

LOCAL REVIEW BODY

15th June 2023

Application No: 22/01201/P

**Land adjacent to former Willow Rise, Stenton, East
Lothian**

Appointed Officer's Submission

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Willow Rise appeal

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22/01201/P, Land Adjacent To Former Willow Rise, Stenton

Proposal - Erection of 1 house and associated works.



Executive Summary

This response to applicants Notice of Review (March 2023) is set out in the same order as the appellants document (1-6). The statement then fully considers NPF4 and sets out the reasons for refusing permission and dismissing this appeal.

Statement Contents:

1. Considers the appellants background information and clarifies what is material to the consideration of this appeal
2. Considers the appellants statement on Site and Proposed Development
3. Addresses the appellants review of policies and clarifies the policies that apply to this proposal, given the adoption of NPF4 post determination
4. Considers the appellants response to material considerations
5. Considers the appellants response to the reasons for refusal
6. Appellant's Conclusion and Recommendation
7. Consideration of NPF4 Policies not addressed in the appellant Report of Review
8. Sets out the reasons for refusal

1.0 Introduction Background and Context, Planning History

The appellant states

"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 Whittinghame 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."

It is accepted that there were previously agricultural buildings on a small part of this site and that these were removed some years ago. These buildings did not benefit from planning permission and may not have required permission at the time they were erected (unknown).

At the time of the consideration of this application the sites comprised a field, with the exception of the small area where the site overlaps with the consented house, now under construction, and the unauthorised driveway. There is no evidence to suggest that this field is brownfield land and it is appropriate to consider this field as greenfield in terms of the application of planning policy. Site photographs are included in document j). Site photograph 5 shows the site as the greenfield it is today.

1.1

In section 1.0 Introduction Background and Context, Planning Context the applicant sets out the timing of the application and the appeal in relation to the legislation and Development Plan. The application was determined in accordance with the legislation and development plan at the time of the decision as is required. It is accepted that the SPP is now replaced with NPF4 and therefore the Development Plan now comprises NPF4 and the East Lothian Local Plan 2018 (LDP).

2.0 The Site and Proposed Development

The appellant states

"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."

The original application form submitted by the appellant for this application contained the description "The Erection of a New, Replacement family Dwelling House, at Willow Rise Whittinghame.". The planning authority are unable to accept applications which contain inaccurate descriptions of proposed development. The reference to a "replacement dwelling" is inaccurate as there is no dwelling on this site, at this time.

It is appropriate to clarify that works have commenced on the consented dwelling on the adjoining land but this does not constitute a dwelling at this time as it is not complete. The application considered a proposed dwelling and any references in the appellant's statement to a replacement dwelling are not relevant to this appeal.

2.0 Planning Policy, Policy Review

The appellant states

“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...

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.”

It should be noted that the application does not lie within a settlement as implied by the appellant’s report referencing PAN 72. The appellant’s Design and Access Report states “The proposed site is in the heart of the East Lothian countryside with the amenities and services of the surrounding towns within easy reach”. The nearest settlement to the site is Stenton as defined by policy RCA1 land allocation of the LDP. This site lies within countryside not a settlement, as referenced in PAN72. Policies DC1 and DC3 form part of the Development Plan which is entirely aligned with PAN72 and therefore it is not appropriate to limit their use as suggested by the applicant.

In section 3.0 Planning Policy, Policy Framework the appellant list specific NPF4 policies which they consider relevant

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*

Policy 14 Design, quality and place (not listed by the appellant but referenced in their submission)

It is accepted that the aforementioned policies are applicable with the exception of policy 29. Policy 17 Rural Housing applies as the proposal is a house. Policy 29 is applicable to non-residential proposals and is not applicable in this case. It should be noted that the following NPF4 policies, not listed by the appellant also apply in this case;

Policy 1 Tackling the climate and nature crises

Policy 2 Climate mitigation and adaptation

Policy 3 Biodiversity

Policy 13 Sustainable transport

Policy 15 Local Living and 20 minute neighbourhoods

Policy 16 Quality homes

3.1

Assessment against principal policies for NPF4 as listed by the appellant.

3.1.1 Policy 9 Brownfield, vacant and derelict land and empty buildings

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. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.

b) Proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP.

c) Where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use.

d) Development proposals for the reuse of existing buildings will be supported, taking into account their suitability for conversion to other uses. Given the need to conserve embodied energy, demolition will be regarded as the least preferred option.

As explained previously there is no evidence to support the appellant's claim that this site is brownfield land. The site is a field in the countryside and is considered greenfield for the purpose of planning policy application.

Part b) applies to greenfield land. The proposal does not meet part b) as the land is not allocated for development in the LPD nor is it supported by policies in the LDP. The proposal does not comply with any part of NPF4 policy 9.

3.1.2 Policy 17 Rural homes

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:

i. is on a site allocated for housing within the LDP;

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;

iv. is an appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;

v. is demonstrated to be necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work;

vi. is for a single home for the retirement succession of a viable farm holding;

vii. is for the subdivision of an existing residential dwelling; the scale of which is in keeping with the character and infrastructure provision in the area; or

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

b) Development proposals for new homes in rural areas will consider how the development will contribute towards local living and take into account identified local housing needs (including affordable housing), economic considerations and the transport needs of the development as appropriate for the rural location.

c) Development proposals for new homes in remote rural areas will be supported where the proposal:

i. supports and sustains existing fragile communities;

ii. supports identified local housing outcomes; and

iii. is suitable in terms of location, access, and environmental impact.

d) 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 resettlement;

ii. is designed to a high standard;

iii. responds to its rural location; and

iv. is designed to minimise greenhouse gas emissions as far as possible.

The appellant considers that the proposal accords with parts

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.

In terms of part ii. As previously explained the site is not brownfield land and is in a natural state.

In terms of part iii. There is no building on this site.

In terms of part viii. there has never been a dwelling on this site therefore there can be no replacement.

The proposal does not accord with any part of Policy 17 Rural homes.

3.1.3 Policy 29 Rural development

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;

ii. diversification of existing businesses;

iii. production and processing facilities for local produce and materials, for example sawmills, or local food production;

iv. essential community services;

v. essential infrastructure;

vi. reuse of a redundant or unused building;

vii. appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;

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.

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.

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.

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 resettlement;

- 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.*

As mentioned previously NPF4 policy 17 Housing and not policy 29 Rural Development applies to this proposal as it relates to a house. As the appellant has set out that the proposal accords with parts of this policy 29 I will address these matters for completeness.

The appellant lists parts;

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.

In relation to a) i. the proposal is for a large dwelling and is not supported by this part of this policy.

In relation to a) v. the proposal is not an infrastructure project and is not supported by this part of this policy.

In relation to a) vi. the site does not contain a building and is not supported by this part of this policy.

In relation to a) viii. the site is not brownfield land and is not supported by this part of this policy.

In relation to a) ix. the proposal is not small in scale with the site area extending to 7.69 hectares and is not supported by this part of this policy.

In relation to a) x. the site is currently in a natural state and therefore there can be no improvement. The proposal is not supported by this part of this policy.

b) The appellant has provided no evidence in relation to this part of the policy and therefore no comment is offered. Scaling, siting and design are addressed in the reasons for refusal, within the report of handling and in relation to LDP and NPF4 policies below.

c) This part of the policy specifically relates to remote rural areas. This must be seen at a national policy context and it is not considered that there are any remote rural areas within East Lothian. In

relation to this site it is within close proximity to the settlement of Stenton and Dunbar and is not in a remote rural area.

d) This site had not previously been inhabited and therefore the support for resettlement is not applicable.

The proposal does not accord with any part of this policy and it is not accepted that the policy is applicable to this case.

3.1.4 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.

b) Development proposals that are likely to have a significant effect on an existing or proposed European site (Special Area of Conservation or Special Protection Areas) and are not directly connected with or necessary to their conservation management are required to be subject to an “appropriate assessment” of the implications for the conservation objectives.

c) Development proposals that will affect a National Park, National Scenic Area, Site of Special Scientific Interest or a National Nature Reserve will only be supported where:

i. The objectives of designation and the overall integrity of the areas will not be compromised; or

ii. Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance. All Ramsar sites are also European sites and/ or Sites of Special Scientific Interest and are extended protection under the relevant statutory regimes.

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.

e) The precautionary principle will be applied in accordance with relevant legislation and Scottish Government guidance.

f) Development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application.

g) Development proposals in areas identified as wild land in the Nature Scot Wild Land Areas map will only be supported where the proposal: i. will support meeting renewable energy targets; or, ii. is for small scale development directly linked to a rural business or croft, or is required to support a fragile community in a rural area.

Parts a), d) apply and part e) is noted.

In relation to part a) the appellant states that there is no unacceptable impact on the natural environment. The application site extends to 1.75ha and the proposal is to develop a house and garden grounds which cover the entire site. The proposal will change this natural part of the countryside, currently grassland, to a domestic property. The loss of 1.75ha of countryside to domestic use will unacceptably harm the natural environment.

In relation to part d) the site lies within the Whittingehame to Deuchrie Special Landscape Area (SLA 8). The report of Handling (extract below) clearly sets out how the proposed development, by nature of its location, siting, design, materials and size would be at odds with the estate and the wider landscape. The appellant simply states that this is not the case and offers no information to demonstrate otherwise.

The social and economic benefit of a house is not minor and does not outweigh the significant harm on the natural environment. Any social or economic benefits could be achieved by locating the house in a more suitable location as supported by NPF4 and the LDP.

The appellant also notes that policy NPF4 is not a Reason for Refusal in the decision notice. The policy was not listed as a reason for refusal as NPF4 did not form part of the Development Plan at that time. Giving due regard to the adverse impact on the SLA the proposal is contrary to NPF4 Policy 4 (Natural places parts a) and d).

Extract from Report of handling (The Whittingehame to Deuchrie SLA includes the incised and wooded slopes of the Whittingehame valley. One of the special features and qualities noted in the SLA Statement of Importance is that settlement within the area is limited and small in scale, of vernacular style, dotted around the minor roads or hidden in the wooded valleys adding to the picturesque and historic nature of the area. It goes on to say that the use of local materials, sandstone especially red to match the soil, slate roofs, and the small number and scale of settlements and their fit within the landscape gives the impression of man living with nature rather than controlling it. Whittingehame House, although a larger grander building has been designed to sit sensitively within the valley and its surrounding parkland, hidden by the heavily wooded valley slopes from wider views.

The proposed building of the two storey house and garage together with the long driveway and significant external landscape works would be set within the woodland of the Whittingehame valley. Moreover, it is proposed to site the buildings on the upper slopes of the parkland, thereby increasing the development's prominence locally and enabling views of the house to be seen from the wider surrounding landscape, particularly to the north. The proposed buildings would not be of scale, style, material or colour that fits with the local vernacular or the formality of the estate building.

Furthermore, in this part of the SLA the well-planned woodland framework is part of the designed landscape. The woodlands of the valley have been located and used to control views and provide

seclusion as part of the designed landscape. Whittingehame House only has views of its parkland surrounds. Wider views and views of other development are curtailed by the woodland framework. The development as proposed breaks this seclusion. Building in this location would enable two large buildings to be viewed together within an area of open parkland. This would harm the small-scale secluded visual character derived from the well-planned mature woodland framework formed as part of the designed landscape.

Therefore as the proposal conflicts with guidelines contained within the Statement of Importance for Whittingehame to Deuchrie Special Landscape Area (SLA 8) it would harm the parkland landscape character of the area and therefore would have an adverse impact on the Special Landscape Area. 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 and to the Special Landscapes Areas SPG.)

3.1.5 Policy 5 Soils

a) Development proposals will only be supported if they are designed and constructed:

i. In accordance with the mitigation hierarchy by first avoiding and then minimising the amount of disturbance to soils on undeveloped land; and

ii. In a manner that protects soil from damage including from compaction and erosion, and that minimises soil sealing.

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 onsite;

iii. The development of production and processing facilities associated with the land produce where no other local site is suitable;

iv. The generation of energy from renewable sources or the extraction of minerals and there is secure provision for restoration; and In all of the above exceptions, the layout and design of the proposal minimises the amount of protected land that is required.

c) Development proposals on peatland, carbon rich soils and priority peatland habitat will only be supported for:

i. Essential infrastructure and there is a specific locational need and no other suitable site;

ii. The generation of energy from renewable sources that optimises the contribution of the area to greenhouse gas emissions reductions targets;

iii. Small-scale development directly linked to a rural business, farm or croft;

iv. Supporting a fragile community in a rural or island area; or

v. Restoration of peatland habitats.

d) Where development on peatland, carbon-rich soils or priority peatland habitat is proposed, a detailed site specific assessment will be required to identify:

- i. the baseline depth, habitat condition, quality and stability of carbon rich soils;*
- ii. the likely effects of the development on peatland, including on soil disturbance; and*
- iii. the likely net effects of the development on climate emissions and loss of carbon.*

The appellant states that the agricultural land classification is category 5.1. The application site is within an area which is classified as 3.2, 4.1 and 4.2. Prime agricultural land is defined as being the top three tiers, either Class 1, 2 or 3.1. According to the application site is not prime agricultural land.

