is a subservient feature.
- The understanding and appreciation of Whittingehame House as a cultural asset would not be diminished, it would have a negligible impact and the development therefore complies with Policy CH1.

### *LDP Policy NH7: Protecting Soils*

- This policy states that there is a presumption against development on prime agricultural land with certain exemptions including *'It is for an appropriate development in the countryside, including that which is directly linked to a rural business or an existing house'*. This does not apply in this case.
- The site is not prime agricultural land, it has not been used for agriculture, and is not sterilised from this use therefore complying with LDP Policy NH7.

## **National Planning Framework 4**

NPF 4 was adopted by Scottish Ministers on the 13<sup>th</sup> February 2023. It now forms part of the statutory development plan for East Lothian. It replaces Scottish Planning Policy 2014 and renders the Strategic Development Plan (SESPlan), as redundant in terms of decision making. Planning Advice Notes (PANs) remain as policy guidance in relation to specific matters including PAN 72 Development in the Countryside.

The decision on this application did not fully consider NPF4 as it was not approved or adopted by Scottish Ministers at the time of the decision. It is briefly referred to in the Report of Handling but given no weight. However, a fully settled view can now be taken to supplement policies within the adopted East Lothian LDP and considered as part of this appeal to LRB.

The purpose of this section is to assess how NPF4 conforms with the policies of the LDP and how it should be interpreted in terms of decision making relating to this case before the Council for determination. The Council has not yet produced a consolidated LDP / NPF4 Policy Framework, and it is not possible to see how policies in relation to specific issues are aligned. The Applicant therefore reserves the right to comment on this matter once this is addressed by the Council in response to the current Appeal.

The Planning (Scotland) Act 2019 (Commencement No.11 and Saving and Transitional Provisions) Regulations 2023 provide for transitional arrangements to LDPs and associated Supplementary Guidance up to March 2025.

Section 25 of the 1997 Act requires that decisions are made in accordance with the development plan unless material considerations indicate otherwise. Planning judgement proportionality and reasonableness are the key factors to be applied to decision making. NPF4 must therefore be applied as a whole. Conflicts between policies and planning factors require to be weighted during decision making. In particular regarding the interface with individual LDP policies, in the event of *any incompatibility between a provision of NPF4 and a provision of an LDP, whichever of them is the later in date is to prevail.*

## **Policy Framework**

The NPF4 is in three parts and consists of a Spatial Strategy; National Policies (33), and Appendices in relation to interpretation. Contrary to the previous SPP and the extant LDP, policies within NPF4 are underpinned by the following principles:

- Just transition.
- Conserving and recycling assets.
- Local living.
- Compact urban growth.
- Rebalanced development.
- **Rural revitalisation.** *We will encourage sustainable development in rural areas, recognising the need to grow and support urban and rural communities together. These principles will play a key role in delivering on the United Nations (UN) Sustainable Development Goals (SDGs) and our national outcomes.*
- Sustainable places,
- Productive places.

As a local development the application raises no strategic regional issues.

There are detailed policies in relation to specific planning matters although clearly not all are relevant. It is considered that the following policies are relevant to this application under the thematic categories of Sustainable Places; Liveable Places; and Productive Places.

Principal policies relate to:

- Policy 9 Brownfield, Vacant and Derelict Land;
- Policy 17 Rural Homes; and
- Policy 29 Rural Development.

Other relevant or LDP equivalent policies used in the Council's Reasons for Refusal relate to:

- Policy 4 Natural Places
- Policy 5 Soils
- Policy 6 Forestry Woodlands and Trees
- Policy 7 Historic Assets and Places

Page 18 of the NPF4 identifies the Cross Cutting Links between these policies their intent and outcomes in relation to Rural Revitalisation as follows: *'Our strategy and policies support development that helps to retain and increase the population of rural areas of Scotland. The spatial strategy reflects a wide range of proposals for development in rural areas, supported by national developments that recognise the potential and need to expand key sectors including renewable energy, sustainable transport and green infrastructure.*

*Policy 17 promotes the development of rural homes, to ensure the needs of communities are met in a sustainable way. Similarly, Policy 29 encourages development that will contribute to rural economies and communities. Development proposals that contribute to the viability, sustainability and diversity of rural businesses are supported while ensuring planning policies take into consideration local characteristics. Both policies support development in previously inhabited areas in a way that is guided by LDPs. Greater constraint will be applied in areas of pressure whilst in rural areas with fragile communities, a more enabling approach has been taken to support communities to be sustainable and thrive'.*

There is therefore clear policy intent within NPF4 to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable rural homes in the right locations. Whittingehame is an appropriate location and has been justified as such in this Statement. Development of homes in rural areas allows the local needs of people who wish to live in the countryside to be met. The characteristics of this site are appropriate to these conditions.

Development would assist in supporting a sustainable rural community without any adverse impact on infrastructure or services. Furthermore, the distinctive character, sense of place and natural and cultural assets of rural areas are safeguarded and enhanced.

### ***Policy 9- Brownfield Vacant and Derelict land***

NPF 4 advises that LDPs should set out opportunities for the sustainable reuse of brownfield land including vacant and derelict land and empty buildings. The proposal is for a sustainable use within an empty and underused site with an extant consent. Presumption against development for a house is contrary to the underlying principles of the NPF4 and a relaxation can be made on this basis.

***Policy 9 a) Development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported.***

The applicant considers the site to be vacant land as part of a building group. It is undeveloped but should not be considered as greenfield in nature due to its physical location and characteristics.

### ***Policy 17- Rural Homes***

The NPF4 policy on Rural Homes in relation to this application is assessed below.

***17 a) Development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area and the development:***

***ii. reuses brownfield land where a return to a natural state has not or will not happen without intervention;***

***iii. reuses a redundant or unused building.***

***viii. reinstates a former dwelling house or is a one-for-one replacement of an existing permanent house.***

It is evident from the information presented, that the proposal clearly meets several of the key criterion in Policy 17[a] [i-viii] and is in compliance with this policy. This supersedes extant LDP policies which prohibit development particularly Policies DC1 and DC4.

Reference to Sections [b][c] and [d] of Policy 17 confirms that the proposal responds to local living and responds to local needs. It is suitable in terms of location, access, and environmental impact. Development would assist in sustaining and supporting the Whittingehame Estate through the introduction of an additional family / household.

The environmental impact of the development would be negligible, and the house would provide a good landscape fit without adverse impact on visual amenity. The site has little, or no ecological value and the landscaped development would provide biodiversity enhancement.

NPF Policy 17 [d] states that: ***Development proposals for new homes that support the resettlement of previously inhabited areas will be supported where the proposal:***

- i. is in an area identified in the LDP as suitable for re-settlement;***
- ii. is designed to a high standard;***
- iii. responds to its rural location;***
- iv. is designed to minimise greenhouse gas emissions as far as possible.***

The location has been previously justified by Scottish Ministers. A house has been professionally designed to an exceptionally high standard and clearly responds to its rural location. It will be designed to minimise greenhouse gases and this would be a likely condition of any consent.

Policy impacts would contribute to Just Transition; Local Living; Rural Revitalisation; and recycling the land asset as part of a rebalancing approach. The design quality and place would be enhanced and there would be access to the heritage understanding and enjoyment of the location. To encourage rural economic activity, innovation and diversification whilst ensuring that the distinctive character of the rural area and the service function of small towns, natural assets and cultural heritage are safeguarded and enhanced.

### ***NPF Policy 29 - Rural Development***

This policy states that:

***a) Development proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy will be supported, including:***

- i. farms, crofts, woodland crofts or other land use businesses, where use of good quality land for development is minimised and business viability is not adversely affected;***
- v. essential infrastructure.***
- vi. reuse of a redundant or unused building;***
- viii. reuse of brownfield land where a return to a natural state has not or will not happen without intervention;***
- ix. small scale developments that support new ways of working such as remote working, homeworking and community hubs; or***
- x. improvement or restoration of the natural environment.***

As a rural community, Whittingehame is dependent on retaining and attracting population to maintain the existing level of existing service provision within the village and wider area. A proposed dwelling house will contribute to the sustainability of the area in terms of local living making existing services more viable.

- There is no required business or operational justification for the development of this house. Patronage would contribute to the maintenance of community services and local infrastructure in the vicinity of the site.
- The house could be utilised to accommodate home / remote working.
- The site has no nature conservation or ecological value in terms of protected species and habitats. Development would promote and assist in restoration of the natural environment and bio-diversity enhancement.

***b) Development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area. They should also consider how the development will contribute towards local living and take into account the transport needs of the development as appropriate for the rural location.***

This is a proposal for Full Planning Permission. Development would therefore be designed to be suitably scaled and in keeping with the landscape and character of the SLA.

*c) Development proposals in remote rural areas, where new development can often help to sustain fragile communities, will be supported where the proposal:*

- i. will support local employment;*
- ii. supports and sustains existing communities, for example through provision of digital infrastructure; and*
- iii. is suitable in terms of location, access, siting, design and environmental impact.*

Development would assist in supporting local employment during the construction and operational phase. It has the propensity to support local employment and sustain services within the existing community. Digital infrastructure will be connected to the dwelling.

*d) Development proposals that support the resettlement of previously inhabited areas will be supported where the proposal:*

- i. is in an area identified in the LDP as suitable for re-settlement;*
- ii. is designed to a high standard;*
- iii. responds to their rural location; and*
- iv. is designed to minimise greenhouse gas emissions as far as possible.*

The proposed development clearly meets this policy and the criteria therein. This is an appropriate approach to rural development and revitalisation which supports the sustainability and prosperity of rural communities. There are clear and evident policy connections with the principles of NPF4 and associated policy intentions in respect of local living, sustainability and design, quality and place.

Regarding other secondary policies referred to in connection with the Reasons for Refusal the Applicant would comment as follows:

#### **Policy 4 – Natural Places**

- a) *Development proposals which by virtue of type, location or scale will have an **unacceptable impact** on the natural environment, will not be supported.*
  
- d) *Development proposals that affect a site designated as a local nature conservation site or landscape area in the LDP will only be supported where:*
  - i. Development **will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or***
  - ii. **Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance.***

It is clear that the relevant tests from this policy signify that the development proposed must have an ‘unacceptable impact’ on the natural environment. This is not the case nor is it a Reason for Refusal.

Furthermore, development must a ‘significant adverse effect’ on the SLA or Designed Landscape. It is clear that the quality and character of the area would be largely unaffected as open parkland. In addition the social environmental and economic benefits described in relation to NPF Policy 9; Policy 17 and Policy 29 outweigh any adverse effects.

## **Policy 5 – Soils**

- b) *Development proposals on **prime agricultural land**, or land of lesser quality that is culturally or locally important for primary use, as identified by the LDP, will only be supported where it is for:*
- i. *Essential infrastructure **and there is a specific locational need and no other suitable site;***
  - ii. ***Small-scale development directly linked to a rural business, farm or croft or for essential workers for the rural business to be able to live on site;***
  - iii. ***In all the above exceptions, the layout and design of the proposal minimises the amount of protected land that is required.***

The land cannot be considered as prime agricultural land because of its location, scale accessibility and history. There is a locational need with no other available site locally. In relative terms the development is small scale and would house essential workers on site.

## **Policy 6 – Forestry, Woodland and Trees**

- a) ***Development proposals that enhance, expand and improve woodland and tree cover will be supported.***
- d) ***Development proposals on sites which include an area of existing woodland or land identified in the Forestry and Woodland Strategy as being suitable for woodland creation will only be supported where the enhancement and improvement of woodlands and the planting of new trees on the site (in accordance with the Forestry and Woodland Strategy) are integrated into the design.***

The development proposal will provide further benefits in terms of ongoing and maintenance management and enhancement. New tree planting would be incorporated and integrated as part of a Landscape Management Plan.

## **Policy 7 – Historic Assets and Places**

- a) ***Development proposals with a potentially significant impact on historic assets or places will be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place. The assessment should identify the likely visual or physical impact of any proposals for change, including cumulative effects and provide a sound basis for managing the impacts of change.***

*Proposals should also be informed by national policy and guidance on managing change in the historic environment, and information held within Historic Environment Records.*

- i) ***Development proposals affecting nationally important Gardens and Designed Landscapes will be supported where they protect, preserve or enhance their cultural significance, character and integrity and where proposals will not significantly impact on important views to, from and within the site, or its setting.***

## **Summary and Conclusions**

A review of the LDP policy framework demonstrates that the Council is not properly adhering to the adopted policies therein. There is no presumption to permit houses in the countryside and then only in relation to operational need or enabling development. Justification for this approach is based on the now defunct SPP rather than appropriate guidance in PAN 72, therefore only limited weight can be given to the Council's approach.

