



By email to:
environment@eastlothian.gov.uk

East Lothian Council
Planning Delivery
John Muir House
Haddington
EH41 3HA

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Enquiry Line: 0131-668-8716
HMConsultations@hes.scot

Our case ID: 300062176
Your ref: 22/01201/P
21 December 2022

Dear East Lothian Council

Town and Country Planning (Development Management Procedure) (Scotland)
Regulations 2013
Land Adjacent To Former Willow Rise Stenton East Lothian - Erection of 1 house and
associated works

Thank you for your consultation which we received on 22 November 2022. We have assessed it for our historic environment interests and consider that the proposals affect the following:

Ref	Name	Designation Type
LB17485,	WHITTINGEHAME HOUSE WITH TERRACE WALLS AND SUNDIAL,	Listed Building,
GDL00385	WHITTINGEHAME	Garden and Designed Landscape

You should also seek advice from your archaeology and conservation service for matters including unscheduled archaeology and category B and C-listed buildings.

Our Advice

We **object** to the application because we consider that the proposed development would have a significant adverse impact on the Whittingehame Inventory garden and designed landscape and on the setting of the Category A listed Whittingehame House.

Whittingehame is included in the Inventory of Gardens and Designed Landscapes in recognition of its national importance. A noted example of W.S. Gilpin's early 19th century landscape design, the parkland, woodland and gardens provide a very impressive setting for Whittingehame House. The Inventory site has outstanding architectural interest and outstanding historical interest and high horticultural interest: the



arboretum contains many interesting specimen trees including the 700-year-old Whittingehame yew and *Eucalyptus gunnii* 'Whittingehamensis', which was brought back from Australia in the 1850s.

The designed landscape is situated on both sides of the Whittingehame Water valley and is enclosed by mature policy woodlands. Whittingehame House is a Greek-style neo-classical mansion, designed by the noted architect Robert Smirke in 1817 with additions by William Burn in 1827 and later 19th century alterations. The house is located on the east bank of the glen and forms the focal point of the designed landscape. The entrance elevation faces north-east across the entrance forecourt towards a double lime avenue, which was planted by the Balfour family in the later 19th century, with parkland (the development site) and flanking woodland beyond. The garden front of the house looks south-west over the formal terraces of the gardens. The designed landscape was laid out c.1819 to the designs of W.S. Gilpin and the extent has remained the same to the present day.

The proposed development is located approx. 200 metres to the east of Whittingehame House in an area of historic parkland, which is named 'House Park' on the 19th century Ordnance survey maps. Enclosed by the estate woodlands and dotted with mature parkland trees, including an unusual specimen eucalyptus tree, which may be a *Eucalyptus gunnii* 'Whittingehamensis', this area of parkland rises from the double lime avenue, which forms its NW boundary. It makes an important contribution to the character of the Inventory site as an area of historic parkland, which is contemporary with the house, has remained in its present form for over 100 years, and forms an important element of the estate setting of the house.

The proposed new house would have a negative impact on the historic parkland character of this area of the designed landscape. Prominently located on rising ground, the development would change the character of the parkland from permanent pasture dotted with parkland trees, to a residential area surrounded by a large private garden.

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 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. 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.

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.

We consider the proposed development would introduce a significant new built element into the core of this historic Inventory site, significantly changing the site's parkland character to a domestic one and drawing focus of the designed landscape away from the mansion house. We therefore conclude that the proposal would have a significant negative impact on the Inventory site and the parkland setting of the house.

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.

If you are minded to grant consent, with or without conditions, you are required under the terms of the Town and Country Planning (Neighbouring Planning Authorities and Historic Environment)(Scotland) Direction 2015 to notify Scottish Ministers.

Further Information

This response applies to the application currently proposed. An amended scheme may require another consultation with us.

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/. Technical advice is available through our Technical Conservation website at www.engineshed.org.

Please contact us if you have any questions about this response. The officer managing this case is Catherine Middleton who can be contacted by phone on 0131 668 8729 or by email on Catherine.Middleton@hes.scot.

Yours faithfully

Historic Environment Scotland



HISTORIC
ENVIRONMENT
SCOTLAND

ÀRAINNEACHD
EACHDRAIDHEIL
ALBA

Historic Environment Scotland – Longmore House, Salisbury Place, Edinburgh, EH9 1SH

Scottish Charity No. **SC045925**

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Vivion McMahon
Associates

**Consulting Civil and
Structural Engineers**

Mr David McMillan
12 Letham Mains Holdings
Haddington
EH41 4NW

8 March 2023

Dear David

**21006: Mr David McMillan
Willow Rise, Whittinghame, Haddington, Edinburgh**

Further your query on the access the to the above site.

When I first visited the site on 3 June there two separate accesses to the area. One provided access to the then existing domestic Head Master's House the other wider to an Industrial Shed and a separate Stables block. The latter is still present with the former removed during the works to remove the house.