As the site does not contain prime agricultural land NPF4 Policy 5 b) does not apply to this proposal. NPF4 Policy 5 c) and d) do not apply to this proposal.

It is appropriate to apply Policy NPF4 Policy 5 a) to this proposal. Part a) supports development which is in accordance with the mitigation hierarchy by first avoiding and then minimising the amount of disturbance to soils on undeveloped land. The mitigation hierarchy requires development to avoid, minimise, restore and offset the impact on soil. The proposal develops the whole site, does not include any restoration or offsetting of impact and is therefore contrary to NPF4 Policy 5 a).

3.1.6 Policy 6 Forestry, woodland and trees

a) Development proposals that enhance, expand and improve woodland and tree cover will be supported.

b) Development proposals will not be supported where they will result in:

- i. Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition;*
 - ii. Adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy;*
 - iii. Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy;*
 - iv. Conflict with Restocking Direction, Remedial Notice or Registered Notice to Comply issued by Scottish Forestry.*
- c) Development proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal. Where woodland is removed, compensatory planting will most likely be expected to be delivered.*
- 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 application site contains two ancient/veteran. The appellants statement only references part a) and d) of Policy 6 Forestry, woodland and trees. It is accepted that the proposal is in accordance with these parts of the policy. As the proposal impacts on trees and not woodland part c) of this policy does not apply.

It is appropriate to apply Policy 6 Forestry, woodland and trees part b) which states

“b) Development proposals will not be supported where they will result in:

i. Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition;”

The trees within the site are an oak with a trunk diameter of approximately 1.1m and a eucalyptus with a trunk diameter of approximately 1.3m. Both trees are important specimens and the eucalyptus is of particular note. It is a direct descendent of a tree grown from seed brought back from Australia in 1854. The article

https://www.researchgate.net/publication/280942092_Eucalyptus_gunnii_-_the_pioneer_Australian_tree_in_Britain notes that ‘four seedlings from the progeny of the original tree were planted at Whittingehame between 1891 and 1912. At least one of these still exists’.

The application proposes the formation of a driveway between these trees. Forming a driveway within the root protection areas of these trees, as defined by British Standard BS5837:2012 ‘Trees in relation to design, demolition and construction’, will lead to damage to their roots leading to damage to their health and structural stability and ultimately the historic parkland trees would be lost. The proposal is contrary to Policy 6 Forestry, woodland and trees part b).

3.1.7 Policy 7 Historic assets and places

It is noted that the appellant does not address this policy at this point and that the matter is considered in respect of the Reason for Refusal.

4.0 Planning Appraisal – Material Considerations

4.1 Planning Advice Note 72 Development in the Countryside (2005).

As previously set out in this Statement the Development Plan is aligned with PAN 72. PAN 72 provides support for rural development within existing settlements. This site lies outwith the nearest settlement of Stenton and is therefore not aligned with the guidance contained in NPF4.

4.2 Land Use Strategy for Scotland 2021-26

This document has guided the preparation of NPF4 and will guide the next LDP. The proposal for a single dwelling is not considered to be a strategic matter at a national level and therefore the application of the Land Use Strategy for Scotland is inappropriate.

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

It is accepted that this guidance is material and is addressed in the Report of Handling.

4.4 The appellant states “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.” Policy DC8 applies to development around specific towns and does not apply to this site and therefore it is not appropriate to apply this guidance.

As set out in the Report of Handling material to the determination of this planning application is the Special Landscape Areas SPG of the adopted East Lothian Local Development Plan 2018.

4.5 Consultation Responses

These are addressed in the Report of Handling.

4.6 Third Party Representations

These are addressed in the Report of Handling.

5.0 Rebuttal of Reasons for Refusal

5.1 Reason for refusal 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.

The application site is within an area defined as being within the countryside by the adopted East Lothian Local Development Plan. Although Whittingehame House is located close by and there are other houses located a short distance from the site those buildings are not new build development but are existing houses which are long established in their countryside location and which are part of the character and appearance of the area. Therefore what would be built is a new house which would not be an addition to a settlement or an addition adjoining the edge of a settlement but instead would constitute new build housing development in the countryside.

There is no agricultural or other employment use presently in operation to justify the need for a new house on the application site. Neither has the applicant advanced any such case of justification of need for the principle of the proposed new house. No case has been put forward that the proposed house has an operational requirement for its countryside location or that it would be required to support a use which in principle requires a countryside location. Neither has the proposed house been promoted for affordable housing use, would not be a logical addition to an existing small rural settlement and would not enable a desirable primary use supported by Policy DC1 or fund the

restoration of a listed building. Therefore the erection of the new build house on the application site is contrary to Policies DC1 and DC4 of the adopted East Lothian Local Development Plan 2018.

Policy DC3 deals with the principle of providing replacement dwellings in the countryside and sets out two criteria under which a replacement dwelling would be in principle be acceptable. Whilst there had previously been a house on the adjacent site – Willow Rise (formerly known as the School Masters House) there has never been a house on this site. Through planning permission 20/00169/P consent has already been granted for a replacement for the adjoining site. Furthermore the pre-commencement conditions attached to planning permission 20/00169/P have been approved and works have commenced. Therefore planning permission 20/00169/P has been implemented.

As planning permission has already been granted for a replacement house on the adjacent site ref: 20/00169/P, and as that planning permission has been implemented this now proposed house cannot be a replacement house for the former house known as Willow Rise (formerly the Old Schoolmasters House). If planning permission were to be granted for the house proposed through this application the applicant would have planning permission for two houses. As the site contains no house to replace the proposal does not accord with Policy DC3 of the adopted East Lothian Local Development Plan 2018.

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.

It is agreed that SPP no longer applies and NPF4 forms part of the development plan. As set out previously the proposal is also contrary to NPF4 policies *Policy 9 Brownfield, vacant and derelict land and empty buildings part b) and all parts of Policy 17 Rural homes.*

Furthermore unlike the neighbouring site, subject of planning permission 20/00169/P, this site is a greenfield site that has never had a house located on it. Therefore there are no material planning considerations that would outweigh the fact that the building of a new house on it would be contrary to the Development Plan in respect of new build housing in the countryside.

5.2 Reason for refusal 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'.

As this application site is located to the east of Whittingehame House – a category A Listed Building - and is within the Whittingehame House Designed Landscape Historic Environment Scotland were consulted on the application.

Historic Environment Scotland Managing Change in the Historic Environment guidance notes relating to 'Setting' state that setting can be important to the way in which historic structures or places are understood, appreciated and experienced. It can often be integral to a historic assets cultural significance and planning authorities should take into account the setting of historic assets or places when making decisions on planning applications. The HES Guidance advises that 'setting' should be thought of as the way in which the surroundings of a historic asset or place contribute to how it is experienced, understood and appreciated. Setting often extends beyond the property boundary, or 'curtilage', of an individual historic asset into a broader landscape context. Less tangible elements can also be important in understanding the setting. These may include function, sensory perceptions or the historical, artistic, literary and scenic associations of places or landscapes. It notes that it is for planning authorities to determine whether a development will impact on the setting of a historic asset or place.

The HES Guidance notes that factors such as the character of the surrounding landscape, views to and from the asset or place and overall sense of place can affect be incorporated into the setting of a place.

The historic asset in this case is the Category a listed Whittingehame House. In their consultation response Historic Environment Scotland state;

"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 approximately 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 application site lies within the parkland which forms one part of the designed landscape to the house. The parkland, with its open character in contrast with the surrounding woodland, is of historic interest and is important to our understanding of the house and estate and forms an important part of the setting of the listed house.

Historic Environment Scotland advise that 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.”

The proposal would occupy a significant element of the open parkland setting to the house. The change in character to a residential property would undermine the open parkland nature of the wider area and would be significantly detrimental to the historic parkland and our understanding of the setting to the house within the estate.

Moreover, the proposed buildings would be visible on longer views towards the house. The axial view to the house through the avenue of trees is particularly impressive. Within this quiet view the focus is on the house although the view also affords us the open aspect of the parkland and tree belt enclosure. The formality of the axial view and the informal open parkland would be interrupted by the proposed house, garage and extensive garden grounds. The level of change proposed would have an adverse impact on the setting of the category A listed Whittingehame House.

Consequently Historic Environment Scotland object to this application and consider it to be harmful to the setting of Whittingehame House a Category A listed building. Therefore as the proposal would have an adverse impact on the setting of the listed building it is not in accordance with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and does not accord with policy CH1: Listed Buildings of the adopted East Lothian Local Development Plan 2018 and with HES guidance Managing Change in the Historic Environment 'Setting'.

The appellant states “This stance appears to be largely influenced by the HES consultation and is not consistent with previous findings by Scottish Ministers.”. It is entirely appropriate to give significant weight to the consultation response from HES in respect of the impact on the setting of a Category A listed building. It is assumed that the reference to the previous findings of ministers relates to the neighbouring site. This case was for a replacement dwelling on an existing site and therefore it is not considered materially significant except in considering the cumulative impact of two houses being developed within the setting of the Category A listed building.

The appellant asks “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.”. This is set out in the Report of Handling.

It is agreed that SPP no longer applies and NPF4 forms part of the development plan. The appellant states that the proposal is compliant with NPF4 but does not reference a specific policy. Within the

context of considering potential impact on the listed building it is appropriate to consider NPF4 policy Policy 7 Historic assets and places.

5.2.1 Policy 7 Historic assets and places

c) Development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting. Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest.

As set out above the proposal will have a significant adverse impact on the setting of the Category A listed building and therefore it is contrary to NPF4 Policy 7 c).

5.3 Reason for refusal 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.

As the site is within the Whittingehame Estate which is one of Historic Environment Scotland's Inventory Garden and Designed Landscape Policy CH6: Gardens and Designed Landscapes of the ELLDP applies. The designed landscape is listed of high value as a work of art and of outstanding historical interest.

The application site is within a significant part of the parkland within the Whittingehame Inventory Garden and Design Landscape designed landscape. This parkland is important as part of the overall landscape design and retains its original form and character. The parkland is visible in glimpsed views from the house and on approach to Whittingehame House from the south. It is highly visible from the avenue of lime trees that form an axial avenue aligned with the house. The introduction of the proposed house, garage structure, driveway and the change of the use of the land to residential use would represent a significant intervention into the parkland. The proposal would transform this part of the designed landscape into a residential character containing modern structures, uncharacteristic of the designed landscape. The level of change is significant and would conflict with the open character of the parkland. The extensive gates walls and paths at the entrance to the site create the impression of importance which competes with the role of the parkland within the designed landscape.

In respect of the impact of the proposal on the designed landscape HES note:

“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.”

Consequently Historic Environment Scotland object to this application and consider it to have a significant adverse impact on the Whittingehame Inventory garden and designed landscape. Therefore the proposal is contrary to Policy CH6: Gardens and Designed Landscapes of the adopted East Lothian Local Development Plan 2018.

It is agreed that SPP no longer applies and NPF4 forms part of the development plan. In this respect it is appropriate to consider NPF4 policy Policy 7 Historic assets and places.

5.3.1 NPF4 Policy 7 Historic assets and places

- 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.

As set out above the proposal will have a significant adverse impact on the Designed Landscape and therefore it is contrary to NPF4 Policy 7 i).

It is noted that the appellant forwards no information that demonstrates an understanding of the qualities of this section of the designed landscape or how the proposal responds to the historic landscape.

5.4 Reason for refusal 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.

The site also lies within the Whittingehame to Deuchrie Special Landscape Area (SLA 8). The Whittingehame to Deuchrie SLA includes the incised and wooded slopes of the Whittingehame valley. One of the special features and qualities noted in the SLA Statement of Importance is that settlement within the area is limited and small in scale, of vernacular style, dotted around the minor roads or hidden in the wooded valleys adding to the picturesque and historic nature of the area. It goes on to say that the use of local materials, sandstone especially red to match the soil, slate roofs, and the small number and scale of settlements and their fit within the landscape gives the impression of man living with nature rather than controlling it. Whittingehame House, although a larger grander building has been designed to sit sensitively within the valley and its surrounding parkland, hidden by the heavily wooded valley slopes from wider views.

The proposed building of the two storey house and garage together with the long driveway and significant external landscape works would be set within the woodland of the Whittingehame valley.

Moreover, it is proposed to site the buildings on the upper slopes of the parkland, thereby increasing the development's prominence locally and enabling views of the house to be seen from the nearby and wider surrounding landscape, particularly to the north. The proposed buildings would not be of scale, style, material or colour that fits with the local vernacular or the formality of the estate building.

Furthermore, in this part of the SLA the well-planned woodland framework is part of the designed landscape. The woodlands of the valley have been located and used to control views and provide seclusion as part of the designed landscape. Whittingehame House only has views of its parkland surrounds. Wider views and views of other development are curtailed by the woodland framework. The development as proposed breaks this seclusion. Building in this location would enable two large buildings (house and garaging) to be viewed together within an area of open parkland. This would harm the small-scale secluded visual character derived from the well-planned mature woodland framework formed as part of the designed landscape.

Therefore as the proposal conflicts with guidelines contained within the Statement of Importance for Whittingehame to Deuchrie Special Landscape Area (SLA 8) it would harm the parkland landscape character of the area and therefore would have an adverse impact on the Special Landscape Area. 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 and to the Special Landscapes Areas SPG.