The adopted LDP does not have a formal presumption against housing in the countryside. Effectively, the Council has developed a policy position where it only supports housing in the countryside if an operational need can be demonstrated, or for small scale affordable housing within a settlement. This is contrary to advice against the use of occupancy restrictions.

The proposal complies with other policies in the adopted LDP which relate to the proposal's impact on the surrounding environment. In these circumstances, the adopted LDP policy framework should be given limited weight. There is, therefore, a requirement to consider whether there are any material considerations that outweigh the policy resistance.

NPF4 adds significant weight to the case in favour of the proposal. There is a clear underlying presumption in favour of rural development and housing in the countryside. Appropriate proposals should therefore be supported.

Development at Willow Rise would assist in making best use of existing assets such as the vacant and empty application site. There would be a benefit to local living and rural re-vitalisation re-balancing development.

It is the applicant's contention that NPF 4 overrides any negative presumption against development within Policies DC1 DC3 and DC4. NPF4 re-enforces the case for Planning Permission to be granted. NPF4 together with Planning Advice Note 72 and related supplementary guidance provides material considerations for the relaxation of prohibitive policies used to preclude housing in the countryside.

We therefore respectfully urge the East Lothian Council LRB to approve this application and assist in the rural revitalisation of Whittingehame.



## 4. Planning Appraisal – Material Considerations

### ***Preamble***

This section of the Review Statement considers the material considerations that the Applicant would like the LRB to take into consideration in its determination. It is contended that the LDP does not provide an appropriate policy framework for the determination of this application and that it is necessary to look at material considerations that warrant approval. It is neither compliant with the former SPP (which underpinned the LDP) nor the new NPF4 regarding prevailing policies for housing in the countryside.

Decisions on planning applications need to be taken in accordance with the development plan unless material considerations indicate otherwise. The Council does not have a specific LDP policy preventing housing in the countryside. Therefore, material considerations should be fully considered and given significant weight as part of the determination process contrary to the Report of Handling.

Material considerations need to be in accord with the tests set out in Circular 3/2013 (Annex A): Development Management Procedures. Planning considerations must be material and relevant to the use of land in the planning application to warrant a departure from the approved development plan.

There are a number of important material considerations which should be given significant weight in the determination of this Application. These include the following:

### ***Planning Advice Note 72 Development in the Countryside (2005)***

The Council has not adopted the advice in PAN 72 as part of its policy framework in the adopted LDP. As a proposal located on an infill site within an existing group the proposal accords with the current advice. Furthermore, the proposal conforms with NPF4.

Government advice on Development in the Countryside expects development plans to accommodate housing in countryside. It also sets out key design principles that need to be considered when planning a new development for a house in the countryside.

National planning advice has been omitted by the adopted LDP policy framework which is designed to restrict housing development in the countryside to only that required for ongoing operational matters, contrary to advice in PAN 72 and normal practice, as well as being non-compliant with NPF4 in respect of more rural locations. Development of suitable sites within the countryside should be supported where there are exceptional reasons or reasonable relaxations.

Guidance in PAN 72 remains valid and must be considered in this determination. It is, therefore, a material consideration in support of the determination of this application for a single house.

Clearly these must be planned and designed appropriate to location. Assessment of the application site and proposal has concluded that the house is appropriate to the location and does not extend built form into the countryside. The proposed house is worthy of its setting, and is the result of a responsive and sensitive design process considering Scale; Materials and Details.

The proposal is therefore compliant with the advice and guidance in PAN 72 as a material consideration in the determination which should be given significant weight. Importantly PAN 72 recognises that *'There will continue to be a need for new houses in the countryside and this demand*

*will have to be accommodated. Although we are sensitive about our landscapes, they are evolutionary, not static. Most are able to accommodate some degree of change’.*

*This change can be positive, if it is well planned. The location and appearance of each new house must be determined with care and thought, as short-term thinking can have a long-term impact on the landscape. Every settlement should have its own distinctive identity. This is determined in part by the local characteristics of the area’s architectural style of individual buildings and the relationship of these buildings to each other. Together, we must ensure that today’s new developments have the quality and integrity to form the Conservation Areas and listed buildings of the future.’*

### **Land Use Strategy for Scotland 2021-26**

The principles for sustainable land use set out in the Land Use Strategy for Scotland 2021 – 2026 setting national objectives relating to the economy, environment and communities. It emphasises the need for sustainable land use to contribute to challenge climate change and loss of biodiversity benefiting the wider natural environment. Also supporting communities socially and economically and underpinning the health and wellbeing of the population.

The proposal is in accord with this definition of sustainable land use. The proposal includes the provision an air source heat pump. This will provide a renewable energy source from a Low and Zero Carbon Generating Technology (LZCGT) in accord with national policy.

In Ecological terms there are no designated sites within the Site. The proposal will have no impact on any sites with any biodiversity value.

Regarding the protection of cultural heritage, the Impact on the proposed development will not impact upon the setting of Whittingehame House as a listed building.

The proposal promotes access to the surrounding countryside through its proximity to adjacent tracks and footpaths. Landscaping proposals included in the development will also promote biodiversity and enhance the ecological and natural qualities of the area. It will not have any significant impacts on the surrounding Special Landscape Area or the setting.

The proposed density of development is appropriate for this location and makes efficient use of land. The proposed footprint of the house is less than 30% of the total site area. The proposed garden ground is substantial and will prevent the over development of the site.

### **Historic Environment Scotland (HES) Guidance – Managing Change in the Historic Environment**

*The Applicant is conscious that development on the Whittingehame Estate is in proximity to Grade A; Whittingehame House – a cultural asset and within a Designated Landscape and Garden. These matters were fully considered in the Appeal previously determined by Scottish Ministers.*

HES has published a series of Managing Change guidance notes about making changes to the historic environment. They do not immediately preclude development as interpreted by the Council officials.

Particularly relevant is the advice on Setting. HES policy on Setting sets out the principles that apply to developments affecting the setting of historic assets or places. Development should seek to avoid or mitigate detrimental impacts on the settings of historic assets.

Issues to be considered when assessing the impact of a proposed change on the setting of a historic asset have been assessed including key views; ability to understand and appreciate the historic

asset; the visual impact of the proposed change and the magnitude of the proposed change relative to the sensitivity of the setting of an asset.

The proposal has no impact on the setting of the historic assets, it does not dominate or detract from the setting of the Listed Buildings or how they are understood. It is concluded that the proposal will have a negligible impact on the setting of the Listed Buildings in accordance with this criterion.

Regarding the HES comments in their consultation

HES states that “The proposed development is located approx. 200 metres to the east of Whittingehame House in an area of historic parkland,” In real terms the new house is closer to 300 metres away from Whittingehame House. The historic Arboretum would be completely unaffected by the proposals.

*“The designed landscape forms the immediate setting of the Whittingehame House. The extent of the house’s visibility from the parkland – and the development site – varies: sometimes hidden; in certain views the house’s northern pavilion is visible and appears as a temple in an otherwise rural landscape; in other views more of the NE frontage is visible. The proposed development would be prominent, even dominant, in some of these views across the parkland towards the house.”*

- The HES report specifically refers to views from the applicant’s site back to Whittingehame House. As the new proposed house is to the south of the applicant’s site it does not “dominate” the view from the parkland.
- *“The double lime avenue is a later addition to the landscape. It was added in the later 19th century to give some formality to the landscape – it did not form a new drive – and focuses on the entrance of Whittingehame House. ”*The double lime avenue is completely unaffected by the proposals, as the house is over 300 metres away.
- *“In views along the avenue towards the house, the proposed development would be visible within the parkland and situated higher in the landscape than the main house and would detract from the intended focal point of Whittingehame House’.* Regarding views towards Whittingehame House, the avenue itself would in fact obscure any views of the new development. It would therefore not be visible and would not detract from the focal point of Whittingehame House
- It is also stated that *“There would be some limited glimpses of the development in views from the house, especially in winter months when the lime trees of the avenue and the estate woodlands are leafless.* The applicant would suggest even the use of the word “limited” is exaggerated, as the number of trees between the two buildings would continue to obscure potential views.
- *“We are aware there is live planning for a new house to be erected on a site closer to the estate drive on the edge of the parkland. This approved development would have an impact on the Inventory designed landscape, but critically it is in a less prominent and visible location and would not have the same significant negative impacts on the Inventory site or setting of the A listed country house.”* The existing consented footprint and the newly proposed footprint are only around 70 metres apart. Any impact is exaggerated as ‘significant’ and ‘negative’ and the applicant takes issue with this subjective opinion.

The character of the area will clearly be retained and the impact of the proposal is considered to be negligible. It incorporates a contemporary design solution, using a limited palette of quality materials which is appropriate for the site’s historical surroundings.

The proposal does not impact on the key characteristics of the setting of the historic assets. The proposal is, therefore, in accord with HES guidance.

### ***East Lothian Council Supplementary Planning Guidance***

Supplementary Planning Guidance (SPG): Countryside and Coast (2018) provides advice on the requirements of Policy DC8 of the adopted LDP. It emphasises that development must not harm the landscape setting of the countryside location and must be of a scale, size and form that would not harm the objectives of designation. Planning for Countryside Around Towns (CATS) Technical Note 8 confirms that the designation is applied to conserve character or identity of the particular settlement, prevent the coalescence of settlements and provide opportunity for green network recreation.

Where both an SLA and Policy DC8 Countryside Around Towns applies the proposed development must therefore be assessed against the SLA Statement of Importance. New development will be supported in principle if required for the green network, for community use, for rural business, tourism or leisure or essential infrastructure. SPG Special Landscape Areas (2018) provides further guidance for development proposals in SLA's.

Assessment of the impact of the proposal on the Whittingehame – Deuchrie SLA concludes that the proposal would have minimal impact on the existing setting of the Estate when viewed from nearby locations without any adverse impact. The proposed development has had regard to the qualities and characteristics of the SLA in terms of siting and setting. The proposal is, therefore, in accord with the Council's SPG Technical Note 8.

### ***Consultation Responses***

There were no objections from the Council Service Departments— Waste Services, Road Services, Environmental Health, Biodiversity Officer, Contaminated Land Officer, Archaeology/Heritage Officer. Absence of any adverse comment from the latter is significant as a material consideration.

Regarding Statutory Agencies there is no objection from Scottish Water or SEPA. The Applicant is dubious of the HES response and is seeking clarification of the details therein given their previous consultations on Whittingehame. In any case their submission was descriptive and subjective without appropriate evidence.

### ***Third Party Representations***

The Report of Handling brushes over the significant level of public support for the proposal as irrelevant. The public make a range of important and significant points in favour of the application recognising the good work undertaken by the Applicant on the estate in the past.

There are no public objections indicating that the policy framework (as interpreted) and the case officers' approach are badly out of step with local opinion. Essentially the Council has ignored its own neighbour notification exercise.

A number of original third-party representations sympathise with the applicants position and have submitted additional letters of support on specific matters raised by the Council (Appendices).

### ***Summary***

Material considerations in this case provide significant weight to be given in favour of the proposal. Overall, on balance of reasonableness there is sufficient weight and justification to justify a

departure from the development plan. The Council officer is therefore mistaken in his Report of Handling concluding that no material conclusions applied in determining the application.

The Council previously relied on SPP as a basis for its decision and must therefore re-consider in the light of NPF4 as prevailing LDP policies are now in conflict. Accordingly, the NPF4 must prevail in terms of decision making.



## 5.0 Rebuttal of Reasons for Refusal

The following reasons for refusal have been put forward by the Council in dismissing this application. In reality the Council has no policies within the LDP which can specifically deal with this instance in terms of a replacement house that is not yet constructed but has an extant consent. It has therefore attempted to manufacture indirect Reasons for Refusal based on a presumption against development irrespective of the planning evidence.

### ***Rebuttal Response***

Each of the Reasons (bold) is addressed in turn.