These were shown on Groves Raines Application for Warrant in December 2009 and again on Ken Reid Architects Applications for Warrant and Planning in 2019.

The above was also confirmed in the attached letter from the Contractor Alan Bain whose company Sports Engineering Ltd carried out the removal of the buildings over the years who also provided the attached photos from the time showing the buildings on site at the time in question.

If you have any queries, please contact me,

V Mc Mahon

Vivion McMahon
for **Vivion McMahon Associates**

Vivion McMahon
Associates

Consulting Civil and
Structural Engineers

Mr David McMillan
12 Letham Mains Holdings
Haddington
EH41 4NW

14 March 2023

Dear David

**21006: Mr David McMillan
Willow Rise, Whittingehame, Haddington**

I refer to your recent planning application at Willow Rise, Whittingehame which I was surprised to see refused by East Lothian Council. Having reviewed the case I can only conclude that the officers have mistakenly interpreted the history of development on the site.

Following the issues raised by the Planning Department on the recently constructed piers and wall I can confirm the following to be an accurate position.

- The access referred to by the Planners was there from my first involvement in June 2009 and provided access to the existing School Master House.
- That was also the only access to the field and your land.
- The access was shown on Groves Raines Application for Warrant in December 2009 and again in Ken Reid Architects Applications for Warrant and Planning in 2019.
- Recently approved applications also show it as being present at the time the applications were lodged.

It would appear to me that the field entrance has established rights as an access and is not new. Furthermore the line into the field is also well established.

My review of the site confirms that access shown on recently approved applications has not yet been constructed. There is a very good reason for this as it would involve considerable excavation and re-routing of services which would not only be environmentally disruptive but also very costly. It makes no sense in engineering or technical terms.

I am unsure why the Council is unsure or unaware of these matters. As the KRA drawing No 1469/W(2-)001 from Oct 21 clearly shows the entrance It can be made out less clearly on the 1:500 scale plan from the Grove Raines drawing No 1284/002/B from but present in June 2009 when I first became involved. Also enclose is my drawing No 21006/IDS/001 which was produced for information purposes requested by David to illustrate where the existing drainage was compared to that proposed by KRA shown on drawing No 1469/W(2-)002

If you have any queries, please contact me,

V Mc Mahon

Vivion McMahan
for **Vivion McMahan Associates**

SPORTS ENGINEERING LIMITED

BACKHILL FARMHOUSE
CARBERRY
MUSSELBURGH
EAST LOTHIAN
EH21 8QD

2nd March 2023

Mr David McMillan
No.12 Letham Mains Holdings
Haddington
East Lothian.

Willowrise, Whittingehaeme, East Lothian.

Dear Sir

With reference to the above subject please find a statement of my Companies Involvement over the years since the site was purchased.

I have been involved in various projects at Willowrise for Mr McMillan . Originally our employment was for a general site tidy, including fencing works to protect the site boundaries. Trimming and lopping of overhanging branches, plus the removal of wind blown trees and grassland maintenance.

Scottish Power were on site to replace a previously damaged underground electric cable. The cable installation works plus substantial repairs to a damaged septic tank sewage system in the same area deemed the existing access to The Headmasters Cottage unusable. In order to protect the integrity of the cable and the sewage system, subsoil and topsoil was collected on site and the access area was infilled and regraded. A new roadside stock fence was erected.

The access to Willowrise was through an existing agricultural field gate which served the rear of The Headmaster's Cottage and through amongst the trees to an agricultural barn and a timber stable block . The road was of hardcore construction with a gravel surface. Work was undertaken to improve the quality and stability of this access and roadway in 2009.

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A package of works was priced in June 2010 the main item was to excavate and expose the existing foundations of The Headmaster's house. It was on commencement that it became apparent that the existing structure was not in the expected condition. The building was a 1960's kit house with extensions which were showing signs of movement cracking.

Excavation works for the strip foundations began and the poor quality of the existing foundations became apparent. The building was not sited in the middle of the foundations and some of the concrete had deteriorated and failed. Works stopped awaiting a Structural Engineer's opinion. The Engineer instructed that the existing foundations be under pinned with high strength concrete to stabilise and maintain the integrity of the building.

Site works were held up by storms and heavy rain causing flooding on site. Further cracks appeared and the gable end of the building appeared to have moved. The building was made safe and securely fenced.

The Engineer instructed the demolition of the gable end of the building which had moved and also the garage which had separated from the main structure. The site was fenced off for safety reasons.

All works at The Headmaster's Cottage were suspended.

The storms damaged both the stableblock and the agricultural barn. The barn was constructed of timber frame clad with corrugated tin sheets. Sheets had dislodged and blown from the building. Both the barn and the stableblock were struck and damaged by 2 mature trees which had blown over.

The trees were cut up and removed from site. An instruction was given to demolish the barn and stable block and dispose off site. The concrete base to the stable block and the barn foundations were grubbed up and removed from site. An outdoor rubber crumb horse arena and associated fencing were also removed from site.