It is agreed that SPP no longer applies and NPF4 forms part of the development plan. In this respect it is appropriate to consider NPF4 Policy 4 Natural Places.

5.4.1 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.

Giving due regard to the adverse impact on the SLA, as set out above, the proposal is contrary to NPF4 Policy 4 Natural Places parts a) and d).

5.5 Reason for refusal 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.

Prime agricultural land is defined as being the top three tiers, either Class 1, 2 or 3.1. The application site is partially within an area of classes 3.2. It is therefore accepted that no part of the site is prime agricultural land and therefore the proposal is not contrary to Policy NH7 and Reason for Refusal 5 falls.

5.6 Reason for refusal 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 proposal also includes a lengthy driveway that is routed between the two mature trees. These trees form part of the designed landscape and are a significant natural assets within the site. The proposed driveway would be constructed within the root protection area of these trees and is likely to impact on the roots and health of the trees. It is accepted that the site is adequately large that an alternative route for the driveway could be accommodated avoiding the conflict with the existing trees. However, the current proposed driveway route is unacceptable in respect of adverse impact on trees contrary to Policy NH8 of the adopted East Lothian Local Development Plan 2018.

The appellants statement that the trees, including roots and canopy) would be unaffected is not accepted. Forming a driveway within the root protection areas of these trees, as defined by British Standard BS5837:2012 'Trees in relation to design, demolition and construction', will lead to damage to their roots leading to damage to their health and structural stability and ultimately the historic parkland trees would be lost.

NPF4 forms part of the development plan. In this respect it is appropriate to consider NPF4 policy Policy 4 Natural Places Policy 6 Forestry, woodland and trees part b).

5.6.1 Policy 4 Natural Places

b) Development proposals will not be supported where they will result in:

i. Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition;

The eucalyptus within the site is recorded in the list of Champion Trees [Champion Trees - The Tree Register](#) recorded in 2006 as a category A notable tree. It was recorded as "1886 seedling of the original Whittingehame Gum (in 1904). Decaying in 2006." *It is estimated that the tree is*

approximately 177 years old. Giving due consideration to the condition of this tree it is considered to be classified as a veteran tree.

As the proposal would have an adverse impact on this tree the proposal is also contrary to NPF4 Policy 6 Forestry, woodland and trees part b).

5.7 Reason for refusal 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.

5.7.1 LDP Policy DP1: Landscape Character

- 1. Be well integrated into its surroundings by responding to and respecting landform, and by retaining and where appropriate enhancing existing natural and physical features at the site, including water bodies, that make a significant contribution to the character and appearance of the area and incorporate these into the development design in a positive way;*

The adverse impact upon the Designed Landscape and SLA are clearly set out in the Report of Handling and above.

The existing landscape is of an open parkland and the proposed house will interrupt and harm this character. In addition the design of the building conflicts with the landscape. The proposed building sits high up within this field and seeks to impose itself upon the topography of the site. The applicant supporting visual information supports this view. It is large in size and incorporates a dominant roof form which maximises the impact of the building rather than reducing it. The proposal seeks consent for a 1.75ha garden and proposes no elements which could be considered to integrate the development into the landscape. The oversized driveway and gates, erected without planning permission, are a grand formal statement which competes with the Category A listed building and removes the natural features from this part of the site. The extensive gazing will create a level of light pollution which conflicts with the quiet rural landscape setting and design of neighbouring properties, which incorporate modest glazing.

The proposal is not integrated into its landscape surroundings and is therefore contrary to Policy DP1: Landscape Character part 1.

5.7.2 LDP Policy DP1: Landscape Character

- 2. Include appropriate landscaping and multifunctional green infrastructure and open spaces that enhance, provides structure to and unifies the development and assists its integration with the surroundings and extends the wider green network where appropriate.*

The proposal is for a dwelling and a 1.75hs domestic garden and does not include any of the elements specified above and is therefore contrary to LDP Policy DP1: Landscape Character part 2.

5.7.3 Policy DP2: Design

The design of all new development, with the exception of changes of use and alterations and extensions to existing buildings, must:

- 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;*
- 2. By its siting, density and design create a coherent structure of streets, public spaces and buildings that respect and complement the site's context, and create a sense of identity within the development;*
- 3. Position and orientate buildings to articulate, overlook, properly enclose and provide active frontages to public spaces or, where this is not possible, have appropriate high quality architectural or landscape treatment to create a sense of welcome, safety and security;*
- 4. Provide a well connected network of paths and roads within the site that are direct and will connect with existing networks, including green networks, in the wider area ensuring access for all in the community, favouring, where appropriate, active travel and public transport then cars as forms of movement;*
- 5. Clearly distinguish public space from private space using appropriate boundary treatments;*
- 6. Ensure privacy and amenity, with particular regard to levels of sunlight, daylight and overlooking, including for the occupants of neighbouring properties;*
- 7. Retain physical or natural features that are important to the amenity of the area or provide adequate replacements where appropriate;*
- 8. Be able to be suitably serviced and accessed with no significant traffic or other environmental impacts.*

This design policy applies to all new development, with the exception of changes of use and alterations and extensions to existing buildings, and it is accepted that not all parts will apply to all types of development. In the case of this proposal parts 1), 2), 6), 7) and 8) are applicable.

With regard the design of the proposed house, the Design Statement submitted in support of the application sets out the design's response as "contemporary interpretations of traditional dwellings around Scotland with an aim to replicate the scale and proportions of historic cottages with traditional elements". This approach has led to a development that does not reflect any of the elements of the site context. The proposed house is not symmetrical in plan form or elevation. It contains an expansive roof form which dominates longer views. The window arrangement contains numerous different size and shapes of window and is not composed in its arrangement. The building contains elements of stone but these are used in a non load bearing manner and are minimal in

some elevations. The proposed stone is illustrated as a rubble finish in contrast with the main estate buildings. The use of stone does not reflect the traditional use of this material and creates a lightweight appearance to the proposed structure in contrast to the solidity of the existing structures. The use of charcoal coloured larch on the upper floors accentuates the dominance of the roof form and top of the building creating an architectural response uncharacteristic of this context. The overall appearance 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 this estate. In this context the proposed house is inappropriate to its setting and out of keeping with its surroundings contrary to DP2 of the adopted East Lothian Local Development Plan 2018.

As set out above the positioning, size, massing, and scale and use of extensive roofscape and glazing conflicts with the surroundings. The overall design competes with the site's context, and jars with the sense of identity within this historic estate setting. The extensive land take and the impact on the trees within the site detract from the amenity of the area and have a negative environmental impacts. The proposal is contrary to Policy DP2: Design 1), 2), 7) and 8).

5.7.4

The proposal raises no issues in respect of privacy, daylight or overshadowing as set out in the Report of Handling. The proposal accords with Policy DP2: Design 6).

The appellant's statement includes "revised design" and "repositioning". It is important to be clear that this house is considered on its own merits and not measured against any previous permission or the house currently under construction on the adjoining land.

The appellant also states that the proposal will maintain and manage the woodland planting on the periphery of the site. It is important to be clear that this woodland is outwith the site and its management did not form part of this application and is therefore not a material consideration.

NPF4 forms part of the development plan. In respect of design it is appropriate to consider NPF4 Policy 14 Design, quality and place

5.7.5 Policy 14 Design, quality and place

a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.

b) Development proposals will be supported where they are consistent with the six qualities of successful places:

Healthy: Supporting the prioritisation of women's safety and improving physical and mental health.

Pleasant: Supporting attractive natural and built spaces.

Connected: Supporting well connected networks that make moving around easy and reduce car dependency

Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.

Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.

Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.

Further details on delivering the six qualities of successful places are set out in Annex D.

c) Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

For the reasons set out above in respect of impact on landscape character and design the proposal is also considered contrary to Policy 14 Design, quality and place a), b) and c).

6.0 Appellant's Conclusion and Recommendation

The applicant's case is based upon the dwelling being "a replacement for an existing unbuilt house". As the neighbouring house is unbuilt and outwith the site this proposal can only be considered as a new house, in addition to the one under construction on adjoining land.

The appellant states "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.". It is important to note that the consented house lies on land outwith this application site and that development has commenced. The appellant has offered no evidence to suggest that this approach would be lawful or in accordance with Planning Circular 4/1998. It is not considered appropriate to issue a consent on this application site based on revoking a planning consent on neighbouring land where the development has commenced.

7.0 Consideration of NPF4 Policies not addressed in the appellant Report of Review.

It should be noted that the following NPF4 policies, not listed or reference by the appellant, also apply in this case;

Policy 1 Tackling the climate and nature crises

Policy 2 Climate mitigation and adaptation

Policy 3 Biodiversity

Policy 13 Sustainable transport

Policy 15 Local Living and 20 minute neighbourhoods

Policy 16 Quality homes

7.1 NPF4 Policies 1, 2 and 3 relate to Sustainable Places.

7.1.1 Policy 1 Tackling the climate and nature crises

When considering all development proposals significant weight will be given to the global climate and nature crises.

The proposal for this single dwelling is remote from the existing settlements within East Lothian and involves a significant land take from a field which is in a natural state. The proposal does not accord with a number of spatial and environmental policies within the LDP and NPF4 and is not a sustainable form of development. The proposal would significantly harm the natural environment and is contrary to NPF4 policy 1.

7.1.2 Policy 2 Climate mitigation and adaptation

a) Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.

b) Development proposals will be sited and designed to adapt to current and future risks from climate change.

c) Development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported.

The proposal for this single dwelling is remote from the existing settlements of Stenton and Dunbar. The proposal will be reliant upon vehicular transport to access local services and is not aligned with the objective of local living and minimising greenhouse gas emissions. The proposal does not accord with a number of spatial and environmental policies within the LDP and NPF4 and is not a suitable location for development to mitigate the climate impact and is therefore contrary to NPF4 policy 2 a).

7.1.3 Policy 3 Biodiversity

a) Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.

- b) *Development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all of the following criteria:*
- i. *the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;*
 - ii. *wherever feasible, nature-based solutions have been integrated and made best use of;*
 - iii. *an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;*
 - iv. *significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their longterm retention and monitoring should be included, wherever appropriate; and*
 - v. *local community benefits of the biodiversity and/or nature networks have been considered.*
- c) *Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. Applications for individual householder development, or which fall within scope of (b) above, are excluded from this requirement.*

Any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration.

The application site is currently a greenfield which is largely covered in grass. It is accepted that the site is not currently rich in biodiversity and there are opportunities for enhancement. The proposal includes a large house, large garaging and extensive driveway and roundabout. The proposal is to change the use of the entire 1.75ha of greenfield to residential use and contains no biodiversity enhancements. The proposal is contrary to NPF4 policy 3 which requires biodiversity enhancements and a nature based solution amongst other considerations.

7.4 Policy 13 Sustainable transport

- a) Proposals to improve, enhance or provide active travel infrastructure, public transport infrastructure or multi-modal hubs will be supported. This includes proposals:*
- i. for electric vehicle charging infrastructure and electric vehicle forecourts, especially where fuelled by renewable energy.*
 - ii. which support a mode shift of freight from road to more sustainable modes, including last-mile delivery.*
 - iii. that build in resilience to the effects of climate change and where appropriate incorporate blue and green infrastructure and nature rich habitats (such as natural planting or water systems).*
- b) Development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:*
- i. Provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;*
 - ii. Will be accessible by public transport, ideally supporting the use of existing services;*
 - iii. Integrate transport modes;*
 - iv. Provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards;*
 - v. Supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking;*
 - vi. Are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles;*
 - vii. Have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and*
 - viii. Adequately mitigate any impact on local public access routes.*
- c) Where a development proposal will generate a significant increase in the number of person trips, a transport assessment will be required to be undertaken in accordance with the relevant guidance.*
- d) Development proposals for significant travel generating uses will not be supported in locations which would increase reliance on the private car, taking into account the specific characteristics of the area. e) Development proposals which are ambitious in terms of low/no car parking will be supported, particularly in urban locations that are well-served by sustainable transport modes and where they do not create barriers to access by disabled people.*
- f) Development proposals for significant travel generating uses, or smaller-scale developments where it is important to monitor travel patterns resulting from the development, will only be supported if they are accompanied by a Travel Plan with supporting planning conditions/obligations. Travel plans should set out clear arrangements for delivering against targets, as well as monitoring and evaluation.*
- g) Development proposals that have the potential to affect the operation and safety of the Strategic Transport Network will be fully assessed to determine their impact. Where it has been demonstrated that existing infrastructure does not have the capacity to accommodate a development without*

adverse impacts on safety or unacceptable impacts on operational performance, the cost of the mitigation measures required to ensure the continued safe and effective operation of the network should be met by the developer.

The application site is outwith the existing settlements and is not served by a public road, segregated cycle route or adopted footway. The location is reliant upon vehicular access and is not aligned with Policy 13 Sustainable transport b).