***1.As no case has been made for the proposed house to meet an agriculture, horticulture or forestry need. No other operational need has been advanced to justify the erection of a house on the application site in this countryside location, the proposal is not for enabling development and is not a replacement dwelling in the countryside therefore the proposal is contrary to Policies DC1, DC3 and DC4 of the adopted East Lothian Local Development Plan 2018 and Government policy guidance regarding the control of new housing development in the countryside expounded in Scottish Planning Policy: June 2014.***

Policy DC1: Rural Diversification supports the development in the countryside for particular countryside purposes (specified as agriculture, horticulture, forestry, infrastructure, or countryside recreation) and businesses requiring an operational requirement. The development proposed is not a business. This development is for a replacement (not a new house) and does not require operational justification as a dwelling already has the benefit of planning consent.

Furthermore, Policy DC1 refers to rural development and does not refer to new housing in countryside. It is therefore not a relevant policy in the determination of this Application. The Council's stance appears to preclude the construction of any house on this site irrespective of the existing consent.

Regarding housing in the countryside Policy DC 4 of the adopted LDP: New Build Housing in the Countryside is based on a general presumption against new housing in the countryside. This policy position is inconsistent with the Scottish Government's advice on housing in the countryside as set out in PAN 72 and the new National Planning Framework (NPF4).

Housing in the countryside is permissible in certain circumstances where material considerations are justified, or policy can be relaxed. There is no policy in the adopted LDP which has a specific presumption against housing in the countryside. It therefore does not represent the Council's approved policy and needs to be given limited weight in the Reason for Refusal of this Application.

The Applicant does not understand how Policy DC3: Replacement Buildings in the Countryside as currently phrased is relevant to the determination of the application.

The Council supports small scale affordable housing proposals in the countryside as being permissible. However In terms of controlling development in the countryside housing proposals need to be appropriate irrespective of tenure. Any proposal for a house in the countryside needs to be as acceptable in planning terms and exemptions cannot be based on tenure.

Policy DC4 provides justification for exemptions to the presumption against housing in the countryside in the LDP's policy framework. The first part is about an exemption for a single house on operational needs and the second part is concerned with exemption for small scale affordable

housing projects in rural settlements. Government advice in PAN 72 and should be regarded as giving weight to new build housing in the countryside, particularly adjacent to a small-scale settlement in the countryside.

In practice Policy DC4 applies only to private housing in the countryside which is required for a rural business. To control development approved under this policy, the Council would need to impose occupancy conditions. This is contrary to Scottish Government advice from the Chief Planner as the use of occupancy restrictions are ultra vires. The Council's policy position on occupancy restrictions for a private house should therefore be given limited weight in this decision.

The Council's approach to housing in the countryside as reflected in the LDP is therefore to resist it irrespective of its planning merits or relevant factors. There is no policy support for a single house within a site such as Willow Rise despite the history, material consideration and practicality. This is wholly inconsistent with the new NPF4 Policies 9 and 17.

Policies used do not align with the New NPF4 policies which form part of the development plan and need to now be considered in this case. SPP 2014 which is the basis for the LDP policies no longer applies.

It is evident that the Council's policy framework in the adopted LDP is designed to restrict any private housing development in the countryside to only that required for ongoing operational matters, contrary to SPP and the advice in PAN 72. Only limited weight should therefore be given to Policy DC4.

***2. The proposed development would have an unacceptable adverse impact on the historic interest of the parkland which forms an integral part of the setting of the category A listed Whittingehame House. As a form of development that would be harmful to the setting of the Category A Listed building the proposed house, triple garage and associated works is contrary to section 59 of the Planning (Listed Buildings and Conservation Areas Act) 1997, Scottish Planning Policy: June 2014 and Policy CH1: Listed Buildings of the adopted East Lothian Local Development Plan 2018 and Historic Environment Scotland Managing Change in the Historic Environment guidance notes relating to 'Setting'***

The Appellant's position is that the proposed development would not have an 'unacceptable adverse effect' on the historic parkland or the setting of the Whittingehame House. This stance appears to be largely influenced by the HES consultation and is not consistent with previous findings by Scottish Ministers. Previous dwellings were an established part of a rural landscape and quite separate from the main house.

The setting of Whittingehame House is protected and visually separate and complies with NPF Policy 7 Historic Assets and Places.

Section 59 of The Town and Country Planning Scotland Listed buildings and Conservation Act 1997 provides a general duty in respect of listed buildings in relation to assessing planning applications with regard to (i) *the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses;*(ii) *regard to the desirability of preserving features of special architectural or historic interest and, in particular, listed buildings and (iii) preserving it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.*

Only subsection (i) is relevant to this application, and it is evident that the applicant has had regard to matters in LDP Policy CH1. The requirement of the legislation is therefore satisfied.

Historic Environment Policy and Managing Change Series dealing with *Setting*, actually provides useful guidance in favour of the proposed development. The applicant is interested in understanding which part of HESPs and Managing Change the Council is specifically referring to prior to reserving the right to future comment.

Particular attention has been given to setting of the historic considering Managing Change Guidance on Setting. The current setting is diminished by the existence of a vacant brownfield site which has blighted the wider area.

Key viewpoints have been identified to show how a historic asset is or has been viewed and understood. This includes approaches, routeways, associated farmland, other related buildings, monuments, natural features. This helps to justify the access into the site and wider Estate using the established field entrance.

Changes in the surroundings since the historic asset or place was built have been considered as has the contribution of the historic asset or place to the current landscape. Photographic and other evidence is provided to demonstrate this. The development will contribute to a sense of place, and how Whittingehame House is experienced.

The value attributed to a historic asset by the community or wider public will influence the sensitivity of its setting by removing existing structures. Re-development will contribute to the significance of a site by a major improvement in appearance and amenity.

LDP Policy CH1: Listed Buildings is relevant insofar that '*new development*' that harms the setting of a listed building will not be permitted. The proposed development does not impinge on the curtilage or setting of Whittingehame House and is clearly separate and subservient within the landscape context. Siting and design take full account of the setting of the cultural asset and is explained in the DAS. Proposed development is also compliant with NPF4 provisions.

It is acknowledged that the setting of a listed building can be affected by new development proposed within its curtilage, adjacent to it or visible from it. The proposals do not interrupt key views of, from, or to the listed building and ensure that the new development does not dominate or detract from the listed building in a way that affects understanding and appreciation of it.

Under the provisions of Policy CH1 this Application has taken full account of the impact on the setting of a cultural asset. Design and siting of the proposed home has evolved to ensure that a visual separation between the existing built form to ensure that long-distance views are retained.

The proposed house will introduce a minor intrusion into the landscape allowing Whittingehame House to remain prominent when viewed from nearby viewpoints.

Assessment of the impact on the setting of Whittingehame House in the DAS confirms that the proposal will not impact upon the setting of the Listed Building. The impact of the proposal is provided against Policy DC9 and confirms that the location and scale of the proposal does not impact upon the setting.

The proposal is, therefore, in accord with Policy CH1.

**3 The proposal would have a significant negative impact on the Inventory Garden and designed landscape and the parkland setting of the house. Therefore, the proposal is contrary to Policy CH6: Gardens and Designed Landscapes of the adopted Development East Lothian Local Plan 2018 and Scottish Planning Policy: June 2014.**



This reason is inconsistent with the previous decision in relation to the consented site and HES did not comment or object in a negative manner.

Planning Policy 2014 is no longer relevant.

NPF Policy 7i is clear that proposals which protect or enhance the character and integrity of an area should be supported where they do not 'significantly impact on important views'.

LDP Policy CH6: Gardens and Designed Landscapes states that '*Development that would significantly harm the elements justifying designation of sites of national importance listed in the Inventory of Gardens and Designed Landscapes, or sites of local or regional importance included in historic gardens and designed landscape records, will not be permitted*'.

This issue was fully dealt with by the Reporter in the 2020 Appeal. The key test is whether the development 'significantly harms' the Designated Landscape. Given the existence of prior development in this location as an established element in the landscape it not credible that the proposed development would be significant or harmful in its own right.

Proposed development follows national planning policy and would protect and enhance the historic environment. The applicant has been the guardian of the historic and designated landscape at Whittingehame for over two decades. It would continue to maintain the specific qualities and integrity of the Estate retaining the site character as a garden and designed landscape.

Similar to its predecessor, the house is a well-designed building that has been carefully located to sit comfortably in the garden and designed landscape. Design: form, orientation, massing, height and materials of new structures take account of the specific qualities of the Estate. Landscape design through a formal landscape masterplan will enhance character and accommodate development.

The response from HES can be rebuffed and is entirely inconsistent with their previous stance. Scottish Planning Policy (SPP 2014) is no longer extant and underpins the policy. NPF 4 has not been taken into consideration and the Councils judgement is unreasonable and disproportionate.

**4 The proposal would harm the parkland landscape character of the area and conflicts with guidelines within the Statement of Importance for Whittingehame to Deuchrie Special Landscape Area (SLA 8). The development is not located to minimise the adverse impacts on the landscape and there are no public benefits which outweigh this consideration. The proposal is therefore contrary to Policy DC9: Special Landscape Areas and Policy DP1: Landscape Character of the adopted East Lothian Local Development Plan 2018.**

LDP Map 4 Coastal Categorisation and Special Landscape Areas designates the site within the Special Landscape Area (SLA). Supplementary Planning Guidance on SLAs advises that development should be in accord with these principles.

Policy DC9: Special Landscape Areas (SLAs) states that development within an SLA will only be permitted where: [1] it accords with the Statement of Importance and does not harm the special character of the area; or [2]. the public benefits of the development clearly outweigh any adverse impact and the development is designed, sited and landscaped to minimise such adverse impacts.

Supplementary Planning Guidance (SPG) Special Landscape Areas confirms that Whittingehame - Deuchrie is designated as an SLA because it is an important feature that contributes to sense of place. It is also designated for its recreational, wildlife, cultural and archaeological values. These would remain unaffected by the proposed development.

It also sets out the relevant guidance for development for the avoidance of harm relating to views and character. The diminutive effect of the proposal in views toward or from the site does not materially affect the special qualities and features of the SLA. The assessment within the DAS has demonstrated that this current proposal will not harm the landscape setting, existing views or separation achieved by careful re-positioning.

The proposal will not result in a noticeable change to the experience of the landscape from this viewpoint and does not alter or detract from the legibility having only have a minor effect. The proposal is, therefore, in accord with the Council's Statement of Importance for the Whittingehame – Deuchrie SLA and compliant with criteria 1 of Policy DC9.

Criterion 2 of Policy DC9 states that development will only be permitted if the public benefits outweigh any adverse impact associated with the development. As set out within this Statement, the development proposal will not lead to any adverse impacts on the surrounding landscape. Furthermore, there are clear visual, amenity, recreational and access benefits which would result from this development.

The diminutive effect of the proposal on surrounding views does not materially affect the Special Qualities and Features of the SLA. The proposal is, therefore in accord with Policy DC9 of the adopted LDP and does not harm the SLA.

Notwithstanding the above this reason for refusal does not take into account NPF Policy 4 Natural Places which on balance is supportive to proposals that do not harm landscape areas.

***5 The site lies within land that is categorised as Prime Agricultural Land. The proposal represents the loss of a significant area of Prime Agricultural Land to a residential land use and is therefore contrary to Policy NH7: Protecting Soils of the East Lothian Local Plan 2018.***

The site historically housed agricultural sheds and a greenery as well as stables but was not used as arable land.

The notion that the site is Prime Agricultural land is frankly risible given the context and site history. This appears to be a new issue of concern for the Council and not previously raised. The Applicant has therefore taken specialist advice in this regard from individuals who know the Estate well.

The site is not currently agriculturally operational and has not been for over 2 decades. It is therefore not clear how East Lothian can claim that this is a 'loss of a significant area of Prime Agricultural Land'. It is clearly disingenuous and misleading as the area identified is detached from any nearby farm holding, and it is not feasible or viable to farm given the configuration of the Estate.

Following restoration to grassland meadow after the land had been despoiled by a previous tenant operating an unauthorised agricultural use it is not plausible that the land could be productively used.