Topsoil and subsoil was gained from site and used to cover over the area of the barn, the stable block, the outdoor horse arena and the access road to this part of the site. This area was cultivated and sown with grass seed.

The management of the site fencing, grass and trees has been maintained on a regular basis since.

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I hope the above description of works and timescales meet with your understanding and approval.

Yours faithfully

Alan J. Bain
Sports Engineering Limited.

20th Feb 2013

Head of Planning

East Lothian Council

John Muir House

Haddington

Dear Sir

PLANNING APPLICATION 22/02010/P WILLOW RISE WHITTINGEHAME

I refer to the decision to your recent decision to refuse a planning application for a house at Willow Rise Whittingehame. The Reasons for Refusal and Report of Handling contain matters which I made representations on namely woodland and physical site conditions. I have a deep and detailed knowledge of the area and the site itself and have worked with the Applicant Mr McMillan on the Estate over previous years.

The decision to relocate the existing consented dwelling appears in my opinion to be eminently sensible in terms of site planning and technical drainage matters. It would fit well with the landscape and would not detract from Whittingehame House which is separate.

The existing consented house is located within a low-lying area which is essentially within a depression in the site. It is prone to pooling as a result of overland surface water flows and susceptible to flooding during periods of heavy rainfall. If the house were to be built in this location drainage would be a constant issue for the occupants

Furthermore, the location of the replacement house takes the proposed footprint away from the existing tree belt. This is beneficial in terms of ecology biodiversity and drainage. It also makes the site less susceptible to wind blow and storm damage.

Finally, I was one of several local people who supported the planning application in recognition of Mr McMillan's work in and around the Estate and that this development would enhance a site that has been in an unfinished state for several years. Despite this it was refused which begs the question on whose behalf are the ELPD serving because it does not appear to be the local community.

I look forward to your response.

Regards

David Luke. (BASIS, FACTS, BETA)

Mr Keith Dingwall

Mr Drew Bain

Head of Planning

East Lothian Council

Haddington

17 February 2023

Dear Sir,

PLANNING APPLICATION 22/01201/P WILLOW RISE, WHITTINGEME BY STENTON EAST LOTHIAN

I refer to the above application which I understand has been refused by East Lothian Council for various reasons, including the assertion that the development would sterilise Prime Agricultural Land.

My agricultural interest in Haddington is Letham Mains Farm, and my farming credentials are well known throughout East Lothian and beyond. Some years ago, the Applicant Mr David McMillan previously approached me with a view to potentially using his land at Willow Rise Whittingehame, for agricultural purposes. However, I have declined on the basis of my experience over 50 years farming.

The land at Whittingehame is a single field of @ 20 acres limited in size and irregular shape. It is isolated and not related to neighbouring agricultural land or farming units. Access for heavy machinery through the Estate is not easy and the tracks are unsuitable for large agricultural vehicles, which in my opinion would lead to physical and environmental damage.

The land is neither flat nor level and is gently undulating with hollows which are poorly drained. Fringes of woodland and sporadic trees also inhibit the area for agriculture and operation of heavy machinery. Modern agriculture would disrupt the landscape and be detrimental to bio-diversity.

In my opinion the land and composition of the soil itself is certainly not prime, despite what may be asserted by the McCauley institute. Indeed, I was concerned regarding sporadic contamination from a previous use when pigs and other wildlife were occupying the site, and machinery / chemicals stored on the area. Whilst grassland has been re-established a further reclamation of the land would be required in my opinion.

I have been impressed with the way that Mr McMillan has restored and managed the land, but I fear that the site would not be productive feasible or viable for commercial farming purposes. I do not know of local farmers who would be interested in taking this on as a serious proposition. Farming is a difficult sector in which to make a living, and bland assumptions that all green fields can support such activity appears to be a misguided default position taken by the Council

The use of this as a reason for refusal reduces the credibility regarding East Lothian's Councils judgement and handling of the application. It demonstrates naivety and undermines the farming industry in planning terms. Due diligence would have provided evidence that the site has never been used for farming purposes.

I am becoming increasingly concerned at the inconsistency being demonstrated by the Council in relation to development and housing in the countryside which is rendering much of our rural area as

soulless. The blanket prohibition of new housing irrespective of merit and insistence on labour justification and occupancy restrictions is having a negative impact on the landscape and rural economy.

Mr McMillan has shown me his plans and I believe that the new house demonstrates outstanding architecture which is not often seen in East Lothian. It would be separate from the main Whittingehame House, and entirely complementary. I also understand that access paths and maintenance would be undertaken to facilitate countryside recreation for visitors should the development progress.

If Prime Agricultural Land is the calibre of a single reason for refusal, I have serious doubts regarding the credibility of the accompanying reasons and how well this business has been handled.

Yours faithfully,

Drew Bain.