7.5 Policy 15 Local Living and 20 minute neighbourhoods

a) Development proposals will contribute to local living including, where relevant, 20 minute neighbourhoods. To establish this, consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area, including local access to:

- sustainable modes of transport including local public transport and safe, high quality walking, wheeling and cycling networks;*
- employment;*
- shopping;*
- health and social care facilities;*
- childcare, schools and lifelong learning opportunities;*
- playgrounds and informal play opportunities, parks, green streets and spaces, community gardens, opportunities for food growth and allotments, sport and recreation facilities;*
- publicly accessible toilets;*
- affordable and accessible housing options, ability to age in place and housing diversity.*

The application site is outwith the existing settlements and is not served by a public transport, segregated cycle route or adopted footway. NPF4 and the LDP seek to locate dwellings in locations which encourage local living and interconnectivity and active travel to local services. The occupants and visitors to the dwelling will be reliant upon vehicular access and this is not in accordance with Policy 15 Local Living and 20 minute neighbourhoods.

7.6 Policy 16 Quality homes

a) Development proposals for new homes on land allocated for housing in LDPs will be supported.

b) Development proposals that include 50 or more homes, and smaller developments if required by local policy or guidance, should be accompanied by a Statement of Community Benefit. The statement will explain the contribution of the proposed development to:

- i. meeting local housing requirements, including affordable homes;*

ii. providing or enhancing local infrastructure, facilities and services; and iii. improving the residential amenity of the surrounding area. Part 2 – National Planning Policy National Planning Framework 4 – Revised Draft 63

c) Development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported. This could include:

i. self-provided homes;

ii. accessible, adaptable and wheelchair accessible homes;

iii. build to rent;

iv. affordable homes;

v. a range of size of homes such as those for larger families;

vi. homes for older people, including supported accommodation, care homes and sheltered housing;

vii. homes for people undertaking further and higher education; and

viii. homes for other specialist groups such as service personnel.

d) Development proposals for public or private, permanent or temporary, Gypsy/Travellers sites and family yards and Travelling Showpeople yards, including on land not specifically allocated for this use in the LDP, should be supported where a need is identified and the proposal is otherwise consistent with the plan spatial strategy and other relevant policies, including human rights and equality.

e) Development proposals for new homes will be supported where they make provision for affordable homes to meet an identified need. Proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes, unless the LDP sets out locations or circumstances where: i. a higher contribution is justified by evidence of need, or ii. a lower contribution is justified, for example, by evidence of impact on viability, where proposals are small in scale, or to incentivise particular types of homes that are needed to diversify the supply, such as self-build or wheelchair accessible homes. The contribution is to be provided in accordance with local policy or guidance.

f) Development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where:

i. the proposal is supported by an agreed timescale for build-out; and

ii. the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods;

iii. and either: · delivery of sites is happening earlier than identified in the deliverable housing land pipeline. This will be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained; or · the proposal is consistent with policy on rural homes; or · the proposal is for smaller scale opportunities within an existing settlement boundary; or · the proposal is for the delivery of less than 50 affordable homes as part of a local authority supported affordable housing plan.

g) Householder development proposals will be supported where they:

i. do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and

ii. do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.

h) Householder development proposals that provide adaptations in response to risks from a changing climate, or relating to people with health conditions that lead to particular accommodation needs will be supported.

It is accepted that proposals for a single dwelling would not be expected to meet the wider objectives of housing need outlined in this policy. The proposal is also below the threshold for the provision of affordable housing. However, the proposal is not on land *allocated for housing in the LDP, nor is it aligned with the plans spatial strategy or other relevant policies including local living and 20 minute neighbourhoods. The proposal is therefore not in accordance with Policy 16 Quality homes f).*

8.0 Reasons for Refusal

The original seven reasons for refusal, with the exception of condition 5, are considered appropriate and have been amended to take account of now adopted NPF4 policies where appropriate. The original reason 5, relating to prime agricultural land, is replaced with a reason relating to NPF4 Policy 5 Soils. Conditions 8-10 are in addition and required in relation to NPF4.

1. The application site is greenfield land in a natural state, is not allocated for development in the LPD nor is it supported by policies in the LDP. There is no building on this site and there has never been a dwelling on this site therefore there can be no replacement dwelling. 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 NPF4 policies Policy 9 Brownfield, vacant and derelict land and empty buildings part b) and all parts of Policy 17 Rural homes.
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, Policy CH1: Listed Buildings of the adopted East Lothian Local Development Plan 2018, NPF4 Policy 7 c) 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 NPF4 Policy 7 i).
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 loss of 1.75ha of countryside to residential use will unacceptably harm the natural environment. The proposed development, by nature of its location within Whittingehame to Deuchrie Special Landscape Area, its siting, design, materials and size would harm the estate and the wider landscape. There are no social, environmental or economic benefits which outweigh this conclusion. 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 and NPF4 Policy 4 Natural Places parts a) and d).

5. Policy NPF4 Policy 5 a) supports development which is in accordance with the mitigation hierarchy by first avoiding and then minimising the amount of disturbance to soils on undeveloped land. The mitigation hierarchy requires development to avoid, minimise, restore and offset the impact on soil. The proposal develops the whole site, does not include any restoration or offsetting of impact, and is therefore contrary to NPF4 Policy 5 Soils part a).
6. The current proposed driveway route is unacceptable in respect of adverse impact on trees as it will lead to damage to their roots leading to damage to their health and structural stability and ultimately the historic parkland trees would be lost. The proposal is contrary to Policies NH8: Trees and Development of the adopted East Lothian Local Development Plan 2018 and NPF4 Policy 6 Forestry, woodland and trees part b).
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 and Policy 14 Design, quality and place a), b) and c).
8. The proposal does not accord with a number of spatial and environmental policies within the LDP and NPF4 and is not a sustainable form of development or in a suitable location to mitigate the climate impact. The proposal would significantly harm the natural environment and is contrary to NPF4 policy 1 and NPF4 policy 2 a).
9. The proposal includes a large house, large garaging and extensive driveway and roundabout and proposes to change the use of the entire 1.75ha of greenfield to residential use. The proposal is contrary to NPF4 policy 3 which requires biodiversity enhancements and a nature based solution amongst other considerations.
10. The application site is outwith the existing settlements and is not served by a public road, segregated cycle route or adopted footway. NPF4 and the LDP seek to locate new dwellings in locations which encourage local living and interconnectivity, active travel to local services including public transport. The occupants and visitors to the dwelling will be reliant upon vehicular access and this is not in accordance with Policy 13 Sustainable transport part b), Policy 15 Local Living and 20 minute neighbourhoods and Policy 16 Quality homes part f).

Comments for Planning Application 22/01201/P

Application Summary

Application Number: 22/01201/P

Address: Land Adjacent To Former Willow Rise Stenton East Lothian

Proposal: Erection of 1 house and associated works

Case Officer: Bruce Nicolson

Customer Details

[REDACTED]

[REDACTED]

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I wish to support the application given by Mr David McMillan for the erection and movement of a derelict house at Willow Rise. I believe that this will greatly enhance the area and put an end to the planning uncertainty at Willow Rise. Mr McMillan has been an excellent land and woodland manager for the area even during difficult circumstances. He was a pioneer in removing a ruthless squatter from the area. Creating such peace of mind for the residents and also restoring the land which had been destroyed, almost to the point of no repair, if it were not for the intervention of Mr McMillan.

The revised setting of the house is far more sympathetic to the landscape and setting of Whittinghame estate compared to the old derelict house that was once there. The new position also protects the woodland which the old sitting of the house was far too close to. This new sitting allows space between itself and the woodland but also provides privacy for the house and other residents. As a keen walker I have walked through the Whittinghame estate on many occasions and have often noted how sad the abandoned site looked over the years. Especially after it had been ransacked by the illegal squatter and his livestock, which Mr McMillan single handedly and legally removed. This was all well documented in the East Lothian Courier.

I have been amazed and happy to see the entrance that has now been formed by Mr McMillan which is one that is fitting for both Whittinghame House and the surrounding landscape. This came as no surprise however as I have seen the work completed by the McMillan family at other historic settings such as Seton Castle and Whittinghame House itself over the years. We need more conservationists like the McMillan family who look to enhance and improve the Scottish countryside and its buildings. Many of which have been left derelict and had it not been for intervention would be completely lost forever. With that said I wish to show my wholehearted support for this application.

Yours sincerely,

██████████

Comments for Planning Application 22/01201/P

Application Summary

Application Number: 22/01201/P

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Proposal: Erection of 1 house and associated works

Case Officer: Bruce Nicolson

Customer Details

[REDACTED]

[REDACTED]

[REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: The proposed development will be a vast improvement to the eyesore which it will replace, particularly if permission is given to erect the new building further into the site where it cannot be seen from our property. We consider the proposed building to be quite impressive.

Comments for Planning Application 22/01201/P

Application Summary

Application Number: 22/01201/P

Address: Land Adjacent To Former Willow Rise Stenton East Lothian

Proposal: Erection of 1 house and associated works

Case Officer: Bruce Nicolson

Customer Details

[REDACTED]

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Although now resident in Edinburgh I previously worked in East Lothian close to the site of a proposed house which was approved in 2009 (09/00345/FUL) and have maintained an interest in the locality since that time. The new house was to replace an existing dwelling house of modern design which was close to the East boundary of the site and not far from Whittinghame House a category 'A' Listed Building. This new Planning application is to reposition the proposed house much further back in the site away from the curtilage of the Listed Building.

This new application provides a much more appropriate location for the house and should be supported and approved.

Comments for Planning Application 22/01201/P

Application Summary

Application Number: 22/01201/P

Address: Land Adjacent To Former Willow Rise Stenton East Lothian

Proposal: Erection of 1 house and associated works

Case Officer: Bruce Nicolson

Customer Details

[REDACTED]

[REDACTED]

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I have been heavily involved with the land in East Lothian as an Agronomist with BASIS /FACTS and BETA qualifications for the last 30+ years and when asked to help put Willow Rise field back in arable order by the present owners as it was very much turning into what I would refer to as non arable land with rubbish and old cars etc being dumped and the land was turning into a tip.

The soil is of PS, Pressman Soil Type, Derived from Redsandstone & Marls.

The soil was of a very low PH and rushes were growing in large parts of the field, the land was very wet and heavy, we addressed these problems by subsoiling and cultivations as well as applying Lime for the PH and Phosphate and Potash to bring the soil indexes up to Medium or 2. We sowed the field out in grass and mulch around three to four times a year allowing the mulched grass to return as fertiliser.

Having the knowledge of the land here I would most certainly be in favour of the new site for construction, taking into consideration the wet heavy land where the old house was situated never getting a chance for the land to dry out as it is always going to be wet in that corner of the field due to the positioning.

The proposed position from an Agronomy and Biodiversity point of view is so much better as it is taking it into a better part of the field where you can get the water drained away and the sun and wind will be able to keep the land drier and more able to support flora and fauna..

Planting trees along the driveway etc again will help remove the excess water from the land at a rate of approx 1" per week per tree, depending on the variables of course, and being further away from the woodland and planting more trees and shrubs will of course encourage more wildlife into the gardens.

The present owners have a great desire to turn the whole thing round from an unsightly eyesore to a very desirable property being extremely mindful of the Fauna and Wildlife which would be encourage by careful landscaping.

Regards

[REDACTED]

Comments for Planning Application 22/01201/P

Application Summary

Application Number: 22/01201/P

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Case Officer: Bruce Nicolson

Customer Details

[REDACTED]

[REDACTED]

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I am familiar with the location both from a professional and personal perspective. As an East Lothian resident I would support this application to allow the construction of a high quality family dwelling which would provide a much better feature of the landscape than what was on site previously. The intended positioning of the family home would not detract from or impact upon the nearby mansion in terms of loss of amenity and would not be, from examination of the plans, visually intrusive. The entire plot would arguably be better maintained and managed compared to past uses and would overall be a welcome addition to the East Lothian landscape.

Comments for Planning Application 22/01201/P

Application Summary

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Case Officer: Bruce Nicolson

Customer Details

[REDACTED]

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Dear Sir's

As someone who has lived and worked in East Lothian I am also a keen walker. On many an occasion I have walked through the grounds of Whittinghame estate and in particular around the land known as Willow Rise.

I was somewhat distraught to see the declining state of the land and at one point it looked very much like a neglected gypsy site with loads of rubbish and debris scattered around the fields and the old dwelling house.

I have been prompted to write having recently seen the application for a dwelling house and would make the following comments. Firstly I think that a dwelling of this nature will not only enhance the site and surrounding area but it will also act as a deterrent to any travellers who might otherwise try to inhabit, illegally the area.

knowing the site as I do, I also believe that a dwelling of this quality will ensure the continued care afforded the surrounding woodland and of course wildlife. Accordingly I would like to offer my support of the said proposal.

Yours faithfully

[REDACTED]

Comments for Planning Application 22/01201/P

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Case Officer: Bruce Nicolson

Customer Details

[REDACTED]

[REDACTED]

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Carefully looked over this application and as a former resident of East Lothian I am aware of the location and think the new position is far better than where the old house was. It shields itself from the main house and offers a better protection for the woodlands. The design is in keeping with the main house at Whittingham and so I support this application whole heartedly.

[REDACTED]

Comments for Planning Application 22/01201/P

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Case Officer: Bruce Nicolson

Customer Details

[REDACTED]

[REDACTED]

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: The new position of the building is much more attractive in that the old building was far too close to the wooded area .