LDP Policy NH7: Protecting Soils Development on prime quality agricultural land or rare or carbon rich soils, such as peat, will not be permitted unless it meets a range of potential criterion / tests that offer exemption / relaxation. These concludes that 'It is for an appropriate development in the countryside, including that which is directly linked to a rural business or an existing house; furthermore, the layout and land take would allow farming to be undertaken in the event of a farm contractor being found to economically work the land.

The Report of Handling stated that the Macaulay Land Capability for Agriculture (LCA) classification identifies the site as being Class 5.1 Land capability for agriculture (partial cover). The site is, therefore, not prime agricultural land as concluded within the Report of Handling.

It is disputed that the site can be categorised as Prime Agricultural Land. The soil quality is variable and drainage is generally poor in several parts of the site. A deep cleaning of the soils would be required prior to any agricultural activity.

The site is not operationally suitable to be economically farmed or accessed by heavy machinery which would create environmental damage and adversely affect biodiversity through the use of chemicals and pesticides.

**6. The current proposed driveway route is unacceptable in respect of adverse impact on trees. The proposal is contrary to Policies NH8: Trees and Development of the adopted East Lothian Local Development Plan 2018.**

The two mature trees would be maintained and unaffected by any form of conventional roadway that affected their roots or canopies. This is a traditional route through the site and would be of non-standard construction with no impact on tree roots.

In relation to LDP Policy NH8 Trees and Development the Applicant understands and acknowledges the strong presumption in favour of protecting woodland and has actively done this during his term of tenure and ownership. He has had a strong connection to the environmental management of the area over many years.

Repositioning of the house is partially to allow a stand-off and protect the adjoining vulnerable woodland belt as well as protecting the house plot from wind blow and associated damage. The Applicant has taken specialist advice in this regard.

In relation to Policy NH8(i) there is no loss of woodland and the proposed development will in actual fact facilitate ongoing re-planting and management of trees in and around the Estate in conjunction with other land owners.

Trees and woodlands have been incorporated into the design and layout incorporated into public open space as the Council requires. The trees referred to adjacent to the driveway are maintained and continue to make a 'significant positive contribution' to setting and amenity. These will remain and are to be associated with the driveway if possible.

Criteria (ii) in Policy NH8 actually permits the removal of trees in the interests of the 'good planning of the area. Whilst no trees are proposed for removal it is clear that this proposal facilitates the good planning of the area. At the very least a condition could be imposed in relation to the driveway and ensure compliance with British Standard protection in the vicinity of the trees.

It is not clear why the route of the driveway is not acceptable as the Council has not asked for a detailed specification of the access treatment. It does not form a legitimate Reason for Refusal.

The Reason for Refusal takes no cognisance of Policy 6 Forestry Woodland and Trees. Development would enhance manage and enrich the woodland cover without any removal of woodland or trees.

The landowner / Applicant has managed the trees on his land and on the Estate for over 20 years dealing with windblow and other damage. This includes expenditure of over £4,000 in November 2022 purifying condition relating to the previous consent to ensure compliance with British Standard 5837:2012 Guide for Trees in Relation to Design, Demolition and Construction.



The proposals will not adversely impact on any trees within the site and measures will be taken to ensure root protection of the two trees adjacent to the proposed driveway by restricting the width of the carriageway if deemed necessary.

***7. The overall appearance of the house is of a large modern house designed without reference to its historic context. This design would be more appropriate within a modern housing estate and fails to understand the context of the designed landscape and the built structures within the Whittingehame estate. In this context the proposed house is inappropriate to its setting and out of keeping with its surroundings contrary to Policies DP1 and DP2 of the adopted East Lothian Local Development Plan 2018.***

This reason is ill founded and misunderstood. The historic context previously had a range of buildings on the parkland site (up to 2009) as evidenced in photographs maps and title, with access from the proposed gate and entry. It was not a greenfield/



Policies DP1 and DP2 are only partially applicable to this application for a single house and are generally applied to larger scale urban developments, rather than individual rural houses. Design principles within these policies are fully addressed within the Design and Access Statement and are covered in Section 2 of this Statement.

The Reason for Refusal does not take account of NPF4 14 Design Quality and Place. Proposed development fully meets the requirements of this policy.

Permission exists for a slightly smaller modern house which would be cramped against the site boundaries and adjacent woodland belt necessitating separation. Its layout and orientation in terms of sustainable design would be sub optimal in design and landscape terms. The revised design is sympathetic to the historic context and represents an excellent standard of architectural design which is commensurate with the location. The applicant does not agree that it is not designed with reference to historic context and believes that the repositioning is an enhancement. The appearance of the house would be screened and filtered being subservient to Whittingehame House.

The Applicant is happy to take an independent assessment in relation to the quality of architecture and its appropriateness to the proposed location. The reference to suburban housing is inappropriate and unsubstantiated.

East Lothian LDP Policy DP1: Landscape Character requires proposals to consider impact upon its surroundings. This is undertaken in the Design and Access Statement submitted to the Council by the Applicant. Furthermore, the case officer was content that sufficient information had been submitted as part of the application and did not comment on design at any stage of the development planning process, nor was a detailed Landscape and Visual Assessment requested.

In terms of the relevant tests and criterion required by Policy DP1 the proposal is:

- Well integrated into its surroundings by responding to and respecting landform, and by retaining and enhancing existing natural and physical features. Development will enhance the current appearance and visual amenity of the site maintaining woodland and landscape features. This matter could be conditioned requiring the applicant to submit a detailed landscape plan. Overall, the proposals therefore make a significant positive contribution to the character and appearance of the area.
- The development is within a fine traditional landscape structure and natural environment that requires little or no enhancement. Development would include appropriate landscaping and open spaces which contributes to the wider green network and integrates with its setting whilst maintaining access on adjacent land owned by the applicant.

This approach fully integrates the proposal into the SLA landscape setting when viewed from nearby locations although the site is well contained and sheltered. There are no waterbodies or other landscape features that require to be protected or enhanced.

The proposal will maintain and manage the woodland planting on the periphery of the site and in the vicinity of the proposed dwelling. Additional tree planting could further help to restrict views of the proposal from Whittingehame House and the remainder of the Estate. The proposed footprint of the building is a fraction of the total site area, and the proposal provides sufficient garden ground and open space within the site.

The proposal contributes to green infrastructure and is therefore compliant with Policy DP1.

Policy DP2: Design sets out the Council’s requirements for the design of new development. The proposal is required to comply with the following criteria:

<p>1. Be appropriate to its location in terms of its positioning, size, form, massing, proportion and scale and use of a limited palette of materials and colours that complement its surroundings;</p>	<p>The proposed house has been positioned within the site to retain a visual separation between the existing built form on the Estate. Re-positioning of the house will achieve separation from the access track, woodland and site boundary. It has been designed in proportion with garden ground providing appropriate amenity space for future residents in accordance with the Council’s own design policies.</p> <p>The overall scale and massing would not detract from the landscape designation. Careful consideration has been given to eaves height so that it is in keeping with adjacent properties, and below the screened tree line, in order to minimise the visual impact rendering any impact as negligible. A sympathetic contemporary design solution is appropriate for the site’s surroundings and allows integration into the landscape.</p> <p>A limited palette of quality materials complements the site’s setting. Elevational treatment will help to break up the visual massing of the building.</p>
<p>2. By its siting, density and design create spaces and buildings that respect and complement the site’s context, and create a sense of identity within the development;</p>	<p>This is a stand-alone replacement house. A street will not be created, nonetheless the development creates a sense of identity providing legibility within the Estate. The siting and design of the house would complement the location within the SLA. Siting will maintaining visual separation.</p>
<p>3. Position and orientate buildings to articulate, overlook, properly enclose, and have appropriate high quality architectural or landscape treatment.</p>	<p>This is a stand-alone replacement house, and this criterion is not entirely applicable to this Application. The design incorporates high quality architectural and landscape treatments to enclose public and private spaces</p>
<p>4. Provide a well-connected network of paths and roads within the site, including green networks, ensuring access for all in the community. travel.</p>	<p>The house connects directly to the available track and access road. There is a well-connected network of paths and roads within the Estate and maintained by the landowner/ applicant. Development would facilitate ongoing access for the community and visitors by active travel to the green network.</p>
<p>5. Clearly distinguish public space from private space using appropriate boundary treatments.</p>	<p>The landowner applicant has maintained boundary treatments and enclosures as part of the land management approach, clearly distinguishing public - private space.</p>
<p>6. Ensure privacy and amenity, with regard to levels of sunlight, daylight and overlooking,</p>	<p>The design of the proposed home has been sited to ensure there is no overlooking or privacy issues.</p>
<p>7. Retain physical or natural features that are important to the amenity of the area.</p>	<p>The proposal has been designed to minimise any impact on the surrounding SLA., minimising-built development.</p>
<p>8. Be able to be suitably serviced and accessed with no significant traffic or other environmental impacts.</p>	<p>There are no adverse environmental or transport impacts associated with the proposed development.</p>

The proposal accords with criteria in LDP Policy DP2 none of which are properly articulated in the Reason for Refusal quoting Policy DP2. Furthermore, they are not a legitimate Reason for Refusal given possible conditions, detailed design modifications and amendments.

### **Summary**

The Reasons for Refusal are unreasonable and do not reflect the current policy position being largely based on SPP rather than NPF4 which now holds precedence in terms of the adopted LDP. They are disproportionate and unduly negative in terms of their presumption against development.

The application is located the East of Whittingehame Hose (Category A) and within its Designed Landscape and Garden meaning that Historic Environment Scotland (HES) was consulted as a Statutory Consultee. HES Guidance on Managing Change in relation to Setting is supportive of development which leads to a greater understanding appreciation and experience. is acknowledged by the applicant.

Reference is made to old OS Survey maps, but the case officer misleads the Council by stating that the House Park adjacent to the double lime avenue has remained in its present form for over 100 years. This is clearly incorrect, and reference to historic maps photographs and title plans show sheds, greenery structures, and associated agricultural units occupying the land up to at least 2009 as part of a working estate.

Regarding the Designated Landscape and Garden the open character within the woodland is a recent phenomenon and has no historic relevance, indeed it has been maintained as such by the Applicant and would not significantly alter.

The proposed house would not have a significantly negative impact on the historic parkland character. Furthermore, the land is neither permanent pasture nor would it become a residential area. Visibility varies from different views would be largely screened from long and short views by existing trees. The house would neither be prominent nor dominant from the avenue and it would contribute to formality.

It is disputed that attention would be drawn from the main house or that the impact would be 'significant' and therefore the critical test in relation to Policy CH6 is compliant.

As the site lies within the Whittingehame-Deuchrie Special Landscape Area (SLA 8) it is protected by Policy DP9 Special landscape Area. Proposed development of the house would respond positively to the special qualities in the Statement of Importance. The applicant disputes that the house would conflict with the principles of the SLA or Statement of Importance, nor with Policy DC9.

Significantly development would bring public benefits which significantly and materially outweigh any perceived adverse impacts. The development would therefore also be in accordance with Policy DP1 Landscape Character.

Furthermore, in each case the judgement is proven to be flawed and should hold no weight in terms of this decision. Reasons are based on subjective judgement and opinion rather than being justified through an evidence-based approach.

## 6.0 Conclusion and Recommendations

This Statement of Review has been prepared in support of an application for Full Planning Permission for a single house at Willow Rise Whittingehame, Stenton. The application is for the development of a single house as a replacement for an existing unbuilt house with an extant consent.

A replacement dwelling would be subject to conditions and a legal agreement to revoke and extinguish the existing consent at Willow Rise in favour of this application. Obligations would be borne by the applicant, and it would be unreasonable to withhold consent in the circumstances.

The proposed house is in proximity to Whittingehame House which is recognised as a cultural asset and 'fits' well into the Special Landscape Area and Designated Garden. It is in a location adjacent to the existing approved house and maintains visual separation from the main house.

A Design and Access Statement demonstrates the suitability of the design proposals. The proposal will deliver a contemporary development appropriate for the site's setting. The scale and massing of the proposal is also appropriate for its surrounding context as are the materials and finishes which would blend into the landscape setting.

LDP Policy DC4: New Build Housing in the Countryside restricts all new housing to only that requiring an operational need irrespective of other planning merits and considerations. This is a fundamental misinterpretation of what is being proposed on the site. The proposed development complies with all other policies of the LDP and does not have an adverse impact on the rural setting.