The building is far more secluded from whitiham house and therefore I fully support the new application .

It's more aesthetically pleasing .

Comments for Planning Application 22/01201/P

Application Summary

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Case Officer: Bruce Nicolson

Customer Details

[REDACTED]

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I would like to support this application as I have stayed in East Lothian as I think it's a great asset to Willow rise I like the look of the application and think it's ideal they move position of the house I frequent wittingham house as I have friends there from living there a long time ago and I think it's what the land needs

Comments for Planning Application 22/01201/P

Application Summary

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Case Officer: Bruce Nicolson

Customer Details

[REDACTED]

[REDACTED]

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I Would like to support this application on the grounds of design and setting.

I think the new plot sits better located to the original house and of a better size.

The architect has done a fantastic job

Comments for Planning Application 22/01201/P

Application Summary

Application Number: 22/01201/P

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Case Officer: Bruce Nicolson

Customer Details

[REDACTED]

[REDACTED]

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Please support this application

The design scale and mass look far better than the previous accepted house.

The materials look of a high standard

Comments for Planning Application 22/01201/P

Application Summary

Application Number: 22/01201/P

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Proposal: Erection of 1 house and associated works

Case Officer: Bruce Nicolson

Customer Details

[REDACTED]

[REDACTED]

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I would like this application supported and additional houses as we are in a housing crisis and this land lends itself to a major development.

Comments for Planning Application 22/01201/P

Application Summary

Application Number: 22/01201/P

Address: Land Adjacent To Former Willow Rise Stenton East Lothian

Proposal: Erection of 1 house and associated works

Case Officer: Bruce Nicolson

Customer Details

[REDACTED]

[REDACTED]

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Great looking house and would love to see this evolve.

I think this contributes well to the setting of the listed house.

Comments for Planning Application 22/01201/P

Application Summary

Application Number: 22/01201/P

Address: Land Adjacent To Former Willow Rise Stenton East Lothian

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Case Officer: Bruce Nicolson

Customer Details

[REDACTED]

[REDACTED]

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: To the planning officer.

Superb design and i love the roof layout.

It is a better size to the previous house for the size of land.

Comments for Planning Application 22/01201/P

Application Summary

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Case Officer: Bruce Nicolson

Customer Details

[REDACTED]

[REDACTED]

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Mr Nicolson

This application in my opinion should be welcomed with open arms.

I used to stay in the Listed building and this compliments it very well and i just wish i could have had the vision to do this.

The building materials will be important to this house but i am sure the applicant will have this built to the highest standard.

I always said that the field should be developed with a sympathetic housing scheme.

Comments for Planning Application 22/01201/P

Application Summary

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Case Officer: Bruce Nicolson

Customer Details

[REDACTED]

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I've been following the application for Whittingham House very closely, and I fully support the new application. The position of the new application is much in keeping with the surrounding landscape.

Thanks.



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 – Longmore House, Salisbury Place, Edinburgh, EH9 1SH

Scottish Charity No. **SC045925**

VAT No. **GB 221 8680 15**

Currie, Fiona


From: Coull, Alex
Sent: 06 December 2022 14:30
To: Nicolson, Bruce; Chalmers, Ian
Cc: Environment Reception
Subject: RE: 22/01201/P- Planning Consultation
Attachments: SEPA 2022 Flood Risk Hazard Map.pdf

Bruce

22/01201/P - Erection of 1 house and associated works at Land Adjacent To Former Willow Rise Stenton East Lothian

I have reviewed the plans submitted with the above application as well as SEPA's current Flood Hazard Maps an extract of which I have attached for your own (internal) information. As you can see the site is not shown at risk of flooding.

So far no Drainage Layout/Surface Water Management Plan can be found on the Planning Portal therefore I cannot comment further on any SuDS location.

Regards
Alex Coull
Civil Engineer Technician – Flooding
Tel. 01620 827275
Work Mob. 0783 439 4805


For and on behalf of Ian Chalmers
Senior Engineer - Flood Protection - ROAD SERVICES Tel. Ext 7726

Please note I work on Tuesdays, Wednesdays and Thursdays only.

East Lothian Council | Road Services | Infrastructure | Partnerships & Community Services John Muir House |
Haddington | East Lothian | EH41 3HA

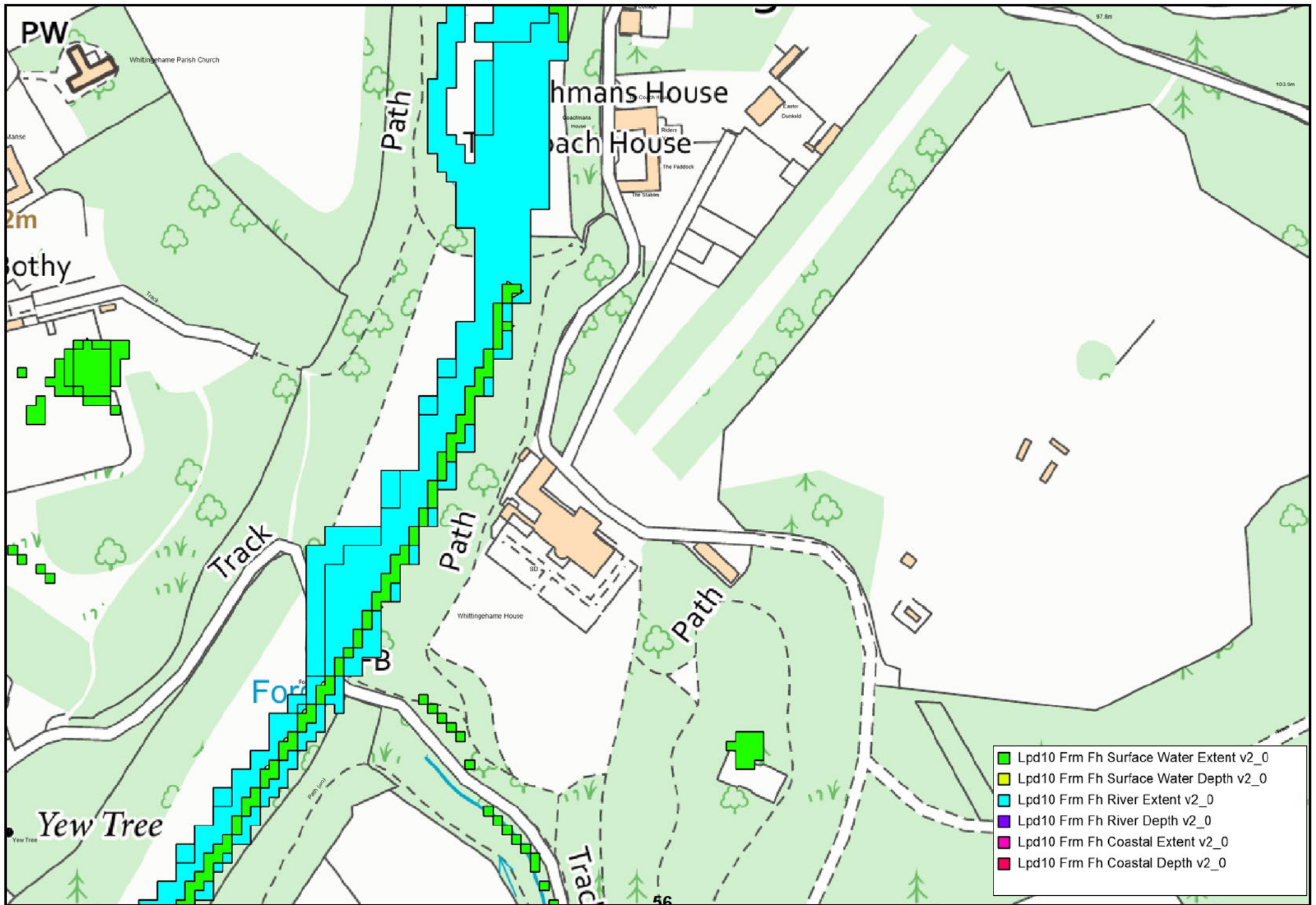
-----Original Message-----

From: Environment Reception <environment@eastlothian.gov.uk>
Sent: 22 November 2022 13:53
To: Chalmers, Ian <ichalmers@eastlothian.gov.uk>; Coull, Alex <acoull@eastlothian.gov.uk>
Subject: 22/01201/P- Planning Consultation

Please see attached document in relation to the following application: Erection of 1 house and associated works at Land Adjacent To Former Willow Rise Stenton East Lothian

NHS Coronavirus Information

[https://intranet.eastlothian.gov.uk/multimedia/1624/1624_250x83.jpg]



Currie, Fiona

From: Hunter, Liz
Sent: 22 November 2022 16:44
To: Environment Reception; Nicolson, Bruce
Cc: Lennox, Ian
Subject: TRANSPORT PLANNING RESPONSE: 22/01201/P - Bruce Nicolson - Planning Consultation

EAST LOTHIAN COUNCIL ROAD SERVICES

From: Asset & Regulatory Manager
To: Service Manager, Planning

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

I have no objection to the proposals.

Please advise the applicant that all works within or affecting the public road including works on the footway must be authorised in advance by the Council as Roads Authority.

Send on behalf of IAN LENNOCK
ROADS SERVICES, ASSET & REGULATORY MANAGER

If telephoning, please ask for:

Liz Hunter
Project Manager, Musselburgh Active Town

[East Lothian Council](#) | [Transport Planning](#) | [Roads Services](#) | [Infrastructure](#) | [Partnerships & Community Services](#)
John Muir House | Haddington | East Lothian | EH41 3HA
lhunter1@eastlothian.gov.uk



NHS Coronavirus Information



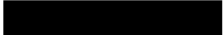
Currie, Fiona

From: Clark, Colin - EHO
Sent: 29 November 2022 11:12
To: Environment Reception
Cc: Nicolson, Bruce
Subject: RE: 22/01201/P- Planning Consultation

Categories: 

I refer to your consultation request of 22nd November 2022 in connection with the above and would advise I have no comment to make regarding the proposal.

Regards

Colin Clark | Senior Environmental Health Officer, Public Health & Environmental Protection | Protective Services | East Lothian Council | John Muir House | Haddington | EH41 3HA |
Tel. 01620 827443  | Email. cclark1@eastlothian.gov.uk | Visit our website at www.eastlothian.gov.uk

-----Original Message-----

From: Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>
Sent: 22 November 2022 15:11


Subject: FW: 22/01201/P- Planning Consultation

-----Original Message-----

From: Environment Reception <environment@eastlothian.gov.uk>
Sent: 22 November 2022 15:07
To: Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>
Subject: 22/01201/P- Planning Consultation

Please see attached document in relation to the following application: Erection of 1 house and associated works at Land Adjacent To Former Willow Rise Stenton East Lothian

NHS Coronavirus Information

[https://intranet.eastlothian.gov.uk/multimedia/1624/1624_250x83.jpg]

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.

ELC Document f) Willow Rise ELC appeal

East Lothian Local Development Plan 2018

Relevant to the determination of the application are policies

Policy DC1: Rural Diversification

Development in the countryside, including changes of use or conversions of existing buildings, will be supported in principle where it is for:

- a) agriculture, horticulture, forestry, infrastructure or countryside recreation; or
- b) other businesses that have an operational requirement for a countryside location, including tourism and leisure uses.

Proposals must also satisfy the terms of Policy NH1 and other relevant plan policies including Policy DC6.

Proposals for mineral extraction and renewable energy will be assessed against the other relevant policies of the Plan.

Any proposals for the restoration or conversion of vernacular buildings to accommodate uses supported in principle by this policy should be of an appropriate scale and character and designed in such a way that maintains or complements their layout and appearance.

DC3 (Replacement Dwelling 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.

Policy DC4: New Build Housing in the Countryside

New build housing development will only be supported in the countryside outwith the constrained coast where there is no existing house or no appropriate existing building suitable for conversion to a house is available in the locality and:

- (i) In the case of a single house, the Council is satisfied that it is a direct operational requirement of a viable agricultural, horticultural, forestry, countryside recreation or other business, leisure or tourism use supported in principle by Policy DC1. The Council will obtain independent advice from an Agricultural and Rural Advisor on whether there is a direct operational requirement for an associated house; or
- (ii) In the case of other small scale housing proposals, it is for affordable housing and evidence of need is provided, and the registered affordable housing provider will ensure that the dwellings will remain affordable for the longer term. Proposals should be very small scale and form a logical addition to an existing small-scale rural settlement identified by this plan.
- (iii) The proposal satisfies the terms of Policy NH1

Policy DC5: Housing as Enabling Development

Housing in the countryside may exceptionally be supported as enabling development where it will:

- a) enable a desirable primary use supported in principle by criterion b of Policy DC1 and the benefits of the primary use outweighs the normal presumption against new build housing in the countryside; or
- b) fund the restoration of a listed building or other building with recognised heritage value, or other significant designated feature of the built or natural environment, the retention of which is desirable. Proposals must also protect or enhance the setting of such features and satisfy the terms of Policies CH1 and where relevant, CH6. Enabling development will only be acceptable where it can be clearly demonstrated to be the only means of preventing loss of the asset and securing its long-term future;
- c) the proposal satisfies the terms of Policy NH1.