Policies within the LDP are only relevant to the determination of this Application if there are no material considerations which need to be fully taken into account. No account in the determination has been taken of NPF4 which substantially strengthens the case for development. Conversely, there are a number of significant material considerations which need to be taken into account and given considerable weight in this case providing exceptional reasons.

Within East Lothian there is a general presumption against new housing in the countryside. However, this is not Council policy and it is contrary to Scottish Ministers' advice in PAN 72. Indeed, there is scope for relaxation based on the material considerations presented in this Statement.

Any new housing in the countryside must be determined by taking into account material considerations and all new housing should not be refused simply because it is contrary to Policy DC4. The representation made by Historic Environment Scotland does not bear scrutiny and evidence suggests that the comments therein are unreasonable and disproportionate.

Evidence presented in this Statement demonstrates that the proposal is in conformity with relevant policies of the adopted LDP and there is no policy provision to deal with this unique situation. Furthermore, policies in NPF4 were not previously taken into consideration and must now be part of the decision-making process. Indeed, this now supplements the case for granting permission.

The choice of site represents good planning practice as it is part of a wider existing building group in the countryside, proposes to develop unused brownfield land.

Design and landscape considerations confirm that the proposal will not have an adverse impact upon the surrounding SLA which can accommodate single houses when appropriate. The proposal therefore has less impact on the Special Landscape Area than many other proposals which were



considered acceptable by the Council. The impact on the SLA is absolute whether the site is allocated in the development plan.

Regarding the impact of development on the setting of Whittingehame House this statement confirms that the proposal will have a negligible impact on the existing cultural heritage asset. It therefore complies with the Listed Buildings and Conservation Act 1997. The proposal is therefore in accord with relevant LDP policies and the Historic Environment Scotland guidance – Managing Change – Setting.

Policy DC4 restricts housing in the countryside to only that required for operational purposes. This means that there is no policy support for a single house within an infill site such as this proposal.

Relevant considerations include Planning Advice Note 72 Housing in the Countryside and the Council's Supplementary Guidance. The development of the site will not extend the development pattern further into the surrounding countryside. This needs to be given limited weight as it is contrary to SPP and PAN 72.

Given the evidence within this statement it would be unreasonable and disproportionate to withhold planning approval for this replacement house which complies with the development plan and NPF4. Material considerations support and favour permission.

The applicant is prepared to adhere to conditions and would continue to manage the estate woodland and make his land available for public access and recreation.

It is therefore respectfully requested that the LRB grants planning consent.

Planning application ref: 22/01201/P  
Planning appeal reference: PPA-210-2083

Land at Willow Rise, Whittinghame, East Lothian for Mr David McMillan.

## Current Planning Application position statement.

We write with reference to the above application and to the letter received from David Allan dated 2<sup>nd</sup> November 2022 containing the Invalid Schedule.

In relation to point 5 of the schedule: *“It has been brought to my attention that this site is different from the approved site for the erection of 1 replacement house to the North of this planning application. Is this planning application just for a erection of 1 new house, rather than a replacement this time?”*. In direct response to this question, we wish to respond that it is both and would therefore confirm the following:

This application relates specifically to the “Erection of a New, Replacement family Dwelling House, at Willow Rise Whittinghame” as per the description of our proposal.

This application follows on from a previously consented application for a dwelling house on the same site under our clients ownership, Planning application reference: 22/00169/P and Planning appeal reference: PPA-210-2083.

The intention is that this new house proposal supersedes that existing consent. There is no intention to accommodate two separate houses. We have presumed that this can easily be controlled by the local authority through some form of condition or agreement.

We acknowledge that the site boundaries of the two applications are not identical due to this being a different application on the same land owned by the applicant. It is not a completely new application, but a replacement which is related by virtue of its immediate location. This is made clear within our Design and Access Statement and supporting information.

We have presumed that the same planning policies will relate to this application, but we have improved the siting and setting of the new house and curtilage which is more in keeping with the landscape and character of Whittinghame itself. There are also good physical and design reasons for the relocation of the house to its new position, due to difficulties with the existing locations ground conditions, topography, and proximity to the surrounding established landscape. This is explained within our application documentation.

We trust that the above confirms and that this response will be passed to the allocated Planning Officer as part of the application submission.

Yeoman McAllister Architects – 03/11/22.

App No. 22/01201/P

**EAST LoTHIAN COUNCIL  
DECISION NOTICE**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
TOWN AND COUNTRY PLANNING  
(DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2013**

**Mr David McMillan  
c/o Yeoman McAllister Architects  
Waterside Studios  
64 Coltbridge Avenue  
Edinburgh  
EH12 6AH**

**APPLICANT: Mr David McMillan**

With reference to your application registered on 18th November 2022 for planning permission under the above mentioned Acts and Regulations for the following development, viz:-

**Erection of 1 house and associated works  
at  
Land Adjacent To Former Willow Rise  
Stenton  
East Lothian**

East Lothian Council as the Planning Authority in exercise of their powers under the above-mentioned Acts and Regulations hereby **REFUSE PLANNING PERMISSION** for the said development.

The reasons for the Council's refusal of planning permission are:-

- 1 As no case has been made for the proposed house to meet an agriculture, horticulture or forestry need. No other operational need has been advanced to justify the erection of a house on the application site in this countryside location, the proposal is not for enabling development and is not a replacement dwelling in the countryside therefore the proposal is contrary to Policies DC1, DC3 and DC4 of the adopted East Lothian Local Development Plan 2018 and Government policy guidance regarding the control of new housing development in the countryside expounded in Scottish Planning Policy: June 2014.

- 2 The proposed development would have an unacceptable adverse impact on the historic interest of the parkland which forms an integral part of the setting of the category A listed Whittingehame House. As a form of development that would be harmful to the setting of the Category A Listed building the proposed house, triple garage and associated works is contrary to section 59 of the Planning (Listed Buildings and Conservation Areas Act) 1997, Scottish Planning Policy: June 2014 and Policy CH1: Listed Buildings of the adopted East Lothian Local Development Plan 2018 and Historic Environment Scotland Managing Change in the Historic Environment guidance notes relating to 'Setting'
- 3 The proposal would have a significant negative impact on the Inventory garden and designed landscape and the parkland setting of the house. Therefore the proposal is contrary to Policy CH6: Gardens and Designed Landscapes of the adopted Development East Lothian Local Plan 2018 and Scottish Planning Policy: June 2014.
- 4 The proposal would harm the parkland landscape character of the area and conflicts with guidelines within the Statement of Importance for Whittingehame to Deuchrie Special Landscape Area (SLA 8). The development is not located to minimise the adverse impacts on the landscape and there are no public benefits which outweigh this consideration. The proposal is therefore contrary to Policy DC9: Special Landscape Areas and Policy DP1: Landscape Character of the adopted East Lothian Local Development Plan 2018.
- 5 The site lies within land that is categorised as Prime Agricultural Land. The proposal represents the loss of a significant area of Prime Agricultural Land to a residential land use and is therefore contrary to Policy NH7: Protecting Soils of the East Lothian Local Plan 2018.
- 6 The current proposed driveway route is unacceptable in respect of adverse impact on trees. The proposal is contrary to Policies NH8: Trees and Development of the adopted East Lothian Local Development Plan 2018.
- 7 The overall appearance of the house is of a large modern house designed without reference to its historic context. This design would be more appropriate within a modern housing estate and fails to understand the context of the designed landscape and the built structures within the Whittingehame estate. In this context the proposed house is inappropriate to its setting and out of keeping with its surroundings contrary to Policies DP1 and DP2 of the adopted East Lothian Local Development Plan 2018.

The report on this application is attached to this Decision Notice and its terms shall be deemed to be incorporated in full in this Decision Notice.

Details of the following are given in the application report:

- the terms on which the Planning Authority based this decision;
- details of any variations made to the application in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997.

The plans to which this decision relate are as follows:

<u>Drawing No.</u>	<u>Revision No.</u>	<u>Date Received</u>
MH-LOC 01	-	27.10.2022
PL-02	A	27.10.2022
MH-PL-03	A	27.10.2022
MH-PL-04	A	27.10.2022
MH-PL-05	A	27.10.2022
MH-PL-06	B	03.11.2022
MH-PL-07	B	03.11.2022
MH-PL-08	B	03.11.2022
PL-01	B	03.11.2022
MH-SP-01	B	18.11.2022
MH-SP-02	B	18.11.2022
MH-SP-03	B	18.11.2022
MH-SP-04	A	18.11.2022
MH-SP-05	-	18.11.2022
MH-SP-06	-	18.11.2022

**20th January 2023**

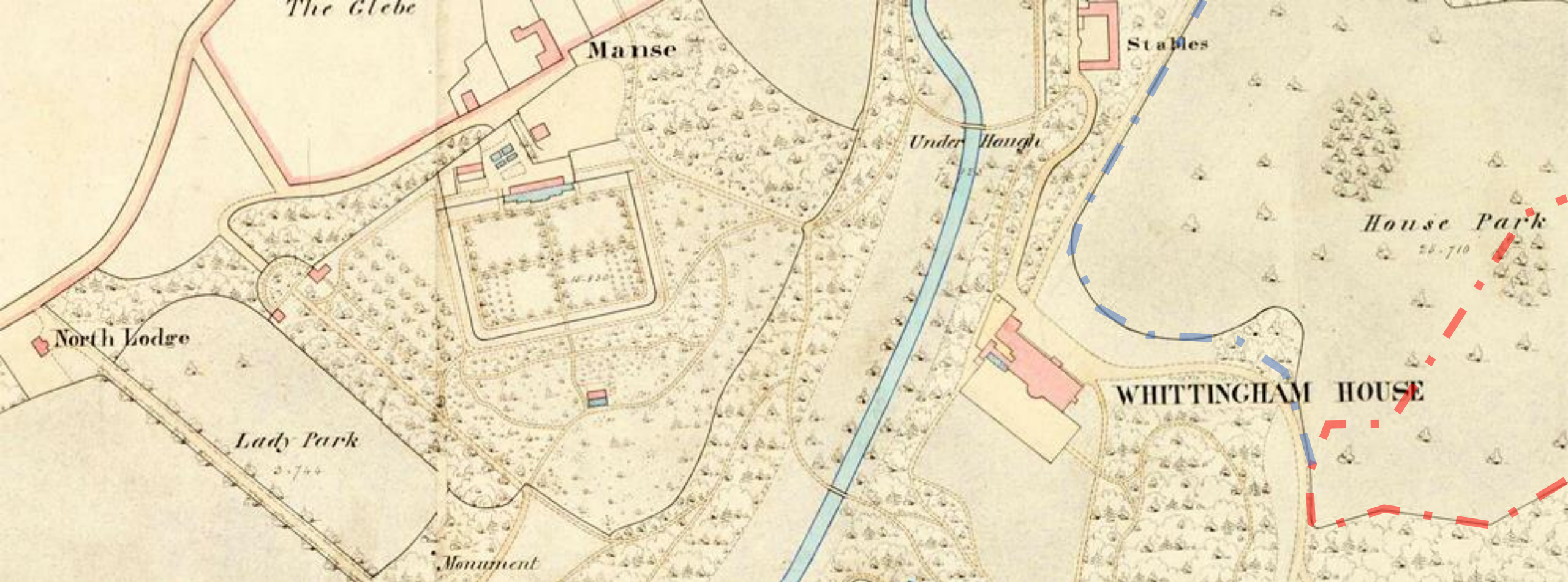


Keith Dingwall  
Service Manager - Planning

## NOTES

If the applicant is aggrieved by the decision to refuse permission for the proposed development, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to the Clerk to the Local Review Body, Committee Team, Communications and Democratic Services, John Muir House, Haddington, East Lothian EH41 3HA.

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 5 of the Town and Country Planning (Scotland) Act 1997.



# Design & Access Statement

New Replacement Family Dwelling House, Willow Rise, Whittinghame, East Lothian

November 2022

Revision C

**WILLOW RISE, WHITTINGHAME, EAST LOTHIAN**  
NEW REPLACEMENT FAMILY DWELLING HOUSE

## **CONTENTS**

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2.0 CONTEXT / THE SITE

3.0 DESIGN GUIDANCE

4.0 DESIGN RESPONSE

5.0 CONCLUSION / SUMMARY



# WILLOW RISE, WHITTINGHAME, EAST LoTHIAN

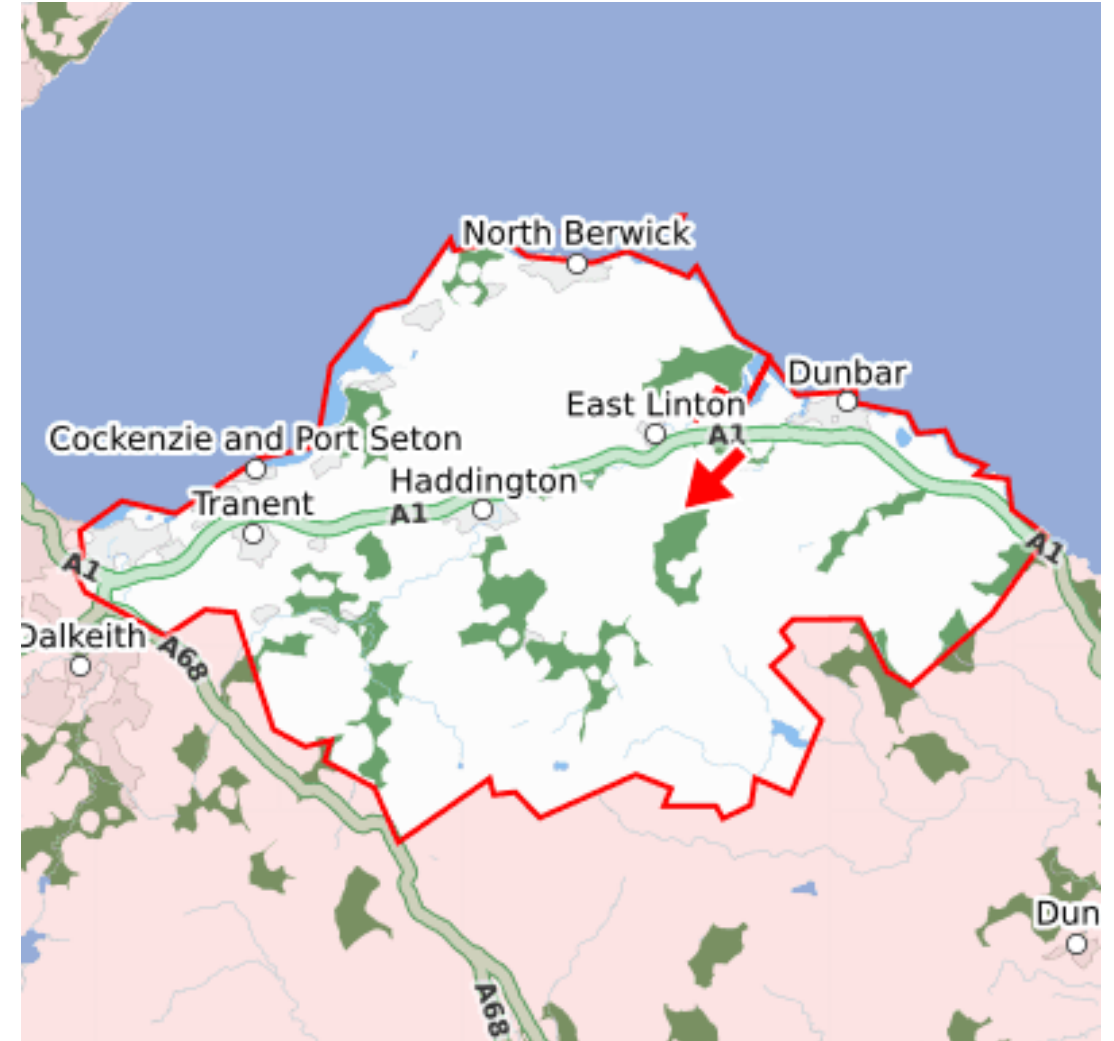
NEW REPLACEMENT FAMILY DWELLING HOUSE

## 1.0 INTRODUCTION

This design and access statement has been prepared in support of a planning application to re-instate a Residential Dwelling at the site of the Old School Master's House with an additional Triple Garage. The proposed site of approx. 7.6 hectares is located at Willow Rise, Whittinghame, Haddington.

The document has been produced by Yeoman McAllister Architects on behalf of Mr David McMillan.

The applicant owns the site and lives locally. If successful they intend to occupy the new dwelling.



1. Map showing the location of Whittinghame within East Lothian

# WILLOW RISE, WHITTINGHAME, EAST LoTHIAN

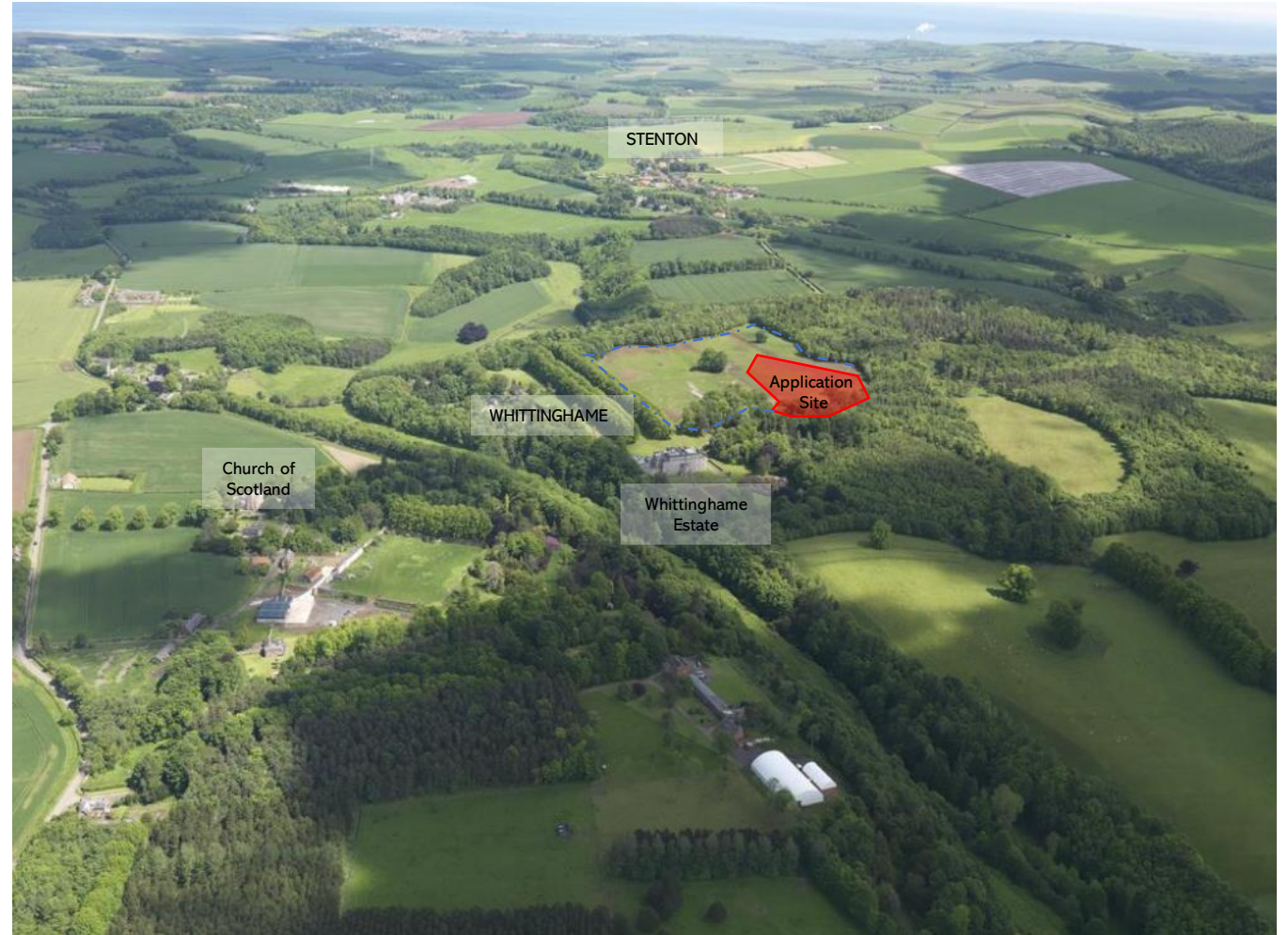
NEW REPLACEMENT FAMILY DWELLING HOUSE

## 2.0 THE SITE

Whittinghame is situated between the Lammermuir Hills and the Firth of Forth, approximately 3 miles (5km) south of East Linton and 6 miles (10km) south-west of Dunbar on the Firth. The proposed site is in the heart of the East Lothian countryside with the amenities and services of the surrounding towns within easy reach, and the capital just over half an hour away westward via the A1 motorway.

Located within Whittinghame Estate the site is approximately 150 metres east of Whittinghame House, which is Category A Listed (ref. LB1 7485) and was once home to British Prime Minister, Arthur Balfour.

The surrounding area is rural in character with the nearest village, Stenton, located approximately 1.4km to the north east. The Site falls within an area which is designated as a 'Garden and Designed Landscape' (ref. GDL00385).



— — — — — Ownership Boundary  
————— Application Boundary

2. Aerial view of Whittinghame towards Stenton



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**2.2 SITE TOPOGRAPHY**

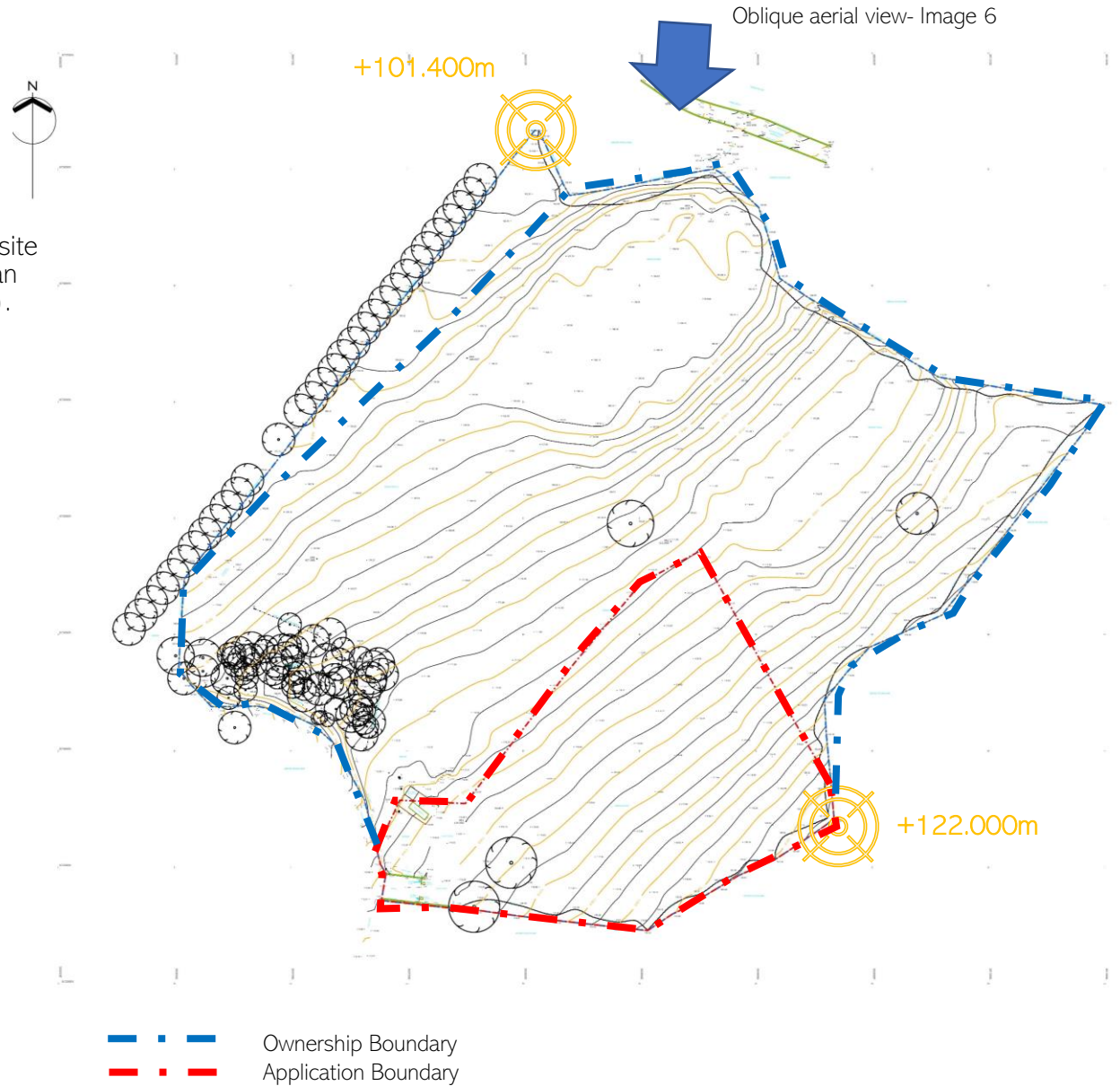
The Site is surrounded mainly by dense woodland as evident on Image No 3. The site previously formed part of the wider Whittinghame estate grounds and falls within an area which is designated as a 'Garden and Designed Landscape' (ref. GDL00385).