Any enabling development must be on the same site as and part of the main proposal. Where the proposal will fund the restoration of a listed building, the priority is for enabling development to take place on the same site as the listed building. Any enabling development proposed off site must be clearly justified with strong evidence to demonstrate why the enabling development could not take place on the site.

In all cases, the benefits of the proposed development must outweigh the normal presumption against new build housing development in the countryside.

The Council will obtain independent advice on the extent of enabling development to ensure that it is the minimum necessary to achieve the primary use and it is not a substitute for normal development funding including borrowing.

Policy DC9: Special Landscape Areas

Areas are designated as Special Landscape Areas as identified within supplementary planning guidance on Special Landscape Areas. Development within or affecting Special Landscape Areas 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.

The Council will refer to the Statement of Importance of the relevant site in assessing planning applications.

Policy CH1: Listed Buildings

Internal or external alterations or extensions to listed buildings will only be permitted where they do not harm the architectural or historic character of the building.

The demolition of a listed building will not be permitted unless the building is no longer of special interest, is incapable of repair or there are overriding environmental or economic reasons, and it must be satisfactorily demonstrated that every effort has been made to continue the present use or to find a suitable new use.

New development that harms the setting of a listed building will not be permitted.

Policy CH6: Gardens and Designed Landscapes

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.

Policy DP2: Design

The design of all new development, with the exception of changes of use and alterations and extensions to existing buildings, must:

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;
2. By its siting, density and design create a coherent structure of streets, public spaces and buildings that respect and complement the site's context, and create a sense of identity within the development;
3. Position and orientate buildings to articulate, overlook, properly enclose and provide active frontages to public spaces or, where this is not possible, have appropriate high quality architectural or landscape treatment to create a sense of welcome, safety and security;
4. Provide a well connected network of paths and roads within the site that are direct and will connect with existing networks, including green networks, in the wider area ensuring access for all in the community, favouring, where appropriate, active travel and public transport then cars as forms of movement;
5. Clearly distinguish public space from private space using appropriate boundary treatments;

6. Ensure privacy and amenity, with particular regard to levels of sunlight, daylight and overlooking, including for the occupants of neighbouring properties;
7. Retain physical or natural features that are important to the amenity of the area or provide adequate replacements where appropriate;
8. Be able to be suitably serviced and accessed with no significant traffic or other environmental impacts.

Policy T2 : General Transport Impact

New development must have no significant adverse impact on:

- Road safety;
- The convenience, safety and attractiveness of walking and cycling in the surrounding area;
- Public transport operations in the surrounding area, both existing and planned, including convenience of access to these and their travel times;
- The capacity of the surrounding road network to deal with traffic unrelated to the proposed development; and
- Residential amenity as a consequence of an increase in motorised traffic.

Where the impact of development on the transport network requires mitigation this will be provided by the developer and secured by the Council by planning condition and / or legal agreement where appropriate.

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 is to implement a proposal of this plan, or
- It is necessary to meet an established need and no other suitable site is available; or
- It is for an appropriate development in the countryside, including that which is directly linked to a rural business or an existing house; and
- The layout, design and construction methods of development minimises the amount of such land that is affected, taking into account the design policies of the plan.

Proposals for renewable energy generation or mineral extraction on prime quality agricultural land may also be acceptable where provision is made for restoration of the land to its former status and if soil will be reused where feasible.

In the case of carbon rich soils, in order that the Council may assess the merits of the proposal, applicants must demonstrate the effect it would have on CO₂ emissions as a result of its construction and where relevant operation.

Policy NH8: Trees and Development

There is a strong presumption in favour of protecting East Lothian's woodland resources. Development affecting trees, groups of trees or areas of woodland will only be permitted where:

- a. any tree, group of trees or woodland that makes a significant positive contribution to the setting, amenity of the area has been incorporated into the development through design and layout, and wherever possible such trees and hedges should be incorporated into public open space and not into private gardens or areas; or
- b. (i) in the case of woodland, its loss is essential to facilitate development that would achieve significant and clearly defined additional public benefits in line with the Scottish Governments Policy on Control of Woodland Removal; in particular the loss of Ancient Woodland will not be supported; or

(ii) in the case of individual trees or groups of trees, their loss is essential to facilitate development that would contribute more to the good planning of the area than would retaining the trees or group of trees.

Development (including extensions to buildings) must conform to British Standard 5837:2012 Guide for Trees in Relation to Design, Demolition and Construction, or any subsequent revisions.

Policy NH10: Sustainable Drainage Systems

All development proposals must demonstrate that appropriate provision for Sustainable Drainage Systems (SuDS) has been made at the time of submitting a planning application, except for single dwellings or developments in coastal locations that discharge directly to coastal waters where there is no or a low risk to designated bathing sites and identified Shellfish Waters. Sufficient space for proposed SuDS provision, including the level and type of treatment appropriate to the scheme of proposed development, must be safeguarded in site layouts. Provision must also be made for appropriate long-term maintenance arrangements to the satisfaction of the Council.

A drainage assessment may also be required to show the impact of a 1 in 200-year rainstorm event. SuDS schemes should be designed with an allowance for climate change.

Proposals must also demonstrate through a design-led approach how SuDS proposals are appropriate to place and designed to promote wider benefits such as placemaking, green networks and biodiversity enhancement.

ELC Document g) NPF4 Policies

Policy 1 Tackling the climate and nature crises

When considering all development proposals significant weight will be given to the global climate and nature crises.

Policy 2 Climate mitigation and adaptation

- a) Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.
- b) Development proposals will be sited and designed to adapt to current and future risks from climate change.
- c) Development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported.

Policy 3 Biodiversity

- a) Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.
- b) Development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all of the following criteria:
 - i. the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;
 - ii. wherever feasible, nature-based solutions have been integrated and made best use of;
 - iii. an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;
 - iv. significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their longterm retention and monitoring should be included, wherever appropriate; and

- v. local community benefits of the biodiversity and/or nature networks have been considered.
- c) Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. Applications for individual householder development, or which fall within scope of (b) above, are excluded from this requirement.
 - d) Any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration.

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.
- b) Development proposals that are likely to have a significant effect on an existing or proposed European site (Special Area of Conservation or Special Protection Areas) and are not directly connected with or necessary to their conservation management are required to be subject to an “appropriate assessment” of the implications for the conservation objectives.
- c) Development proposals that will affect a National Park, National Scenic Area, Site of Special Scientific Interest or a National Nature Reserve will only be supported where:
 - i. The objectives of designation and the overall integrity of the areas will not be compromised; or
 - ii. Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance. All Ramsar sites are also European sites and/ or Sites of Special Scientific Interest and are extended protection under the relevant statutory regimes.
- 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.
- e) The precautionary principle will be applied in accordance with relevant legislation and Scottish Government guidance.
- f) Development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a

proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application.

g) Development proposals in areas identified as wild land in the Nature Scot Wild Land Areas map will only be supported where the proposal: i. will support meeting renewable energy targets; or, ii. is for small scale development directly linked to a rural business or croft, or is required to support a fragile community in a rural area.

Policy 5 Soils

a) Development proposals will only be supported if they are designed and constructed:

i. In accordance with the mitigation hierarchy by first avoiding and then minimising the amount of disturbance to soils on undeveloped land; and

ii. In a manner that protects soil from damage including from compaction and erosion, and that minimises soil sealing.

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 onsite;

iii. The development of production and processing facilities associated with the land produce where no other local site is suitable;

iv. The generation of energy from renewable sources or the extraction of minerals and there is secure provision for restoration; and In all of the above exceptions, the layout and design of the proposal minimises the amount of protected land that is required.

c) Development proposals on peatland, carbon-rich soils and priority peatland habitat will only be supported for:

i. Essential infrastructure and there is a specific locational need and no other suitable site;

ii. The generation of energy from renewable sources that optimises the contribution of the area to greenhouse gas emissions reductions targets;

iii. Small-scale development directly linked to a rural business, farm or croft;

iv. Supporting a fragile community in a rural or island area; or

v. Restoration of peatland habitats.

d) Where development on peatland, carbon-rich soils or priority peatland habitat is proposed, a detailed site specific assessment will be required to identify:

i. the baseline depth, habitat condition, quality and stability of carbon rich soils;

- ii. the likely effects of the development on peatland, including on soil disturbance; and
- iii. the likely net effects of the development on climate emissions and loss of carbon.

Policy 6 Forestry, woodland and trees

- a) Development proposals that enhance, expand and improve woodland and tree cover will be supported.
- b) Development proposals will not be supported where they will result in:
 - i. Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition;
 - ii. Adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy;
 - iii. Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy;
 - iv. Conflict with Restocking Direction, Remedial Notice or Registered Notice to Comply issued by Scottish Forestry.
- c) Development proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal. Where woodland is removed, compensatory planting will most likely be expected to be delivered.
- 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.

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.

b) Development proposals for the demolition of listed buildings will not be supported unless it has been demonstrated that there are exceptional circumstances and that all reasonable efforts have been made to retain, reuse and/or adapt the listed building. Considerations include whether the:

i. building is no longer of special interest;

ii. building is incapable of physical repair and re-use as verified through a detailed structural condition survey report;

iii. repair of the building is not economically viable and there has been adequate marketing for existing and/or new uses at a price reflecting its location and condition for a reasonable period to attract interest from potential restoring purchasers; or

iv. demolition of the building is essential to delivering significant benefits to economic growth or the wider community.

c) Development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting. Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest.

d) Development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Relevant considerations include the:

i. architectural and historic character of the area;

ii. existing density, built form and layout; and

iii. context and siting, quality of design and suitable materials.

e) Development proposals in conservation areas will ensure that existing natural and built features which contribute to the character of the conservation area and its setting, including structures, boundary walls, railings, trees and hedges, are retained. Part 2 – National Planning Policy National Planning Framework 4 – Revised Draft 46 f) Demolition of buildings in a conservation area which make a positive contribution to its character will only be supported where it has been demonstrated that:

i. reasonable efforts have been made to retain, repair and reuse the building;

ii. the building is of little townscape value;

iii. the structural condition of the building prevents its retention at a reasonable cost; or

iv. the form or location of the building makes its reuse extremely difficult.

g) Where demolition within a conservation area is to be followed by redevelopment, consent to demolish will only be supported when an acceptable design, layout and materials are being used for the replacement development.

h) Development proposals affecting scheduled monuments will only be supported where:

i. direct impacts on the scheduled monument are avoided;

ii. significant adverse impacts on the integrity of the setting of a scheduled monument are avoided;
or

iii. exceptional circumstances have been demonstrated to justify the impact on a scheduled monument and its setting and impacts on the monument or its setting have been minimised.

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.

j) Development proposals affecting nationally important Historic Battlefields will only be supported where they protect and, where appropriate, enhance their cultural significance, key landscape characteristics, physical remains and special qualities.

k) Development proposals at the coast edge or that extend offshore will only be supported where proposals do not significantly hinder the preservation objectives of Historic Marine Protected Areas.

l) Development proposals affecting a World Heritage Site or its setting will only be supported where their Outstanding Universal Value is protected and preserved.

m) Development proposals which sensitively repair, enhance and bring historic buildings, as identified as being at risk locally or on the national Buildings at Risk Register, back into beneficial use will be supported.

n) Enabling development for historic environment assets or places that would otherwise be unacceptable in planning terms, will only be supported when it has been demonstrated that the enabling development proposed is:

i. essential to secure the future of an historic environment asset or place which is at risk of serious deterioration or loss; and

ii. the minimum necessary to secure the restoration, adaptation and long-term future of the historic environment asset or place. The beneficial outcomes for the historic environment asset or place should be secured early in the phasing of the development, and will be ensured through the use of conditions and/or legal agreements.

o) Non-designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible. Where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impacts. Historic buildings may also have archaeological significance which is not understood and may require assessment.

Policy 9 Brownfield, vacant and derelict land and empty buildings

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. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.

b) Proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP.

c) Where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use.

d) Development proposals for the reuse of existing buildings will be supported, taking into account their suitability for conversion to other uses. Given the need to conserve embodied energy, demolition will be regarded as the least preferred option.

Policy 13 Sustainable transport

a) Proposals to improve, enhance or provide active travel infrastructure, public transport infrastructure or multi-modal hubs will be supported. This includes proposals:

i. for electric vehicle charging infrastructure and electric vehicle forecourts, especially where fuelled by renewable energy.

ii. which support a mode shift of freight from road to more sustainable modes, including last-mile delivery.

iii. that build in resilience to the effects of climate change and where appropriate incorporate blue and green infrastructure and nature rich habitats (such as natural planting or water systems).

b) Development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:

i. Provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;

ii. Will be accessible by public transport, ideally supporting the use of existing services;

iii. Integrate transport modes;

iv. Provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards;

v. Supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking;

vi. Are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles;

vii. Have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and

viii. Adequately mitigate any impact on local public access routes.

c) Where a development proposal will generate a significant increase in the number of person trips, a transport assessment will be required to be undertaken in accordance with the relevant guidance.

d) Development proposals for significant travel generating uses will not be supported in locations which would increase reliance on the private car, taking into account the specific characteristics of the area.

e) Development proposals which are ambitious in terms of low/no car parking will be

supported, particularly in urban locations that are well-served by sustainable transport modes and where they do not create barriers to access by disabled people.

f) Development proposals for significant travel generating uses, or smaller-scale developments where it is important to monitor travel patterns resulting from the development, will only be supported if they are accompanied by a Travel Plan with supporting planning conditions/obligations. Travel plans should set out clear arrangements for delivering against targets, as well as monitoring and evaluation.

g) Development proposals that have the potential to affect the operation and safety of the Strategic Transport Network will be fully assessed to determine their impact. Where it has been demonstrated that existing infrastructure does not have the capacity to accommodate a development without adverse impacts on safety or unacceptable impacts on operational performance, the cost of the mitigation measures required to ensure the continued safe and effective operation of the network should be met by the developer.