The site slopes down toward Whittinghame Water located to the West of the site.

The highest point at the South East of the site is approx +122.000m and slopes down North West to +101.400m.



6. Oblique aerial view. Date 1992  
Collection RCAHMS Aerial Photography



7. Topographical survey of Proposed Site

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**2.3 CONTEXT- SURROUNDING BUILDINGS**

A Majority of the Buildings form part of the previous Whittinghame Estate. Whittinghame House itself and adjacent Coach House has now been converted into Residential Apartments with additional annex and garages now part of the ground.

The Garden Lodge caters to tourists as a short term holiday rental.



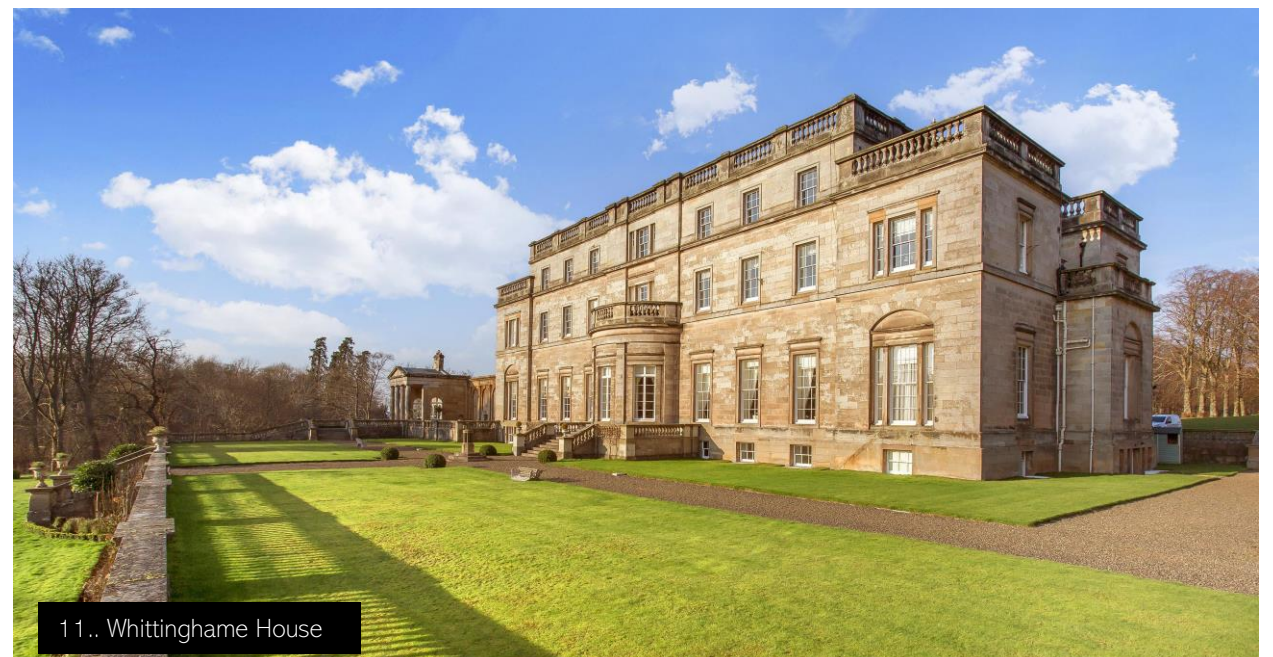
8.. Whittinghame Coach house



9.. Double Garage- Whittinghame Coach house



10.. Whittinghame Garden Lodge



11.. Whittinghame House

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**2.4 HISTORIC IMAGES- PREVIOUS OLD SCHOOL MASTERS HOUSE**

The application site in question previously accommodated two semi-detached dwellings which functioned as the private dwellings of the both the schoolmaster and groundskeeper. The main school closed in 1980, after which it was split into apartments. At about that time the building on the application site was made in to one single detached dwellinghouse.

Applications to extend that dwelling were submitted under references; 92/00209/HIS\_P and 01/00901/FUL. East Lothian Council's planning portal confirms that the 2001 application was granted.

In May 2009 a further application to extend the dwelling was submitted (ref. 09/00345/FUL) by which point it was being considered a detached dwelling (as detailed in the report of handling). The approval included the extension of the dwelling, the erection of a triple garage and the erection of fencing and gates.



12. View of Old School Master's House from West



13. View from South of later two-storey extensions



14. View from South of later extension to North West



15. View of Old School Master's House from South

## 2.4 HISTORIC IMAGES- PREVIOUS OLD SCHOOL MASTERS HOUSE

## WILLOW RISE, WHITTINGHAME, EAST LoTHIAN NEW REPLACEMENT FAMILY DWELLING HOUSE



16. View North from Old School Master's House across the field



18. View from North of house with later sun room extension (left)



17. View from North of later two storey extension (right)



19. View from East of poor-quality outbuildings (right)

## 2.5 HISTORIC IMAGES- WORKS TO OLD SCHOOL MASTERS HOUSE

Construction started shortly after the 2009 consent, an element of the new extensions were erected in line with approved plans.

During the construction phase, severe weather conditions at the time resulted in the partial collapse of the older part of the dwelling. For safety reasons the remainder of the old building fabric was then removed.

Following this, new foundations were then set with the intention to erect the original dwelling and its extensions exactly as detailed in the plans submitted for 09/00345/FUL. However, East Lothian Council requested that the works be stopped because works were no longer being carried out in line with the 2009 approval.

The Council requested at that time that the Applicant submit an application for planning permission to erect a new dwelling. A sizable segment of the dwelling and the foundations remained in-situ. It is understood that the remaining extensions make up for approx. 20% of the previous 2009 dwelling.



20. Remaining two-storey extensions



21. Two-storey extension with temporary cabin and static caravan at background



22. Close up of previous two-storey extension after demolition works,.



## WILLOW RISE, WHITTINGHAME, EAST LOTHIAN

NEW REPLACEMENT FAMILY DWELLING HOUSE

### 3.0 DESIGN GUIDANCE

The design has been developed in accordance with recent local and national guidance such as *Creating Places* and *Designing Streets*.

The guidance puts people and communities first when considering new residential proposals and creating interesting and diverse new neighbourhoods. The creation of a bespoke residential dwelling on a site which has historically been utilised for residential use is in line with the principles of the guidance. The proposed residential dwelling design and its use of materials is in keeping and reflects upon both existing traditional buildings and new additions/ developments which surround the site.

The guidance also refers to the character and identity of new places. In this case the design follows the built form of what was there previously and so reflects the history and character of the site. It also takes cognisance of the importance of the existing natural features of the site such as the dense woodlands and the rural nature of the site.

The design also reflects the 6 qualities of successful places:

- Distinctive
- Safe and Pleasant
- Easy to move around
- Welcoming
- Adaptable
- Resource Efficient



22. Image from *Creating Places* Design Guide

## WILLOW RISE, WHITTINGHAME, EAST LoTHIAN

NEW REPLACEMENT FAMILY DWELLING HOUSE

### 3.1 DESIGN GUIDANCE- LOCAL DEVELOPMENT PLAN

The current Development Plan for East Lothian consists of the Strategic Development Plan for Edinburgh and South East Scotland (SDP1), read in conjunction with the adopted East Lothian Local Development Plan 2018.

The following East Lothian Local Development Plan (ELLDP) policies are relevant to the application-

- DC1 (Rural Diversification);
- DC3 (Replacement Dwelling in the Countryside);
- DC4 (New Build Housing in the Countryside);
- DC5 (Housing as Enabling Development);
- CH1 (Listed Buildings);
- CH6 (Garden and Designed Landscapes);
- DP2 (Design);
- T1 (Development Location and Accessibility); and
- T2 (General Transport Impact)



23. East Lothian Council- Local Development Plan

## WILLOW RISE, WHITTINGHAME, EAST LOTHIAN

NEW REPLACEMENT FAMILY DWELLING HOUSE

### 3.2 DEVELOPMENT IN THE COUNTRYSIDE GUIDANCE

The definition of brownfield land is essentially land and buildings that have previously been developed and are no longer required for their original purpose. In rural areas this usually means sites that are occupied by redundant or unused buildings or where the land has been significantly degraded by a former activity.

When a site falls into disuse, is abandoned or becomes derelict, it has the potential to seriously detract from the visual and environmental amenity of the area. In many cases these sites may also be affected by contamination due to historic industrial or agricultural processes that could, unless effectively treated, present either an immediate or long-term threat to health.

Planning Advice Note 73 [2005] – Rural Diversification states that development plan policies should encourage rehabilitation of brownfield sites in rural areas and, in appropriate locations, allow for their re-development in order to deliver environmental enhancements or much needed community benefits.

#### Policy DC3: Replacement Dwellings in the Countryside

There is no additional guidance required for part (i) of Policy DC3. However, part (ii) of the policy allows the replacement of an existing dwelling where the Council accepts that due to sub-standard construction it is incapable of retention for habitation. This is subject to the caveat that the Council reviews evidence provided in support of such a situation and is satisfied that it is incapable of retention for habitation. A further caveat is that all reasonable efforts have been made to maintain the building. This part of the policy is to tackle the sometimes evident issue of sub-standard house construction of pre-fabricated houses such as 1950s 'Dorrans' or 'Orlit' houses built when building materials were scarce and which may be incapable of satisfactory alteration to meet modern insulation and other standards due to their construction. Rather than this type of house being abandoned because it cannot be occupied or brought up to standard, the Council may accept that it can be replaced with a similar sized house. The requirement within the policy for 'reasonable efforts to maintain the building', is to ensure that properties are not deliberately abandoned to subsequently seek a replacement building as an exception against the normal presumption against new-build homes in the countryside.

Overall, the development generally accords with Policy DC3 for dwellinghouse. The proposals also comply with the development plan policies on residential amenity, the protection of trees and woodland and transport and access issues.

22. Image from Creating Places Design Guide

Section 5.9 and Policy DC3 sets out specific criteria where replacement dwellings in the countryside will be supported.

**Policy DC3: Replacement Dwellings in the Countryside**

Proposals for replacement dwellings in the countryside will be supported in principle where they would:

- (i) be a like for like replacement of a dwelling recently rendered uninhabitable by unforeseen circumstances, such as a demonstrable and accidental fire, provided there is compelling evidence that the loss of the original habitable dwelling was recent and that it benefited from lawful use as a dwelling immediately prior to the loss; or
- (ii) replace an existing dwelling with lawful use rights as such (not the plot of a previous, now demolished house) that the Council accepts that due to the construction of the building it is incapable of retention for habitation and that all reasonable efforts have been made to maintain the building.

Applicants must submit credible evidence at the time of the planning application to demonstrate compliance with this policy as relevant. Any replacement dwelling must be similar in size, scale and massing to the original and would be of an appropriate character for its location.

5.9 As a further exception to the general presumption against new housing in the countryside, replacement of an existing permanent dwelling may be supported in some limited circumstances such as where a house has been significantly damaged by accidental fire, or where a dwelling is constructed in such a way as to be incapable of renovation or improvement. If the replacement dwelling would be better located on a different part of the same plot (e.g. for landscape reasons or ground conditions) the Council will require as a condition of any planning permission that the original dwelling will be demolished on completion of the replacement.