Policy 14 Design, quality and place

a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.

b) Development proposals will be supported where they are consistent with the six qualities of successful places:

Healthy: Supporting the prioritisation of women's safety and improving physical and mental health.

Pleasant: Supporting attractive natural and built spaces.

Connected: Supporting well connected networks that make moving around easy and reduce car dependency

Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.

Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.

Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.

Further details on delivering the six qualities of successful places are set out in Annex D.

c) Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

Policy 15 Local Living and 20 minute neighbourhoods

a) Development proposals will contribute to local living including, where relevant, 20 minute neighbourhoods. To establish this, consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area, including local access to:

- sustainable modes of transport including local public transport and safe, high quality walking, wheeling and cycling networks;
- employment;
- shopping;
- health and social care facilities;
- childcare, schools and lifelong learning opportunities;
- playgrounds and informal play opportunities, parks, green streets and spaces, community gardens, opportunities for food growth and allotments, sport and recreation facilities;
- publicly accessible toilets;
- affordable and accessible housing options, ability to age in place and housing diversity.

Policy 16 Quality homes

a) Development proposals for new homes on land allocated for housing in LDPs will be supported.

b) Development proposals that include 50 or more homes, and smaller developments if required by local policy or guidance, should be accompanied by a Statement of Community Benefit. The statement will explain the contribution of the proposed development to:

- i. meeting local housing requirements, including affordable homes;
- ii. providing or enhancing local infrastructure, facilities and services; and
- iii. improving the residential amenity of the surrounding area. Part 2 – National Planning Policy National Planning Framework 4 – Revised Draft 63

c) Development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported. This could include:

- i. self-provided homes;
- ii. accessible, adaptable and wheelchair accessible homes;
- iii. build to rent;

- iv. affordable homes;
- v. a range of size of homes such as those for larger families;
- vi. homes for older people, including supported accommodation, care homes and sheltered housing;
- vii. homes for people undertaking further and higher education; and
- viii. homes for other specialist groups such as service personnel.

d) Development proposals for public or private, permanent or temporary, Gypsy/Travellers sites and family yards and Travelling Showpeople yards, including on land not specifically allocated for this use in the LDP, should be supported where a need is identified and the proposal is otherwise consistent with the plan spatial strategy and other relevant policies, including human rights and equality.

e) Development proposals for new homes will be supported where they make provision for affordable homes to meet an identified need. Proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes, unless the LDP sets out locations or circumstances where: i. a higher contribution is justified by evidence of need, or ii. a lower contribution is justified, for example, by evidence of impact on viability, where proposals are small in scale, or to incentivise particular types of homes that are needed to diversify the supply, such as self-build or wheelchair accessible homes. The contribution is to be provided in accordance with local policy or guidance.

f) Development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where:

- i. the proposal is supported by an agreed timescale for build-out; and
- ii. the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods;
- iii. and either:
 - delivery of sites is happening earlier than identified in the deliverable housing land pipeline. This will be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained; or
 - the proposal is consistent with policy on rural homes; or
 - the proposal is for smaller scale opportunities within an existing settlement boundary; or
 - the proposal is for the delivery of less than 50 affordable homes as part of a local authority supported affordable housing plan.

g) Householder development proposals will be supported where they:

- i. do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and
- ii. do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.

h) Householder development proposals that provide adaptations in response to risks from a changing climate, or relating to people with health conditions that lead to particular accommodation needs will be supported.

Policy 17 Rural homes

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:

- i. is on a site allocated for housing within the LDP;
- 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;
- iv. is an appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;
- v. is demonstrated to be necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work;
- vi. is for a single home for the retirement succession of a viable farm holding;
- vii. is for the subdivision of an existing residential dwelling; the scale of which is in keeping with the character and infrastructure provision in the area; or
- viii. reinstates a former dwelling house or is a one-for-one replacement of an existing permanent house.

b) Development proposals for new homes in rural areas will consider how the development will contribute towards local living and take into account identified local housing needs (including affordable housing), economic considerations and the transport needs of the development as appropriate for the rural location.

c) Development proposals for new homes in remote rural areas will be supported where the proposal:

- i. supports and sustains existing fragile communities;
- ii. supports identified local housing outcomes; and
- iii. is suitable in terms of location, access, and environmental impact.

d) 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 resettlement;
- ii. is designed to a high standard;
- iii. responds to its rural location; and
- iv. is designed to minimise greenhouse gas emissions as far as possible.

Policy 29 Rural development (included as this is in the appellants report)

- 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;
 - ii. diversification of existing businesses;
 - iii. production and processing facilities for local produce and materials, for example sawmills, or local food production;
 - iv. essential community services;
 - v. essential infrastructure;
 - vi. reuse of a redundant or unused building;
 - vii. appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;
 - 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.
- 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.
- 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.
- 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 resettlement;
 - 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.

OFFICER REPORT

10th January 2023

App No. **22/01201/P**

Application registered on **18th November 2022**

Target Date **17th January 2023**

Proposal	Erection of 1 house and associated works	SDELL	Y
		CDEL	N
Location	Land Adjacent To Former Willow Rise Stenton East Lothian	Bad Neighbour Development	/N

APPLICANT: **Mr David McMillan**

Is this application to be approved as a departure from structure/local plan? N

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

DECISION TYPE:

Application Refused

REPORT OF HANDLING

This application is being reported on the Scheme of Delegation List as it raises important planning issues being an application for a new house in the countryside in close proximity to the Category A listed building of Whittingehame House, within the Whittingehame Inventory Garden and Designed Landscape and within the Whittingehame to Deuchrie Special Landscape Area. There is an area of woodland designated as ancient woodland to the south and west of the application site which is designated on NatureScot's Ancient Woodland Inventory (grid reference: NT6083673310).

The application site is located within the Whittingehame Estate some 1.4 km to the southwest of the village of Stenton. It is within the East Lothian countryside as defined by Policy DC1 of the adopted East Lothian Local Development Plan 2018.

Whittingehame House lies to the west of the application site which is a building listed as being of special architectural or historic interest (Category A) (ref LB17485). Whittingehame is also included in the Inventory of Gardens and Designed Landscapes (ref GDL00385) in recognition of its national importance. The site forms part of the Parkland within the original designed

landscape for Whittingehame House. It is within the Whittingehame to Deuchrie Special Landscape Area.

The site is accessed by a new access driveway with walls and gates that has been formed through the formalisation and hardsurfacing of an existing farm access track into the field leading off the main access road to Whittingehame House from the B370, and which is located to the south of the application site.

PLANNING HISTORY

In May 1992 (Ref: 92/00209/HIS_P) planning permission was granted for an extension to a dwelling house - the former Old School Master's House, Whittingehame - that had previously existed on the adjacent application site.

In May 1998 planning permission (Ref: 97/01162/HIS_P) was sought for the erection of domestic stable block and formation of private road on the application site. A report on the application was placed before the Planning Committee meeting of the 7 May 1998 and permission was granted. There is no evidence that planning permission 97/01162/HIS_P was ever implemented or that this stable block was ever built.

In October 2001 (Ref: 01/00901/FUL) planning permission was granted for an extension to the house that had previously existed on the adjacent application site.

In June 2009 (Ref: 09/00345/FUL) planning permission was granted for extensions to the house that had previously existed on the adjacent application site, known as Willow Rise and for the erection of a triple garage, fencing and gates on that application site. Works to implement planning permission 09/00345/FUL commenced sometime in 2010. In July 2010 the Planning Enforcement Service received a complaint ref: 10/00119/COM that alleged that the works taking place on site were not in accordance with those approved by planning permission 09/00345/FUL. As a result of this complaint an enforcement investigation was instigated where it was found that the house that had been the subject of planning permission 09/00345/FUL had largely collapsed and all that remained of it were 3 walls and the roof of a small part of it. As a large part of that house was no longer in situ, it was no longer possible to implement planning permission 09/00345/FUL without rebuilding the house. This rebuilding of the house would be contrary to Policy DC1 of the adopted East Lothian Local Plan 2008. Therefore the applicant was advised to cease works pending the determination of a new planning application.

In June 2020 planning permission 20/00169/P was refused for the erection of 1 house, triple garage and associated work on the site of the former Old School Master's House (now known as Willow Rise), Whittingehame. The reasons for the refusal of planning permission 20/00169/P were:

1. The erection of a house on the application site would be new build housing development in the countryside of East Lothian for which a need to meet the requirements of the operation of an agricultural, horticultural, forestry, countryside recreation, or other business, leisure or tourism use has not been demonstrated, and which is not proposed as affordable housing development of an existing rural settlement. The proposal is therefore contrary to Policies DC1 and DC4 of the adopted East Lothian Local Development Plan 2018.

2. Given the length of time (10 years) since the house that had previously existed on this site substantially collapsed and the remains removed from site, then it cannot be argued that the house was rendered uninhabitable recently. Therefore, and as what remains on site is the shell of part of that former house which can no longer be regarded as being a habitable house with lawful use rights, then there is no house on the site that is capable of being replaced. Therefore, the proposal does not comply with either criteria (i) or (ii) of Policy DC3 of the adopted East Lothian Local Development Plan 2018.

3. The erection of a house on the application site would be new build housing development in the countryside of East Lothian for which a desirable primary use supported in principle by criterion b of Policy DC1 and with benefits that outweigh the normal presumption against new build housing in the countryside has not been demonstrated; and which is not promoted to fund the restoration of a listed building, building of recognised heritage value or significant designated feature of the built or natural environment, the retention of which is desirable. The proposal is therefore contrary to Policy DC5 of the adopted East Lothian Local Development Plan 2018.

The decision to refuse planning permission 20/00169/P was appealed to Scottish Government ref: PPA-210-2083. In January 2021 that appeal was allowed and planning permission was granted for the proposed house and associated works by Scottish Ministers. In making the decision the Reporter acknowledged that the proposed house did not accord with Policy DC3 of the adopted East Lothian Local Development Plan as there was not a house on the site at the time the application was made. However, the fact that there had previously been a house on the site and therefore the site was a brownfield site together with the benefit of removing unsightly structures from the site which is within a designed landscape were sufficient material considerations that justified overturning the refusal of planning permission allowing the appeal subject to conditions, including pre-commencement conditions.

The pre-commencement planning conditions of planning permission 20/00169/P have been approved and work has commenced on site. Therefore planning permission 20/00169/P has been implemented.

PROPOSAL

This current application is made by the same applicant that submitted planning application 20/00169/P.

The site boundary partially overlaps the south boundary of the site the subject of planning permission 20/00169/P in two areas. However the house and triple garage the subject of planning permission 20/00169/P are located outwith the boundary of the current application site.

The application site the subject of this planning application is considerably larger than the site the subject of planning permission 20/00169/P and measures approximately 193m in depth (east to west) and 131m in width at it widest. The site narrows to 21.5m on the west boundary where it meets the road.

This application seeks planning permission for the erection of a dwelling house driveway, walls and gates on the application site together with a triple garage with accommodation above.

The proposed new house would be accessed through the entrance driveway which would be finished in gravel and which would extend to 125m in length by 5m in width. The access with associated footways, walls and gates forms part of the proposal and have been erected without planning permission. The unauthorised entrance section extends to 17m x 11m and contains stone walls, hardsurfaced paths and gates.

The proposed house would be formed of two wings with a linking central space. The house footprint measures 28.5m x 19.5m at it largest. The existing level at the south of the site is 118 AOD and at the north is 116.25 AOD. There will be an element of cut to the south and fill to the north to form the single floor plate. The proposed external kitchen extends 16m to the south of the dwelling and is also proposed at 117 AOD. This is approximately 2.5m below the existing ground level and will be formed with retaining walls and re-contouring of the surrounding ground.

The house would be formed of two wings with a central linking section. The south wing and the central section would be aligned with the driveway with the north wing being offset at an angle of 22 degrees. The south wing would be 19.5m x 7.6m with a projecting bay to the south. The roof ridge extends to 19.8m in length at a height of 9.7m. The north wing is 13.5m x 7.2m with a projecting bay and has a ridge height of 9.7m.

The house would have ground floor walls of stone with vertical larch boarding, grey in colour, above. The roof would be finished in slate. The front (west) and south elevations have extensive areas of floor to ceiling glazing. The north and south elevations each have two dormers.