**diverse countryside  
& coastal areas**

**5**



# WILLOW RISE, WHITTINGHAME, EAST LOTHIAN

## NEW REPLACEMENT FAMILY DWELLING HOUSE

### 4.0 DESIGN RESPONSE

Planning conditions are proposed to address final setting out of the development, external finishes, and landscaping proposals. As the site is well screened the proposals would not detrimentally impact on any wider elements of the designed landscape and comply with policies CH6 Gardens and Designed Landscapes and DP2 Design.

The concept aims to:

1. Retain and reinstate the existing stone boundary wall at the site entrance
2. Create a new drive to the main house from the original site access drive
3. Retain any existing trees and plant new trees along new driveway
4. Work with the existing landscape and topography
5. Create a simple and contemporary style dwelling and garage to compliment historic building around the area
6. Maintain the rural aspect of the site
7. Minimise hard stand area and maximise green space
8. Utilise high quality materials such as natural stone
9. Introduce an energy efficient and eco-friendly dwelling in a rural setting
10. Re-introduce a residential family dwelling as keeping with the history of the site.

Development of the site would also provide an opportunity to clear all existing waste and debris collected on site over the years with residential occupation of the site ensuring maintained gardens and landscaping after years of neglect.



25. Proposed Site Plan

## **WILLOW RISE, WHITTINGHAME, EAST LOTHIAN**

NEW REPLACEMENT FAMILY DWELLING HOUSE

### 4.1 JUSTIFICATION FOR RELOCATION PROPOSAL

The proposed development of the site for a dwellinghouse and triple garage (Ref 20/00169/P) was granted permission by virtue of appeal to Scottish Ministers on the 21 January 2021 following close scrutiny by the DPEA Reporter (Ref: PPA-210-2083).

The relocation of the replacement dwelling has been justified with applicable planning policies. Visual and landscape impacts are acceptable at the location proposed. There would be visual improvements and the design of the proposals would not detract from the wider landscape setting. The proposal protects the cultural heritage and natural heritage interests of the area as well as visual enhancement. The brownfield nature of the site, availability of existing services and the previous residential use means the proposed development would not adversely affect the environment or local infrastructure, nor create any new impact on the amenity of the area.

The proposals would constitute sustainable development, and that the presumption in favour of sustainable development set out in Scottish Planning Policy is a material consideration. The proposals closely follow a traditional architectural style in keeping with the wider area as has been demonstrated under Point 2.3 on Context-Surrounding Builds. Any concerns with this approach to the proposed design or the visual impact of the development within the landscape have been carefully considered. The proposed dwelling does not interfere with any important views of the mansion from the surrounding landscape and there would be no detrimental impact on the setting of the listed building and therefore complies with Policy CH1 Listed Buildings.

Wider parkland is characterised by mature woodland plantations dividing the land into separate parks with the appeal site at the southern edge. The proposed house is set back into the site. The house and garden would be visible but only for a short stretch of the estate road. Impacts on the wider landscape would be reduced by the screening offered by the woodland and the overall shape and character would therefore remain intact.

## WILLOW RISE, WHITTINGHAME, EAST LOTHIAN

NEW REPLACEMENT FAMILY DWELLING HOUSE

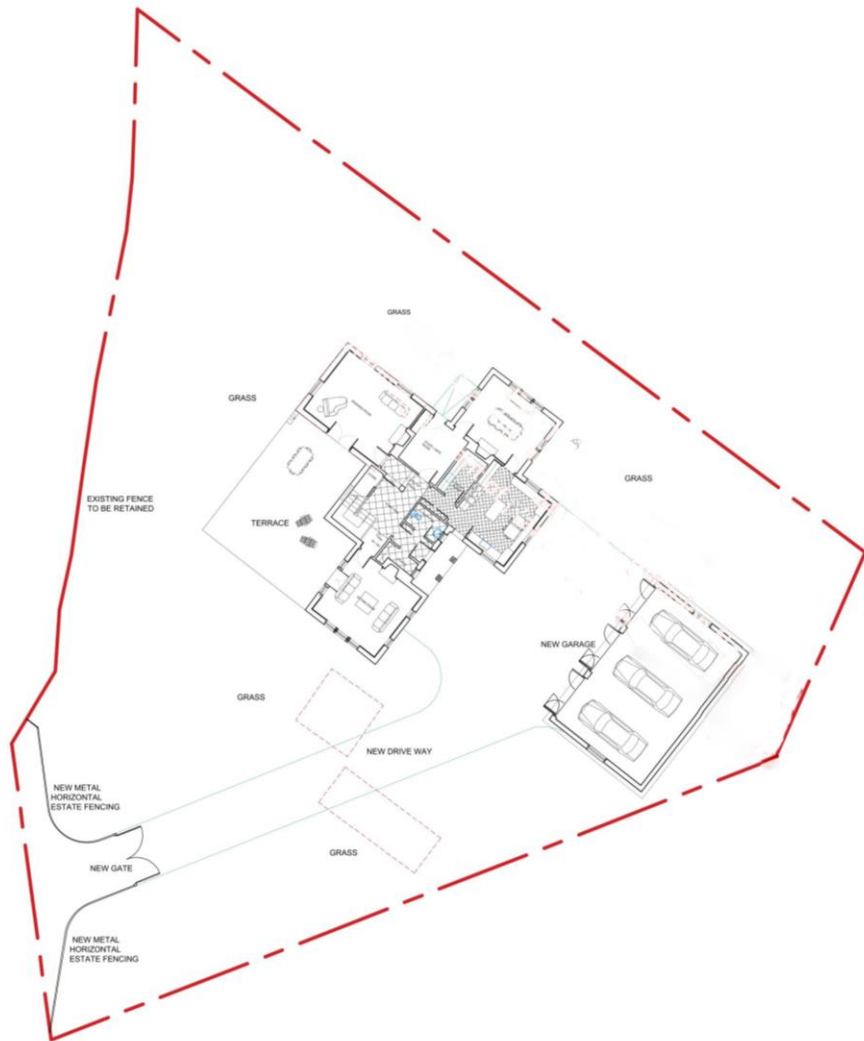
### 4.2 SUMMARY OF RELOCATION BENEFITS

To summarise, the benefits of relocation can be listed as under:

- Relocated footprint to offer a better aspect and cohesion with surrounding landscape. The new footprint seeks to improve the overall ambiance of the site as a single entity and provide a harmonious balance between the built and natural environment.
- Reduce any visual impact on the area through the set back of the dwelling away from the general vicinity of the road. The previously consented dwelling was majorly on display along the road. This ensures woodlands and natural habitat are predominantly maintained along the road boundary.
- New house location would enable the incorporation of a higher quality of architecture and design whilst also ensuring a higher sustainable standard are met. The new proposal is a "design led" approach whereas the existing consent related too much to the existing low quality existing dwelling that it was trying to replace. This was completely out of keeping with the area and did not respond to the local. A new contemporary style of traditional design is now proposed utilising traditional materials that would be in harmony with surrounding buildings. The previous dwelling was predominantly render which differs from buildings around the area.
- Ensures new footing on a better quality ground/soil for the proposed dwelling. The previous dwelling location suffered from difficult ground conditions. Moving the location would ensure those issues are not prevalent and cause any issues over the coming years. The new location ensures a clean approach for the Structural Engineers to locate good bearings within the site and maximise the utilisation of the site for a safe habitat for its occupants.
- The new dwelling location is located on open grounds. This subsequently lends itself as less of an impact on the Bio-diversity of the area due to it being located further away from the dense woodland boundary and local wildlife.
- All dwelling/buildings in the vicinity of the area are of a traditional nature with elaborate feature landscaped gardens, entrance paths and driveways . The new footprint location and access design reflects this feel of a countryside dwelling and is more in keeping with the area.
- The new location provides an opportunity to enhance the landscape treatment for the entire site. The previous dwelling was located in a corner area under existing woodlands and suffered from shading issues via encroachment on the woodland areas. The new location would ensure reduced shading issues to the new dwelling assisting with solar gain. This would ensure that landscaping and woodland are maintained for the entire site as a priority to ensure optimal views and utilisation of the site. This would be in keeping with buildings/dwelling around the proposed site.

**WILLOW RISE, WHITTINGHAME, EAST LoTHIAN**  
NEW REPLACEMENT FAMILY DWELLING HOUSE

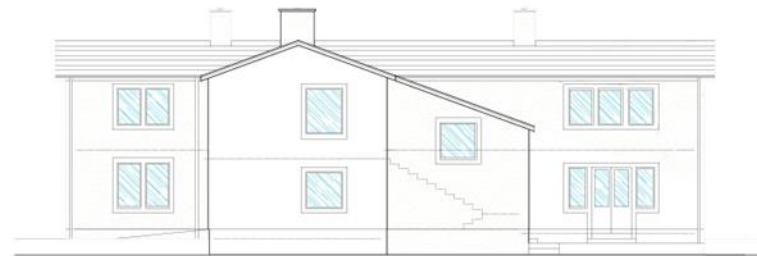
4.3 PREVIOUSLY CONSENTED APPLICATION (design & materials not in keeping with the local area)



SOUTH ELEVATION



EAST ELEVATION



WEST ELEVATION



NORTH ELEVATION

26. Previously Consented Site Plan and Elevations



## WILLOW RISE, WHITTINGHAME, EAST LOTHIAN

NEW REPLACEMENT FAMILY DWELLING HOUSE

### 4.4 DESIGN RESPONSE – INSPIRATION

The house have been designed and orientated to reflect the historic pattern of area and contemporary interpretations of traditional dwelling around Scotland with an aim to replicate the scale and proportion of historic cottages with traditional elements. High quality materials such as natural stone and slate will be utilised and to compliment the historic nature of the area with an aim to improve upon the previous dwellings design and approved past planning applications.



27. Images of Homes around Scotland serving as a Design Inspiration for the application proposal

#### 4.5 DESIGN RESPONSE – SCALE & MASSING

The proposal ensures that greenspace and recreational grounds on the site are maintained. The overall effect is a family dwelling which is unobtrusive and sits comfortably within the landscape and the historic setting

### WILLOW RISE, WHITTINGHAME, EAST LoTHIAN NEW REPLACEMENT FAMILY DWELLING HOUSE



Front Elevation

Side Elevation



Rear Elevation

Side Elevation

**WILLOW RISE, WHITTINGHAME, EAST LOTHIAN**  
NEW REPLACEMENT FAMILY DWELLING HOUSE

**4.6 DESIGN RESPONSE – SUSTAINABILITY**

The proposed residential family dwelling have been designed with the flexibility to incorporate a number of renewable opportunities such as solar panels, photovoltaic panels, air source heat pump, ground source heat pumps, water saving technologies and high performance heating and energy systems. The dwelling will also be constructed to exceed the latest building and technical standards in terms of insulation, air tightness and minimising heat loss. This should help with the clients objective of reducing their overall carbon footprint and help the proposed dwelling achieve a very good BREEAM rating.

The location of the dwelling with historic buildings around the area has provided a further impetus to the client to introduce complimentary building materials in keeping with the site. The use of Natural Stone for the Main Wall, Larch Cladding and Natural Slate for the roof pays a homage to the traditional buildings whilst incorporating a contemporary design and environmentally friendly building envelope.



Front Elevation

Side Elevation 1



Rear Elevation

Side Elevation 2

29. Proposed Garage Elevations

**WILLOW RISE, WHITTINGHAME, EAST LOTHIAN**  
NEW REPLACEMENT FAMILY DWELLING HOUSE

4.7 DESIGN RESPONSE – PROPOSED 3D IMAGES



30. 3d CGI's of proposed dwelling



**WILLOW RISE, WHITTINGHAME, EAST LoTHIAN**  
NEW REPLACEMENT FAMILY DWELLING HOUSE



4.8 SUMMARY

In conclusion the dwelling offers a unique re-instatement of a residential home at a historic residential site and improves upon previous designs whilst complimenting existing residential developments and conversions of historic building around the area.

The local development plan allows for replacement dwellings in the countryside where it can be demonstrated that the previous structure was deemed inhabitable due to unforeseen circumstances and that there was lawful use prior. This has been demonstrated by previous applications and historic photographic evidence. The applicants are committed to creating a bespoke and exemplary dwelling in terms of design and technology to create a family home their own personal use with an aim to settle back in the area.



31. Collection of Images showcasing landmarks and monuments around East Lothian