The proposed garage would have a footprint measuring some 9.7m x 7.4m which would be rectangular in form with a pitched roof and single dormer and five roof lights. The ridge height of the garage would be 7.4m. The ground floor walls would be finished in stone with vertical larch boarding, grey in colour, above. The roof would be finished in slate.

The Design and Access Statement submitted by the applicant states that in January 2021 planning permission 20/00169/P was granted for a new dwelling house and triple garage by appeal to Scottish Ministers. It is being proposed as a replacement dwelling for the house that previously existed on the adjacent application site the subject of planning permission 20/00169/P. The relocation of this replacement dwelling has been justified with applicable planning policies. The proposals would constitute sustainable development and follow a traditional architectural style in keeping with the wider area as has been demonstrated elsewhere in this statement. 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 planting 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. In conclusion the dwelling offers a unique reinstatement 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 there was lawful use prior. This has been demonstrated by previous applications and historic photographic evidence.

DEVELOPMENT PLAN

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

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

There are no relevant policies of the approved South East Scotland Strategic Development Plan. Relevant to the determination of the application are policies DC1 (Rural Diversification), DC3 (Replacement Dwelling in the Countryside), DC4 (New Build Housing in the Countryside), DC5 (Housing as Enabling Development), DC9 (Special Landscape Areas), CH1 (Listed Buildings), CH6 (Garden and Designed Landscapes), DP2 (Design), T2 (General Transport Impact), NH7: Protecting Soils, NH8 (Trees and Development) and NH10: SUDS of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of the application.

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

Material to the determination of the application are Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the Scottish Government's policy on development affecting a listed building given in Scottish Planning Policy: June 2014.

Scottish Planning Policy echoes the statutory requirements of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that in considering whether to grant planning permission for development which affects a listed building or its setting a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The following HES guidance is relevant in the determination of this application: Managing Change 'Setting'. This document emphasises the importance of understanding the setting of a listed historic asset.

Also material to the determination of this planning application is the Special Landscape Areas SPG of the adopted East Lothian Local Development Plan 2018.

The application site is in a countryside location within East Lothian and is part of a much larger area that is characterised by a low density dispersed built form within an agricultural landscape.

It is not identified in the adopted East Lothian Local Development Plan 2018 as being within a settlement and the Local Development Plan does not allocate the land of the site for housing development.

Consequently, the principle of the erection of one house on the application site must be assessed against national, strategic and local planning policy relating to the control of new housing development in the countryside.

In Paragraph 76 of Scottish Planning Policy: June 2014 it is stated that Local Development Plans should make provision for most new urban development to take place within or in planned extension to existing settlements. Paragraph 81 states that in accessible or pressured rural areas, where there is a danger of unsustainable growth in long distance car based commuting or suburbanisation of the countryside, a more restrictive approach to new housing development is appropriate.

In Paragraph 83 it is stated that in remote rural areas, where new development can often help to sustain fragile communities, sustainable development that would provide employment and that would support and sustain fragile and dispersed communities through provision of appropriate development should be supported.

It is stated in paragraphs 5.1 and 5.2 of the adopted East Lothian Local Development Plan 2018 that while the LDP's spatial strategy guides the majority of new development to existing settlements in the interests of promoting sustainable travel patterns, it also seeks to support the diversification of the rural economy and the ongoing sustainability of the countryside and coast through support in principle for agriculture, horticulture, forestry and countryside recreation, as well as other forms of appropriate business, leisure and tourism developments. New rural development should be introduced sensitively to avoid harming the characteristics that attract people to live, work and visit East Lothian's countryside and coast.

Paragraph 5.10 of the adopted East Lothian Local Development Plan 2018 states that the LDP has a general presumption against new housing in the countryside but exceptionally a new house may be justified on the basis of an operational requirement of a rural business. In such circumstances, appropriate evidence clearly demonstrating the need for a new dwelling on the particular site in association with the business will be required. Such evidence should include that no suitable existing dwelling has been recently made unavailable for that purpose and that there is no existing building that could be converted to a house.

Policy DC1 sets out specific criteria for new development in the countryside, stating that there will be support in principle for new development where it is for agriculture, horticulture, forestry or countryside recreation; or other businesses that have an operational requirement for a countryside location, including tourism and leisure uses.

Policy DC3 sets out specific criteria where replacement dwellings in the countryside will be supported. This includes:

(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;

(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.

Policy DC4 sets out specific criteria for the erection of new build housing in the countryside, and allows for new build housing development in the countryside where the Council is satisfied that a new house is a direct operational requirement of an agricultural, horticultural, forestry or other employment use. Policy DC4 also allows for other small scale housing proposals that form a logical addition to an existing small scale rural settlement where they are promoted for affordable housing and evidence of need is provided and the registered affordable housing provider will ensure that the dwelling(s) will remain affordable for the longer term.

Policy DC5 sets out specific criteria for the exceptional circumstances where the erection of housing as enabling development in the countryside may be supported. Any such new housing development in the countryside should: (a) enable a desirable primary use supported in principle by criterion by Policy DC1 and the benefits of the primary use outweighs the normal presumption against new build housing in the countryside; or (b) fund the restoration of a listed building or other buildings of recognised heritage value, or other significant designated feature of the built or natural environment, the retention of which is desirable, and should satisfy the terms of Policies CH1 and where relevant CH6, and can be clearly demonstrated to be the only means of preventing the loss of the asset and secure its long-term future; and (c) the proposal satisfies the terms of Policy NH1. In all cases, the benefits of the proposed development must outweigh the normal presumption against new build housing development in the countryside.

On the matter of Policy DC5, the principle of the erection of one house on the application site is not promoted to enable a desirable primary use supported in principle by criterion b of Policy DC1. Thus, there are no benefits of such a primary use that would outweigh the normal presumption against new build housing in the countryside. Nor is the principle of the erection of one house on the application site promoted to fund the restoration of a listed building.

Historic Environment Scotland Managing Change in the Historic Environment guidance notes relating to 'Setting' is also relevant to the determination of this application.

REPRESENTATIONS

There is no public objection to this application. There are however sixteen letters of support of this application and one comment. The grounds of support are:

* Superb Design, more aesthetically pleasing, design is in keeping with the main house and mass looks better than previously accepted house.

* Great asset to Willow Rise, will enhance the site.

- * We are in a housing crisis and the land needs major development.
- * Contributes well to the setting of the listed building.
- * Position of the new house is a welcome addition and much in keeping with the surrounding landscape.
- * Will turn the whole thing from an unsightly eyesore to a very desirable property being mindful of fauna and wildlife.

The correspondence in support of the application contains a number of comments comparing the proposal to the previously consented house. These comments do not relate to the current proposal for a new house and are therefore not material to this application.

The comment received relates to the proximity of ancient woodland to the site boundary and seeks a 15m buffer. This matter is addressed in the assessment below.

COMMUNITY COUNCIL COMMENTS

No comment.

PLANNING ASSESSMENT

The Council's Environmental Protection officer has no adverse comment to make on the application, being satisfied that the development would not have an adverse impact on any neighbouring land uses.

The Council's Road Services has no adverse comment to make on the application, being satisfied that the development would not have an adverse impact on any road safety issues.

The proposed house, would not result in harmful overlooking, loss of privacy or loss of sunlight and daylight of any neighbouring properties or land uses and such that the occupants of the proposed house would also be provided with sufficient daylight, sunlight, privacy and amenity. On those matters of amenity, the proposed development is consistent with Policy DP2 of the adopted East Lothian Local Development Plan 2018.

However, notwithstanding it remains to be established whether there is sufficient justification to support the principle of erecting a house on the site and whether such a proposal is consistent with other relevant policy provisions of the development plan in the form of Policies DC1, DC3 and DC4 of the adopted East Lothian Local Development Plan 2018 and Scottish Government policy guidance regarding the control of new housing development in the countryside given in Scottish Planning Policy: June 2014, or whether there are any other material planning considerations that would outweigh the policies of the Development Plan that would justify the erection of the house. It must also be established whether the erection of this proposed house on the application site would harm the setting of Whittingehame House a category A listed building, whether it would harm the objective of the Whittingehame House Designed Landscape and whether it would harm the Whittingehame to Duchrie Special Landscape Area.

The application site is within an area defined as being within the countryside by the adopted East Lothian Local Development Plan. Although Whittingehame House is located close by and there are other houses located a short distance from the site those buildings are not new build development but are existing houses which are long established in their countryside location and which are part of the character and appearance of the area. Therefore what would be built is a new house which would not be an addition to a settlement or an addition adjoining the edge of a settlement but instead would constitute new build housing development in the countryside.

There is no agricultural or other employment use presently in operation to justify the need for a new house on the application site. Neither has the applicant advanced any such case of justification of need for the principle of the proposed new house. No case has been put forward that the proposed house has an operational requirement for its countryside location or that it would be required to support a use which in principle requires a countryside location. Neither has the proposed house been promoted for affordable housing use, would not be a logical addition to an existing small rural settlement and would not enable a desirable primary use supported by Policy DC1 or fund the restoration of a listed building. Therefore the erection of the new build house on the application site is contrary to Policies DC1 and DC4 of the adopted East Lothian Local Development Plan 2018.

On the matter of Policy DC3, the Council's Policy and Projects officer notes that Policy DC3 deals with the principle of providing replacement dwellings in the countryside and sets out two criteria under which a replacement dwelling would be in principle be acceptable. Whilst there had previously been a house on the adjacent site – Willow Rise (formerly known as the School Masters House) – through the grant of planning permission 20/00169/P planning permission has already been granted for a replacement for that house. Furthermore the pre-commencement conditions attached to planning permission 20/00169/P have been approved and works have commenced. Therefore planning permission 20/00169/P has been implemented.

As planning permission has already been granted for a replacement house on the adjacent site ref: 20/00169/P, and as that planning permission has been implemented this now proposed house cannot be a replacement house for the former house known as Willow Rise (formerly the Old Schoolmasters House). If planning permission were to be granted for the house proposed through this application the applicant would have planning permission for 2 houses. Therefore and as there is no other house to replace the proposal does not accord with Policy DC3 of the adopted East Lothian Local Development Plan 2018.

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, DC4 and DC5 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.

Furthermore unlike the site the subject of planning permission 20/00169/P this site is a greenfield site that has never had a house or any other permanent structure located on it. Therefore there are no material planning considerations that would outweigh the fact that the building of a new house on it would be contrary to the Development Plan in respect of new build housing in the countryside.

This application site is located to the east of Whittingehame House – a category A Listed Building and is within the Whittingehame House Designed Landscape.

The adopted East Lothian Local Development Plan 2018 states that designs for new development must evolve from and respond to an analysis of the proposed development site and its wider context. Furthermore it states that the designs, materials and finishes proposed must complement those of existing buildings and in the local area. As the architects supporting statement highlights the context of this site is the buildings within the Whittingehame Estate. These buildings have a classical style and are designed around classical proportions and detailing. They include multiple symmetrical elevations and repetition of well proportioned windows. They have a solidity that comes from the use of expansive areas of ashlar stone. They also feature highly articulate parapets which partially conceal the roof planes allowing the classical elevations to dominate.

With regard the design of the proposed house, the Design Statement submitted in support of the application sets out the design's response as "contemporary interpretations of traditional dwellings around Scotland with an aim to replicate the scale and proportions of historic cottages with traditional elements". This approach has led to a development that does not reflect any of the element of the site context.

The proposed house is not symmetrical in plan form or elevation. It contains an expansive roof form which dominates longer views. The window arrangement contains numerous different size and shapes of window and is not composed in its arrangement. The building contains elements of stone but these are used in a non load bearing manner and are minimal in some elevations. The proposed stone is illustrated as a rubble finish. This use of stone does not reflect the traditional use of this material and creates a lightweight appearance to the proposed structure in contrast to the solidity of the existing structures. The use of charcoal coloured larch on the upper floors accentuates the dominance of the roof form creating an uncharacteristic architectural response.

The overall appearance 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 this 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.

As this application site is located to the east of Whittingehame House – a category A Listed Building - and is within the Whittingehame House Designed Landscape Historic Environment Scotland were consulted on the application.

Historic Environment Scotland Managing Change in the Historic Environment guidance notes relating to 'Setting' state that setting can be important to the way in which historic structures or places are understood, appreciated and experienced. It can often be integral to a historic assets cultural significance and planning authorities should take into account the setting of historic assets or places when making decisions on planning applications.

The HES Guidance advises that 'setting' should be thought of as the way in which the surroundings of a historic asset or place contribute to how it is experienced, understood and appreciated. Setting often extends beyond the property boundary, or 'curtilage', of an

individual historic asset into a broader landscape context. Less tangible elements can also be important in understanding the setting. These may include function, sensory perceptions or the historical, artistic, literary and scenic associations of places or landscapes. It notes that it is for planning authorities to determine whether a development will impact on the setting of a historic asset or place.

The HES Guidance notes that factors such as the character of the surrounding landscape, views to and from the asset or place and overall sense of place can affect be incorporated into the setting of a place.

The historic asset in this case is the Category a listed Whittingehame House.

In their consultation response Historic Environment Scotland state;

“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 approximately 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 application site lies within the parkland which forms one part of the designed landscape to the house. The parkland, with its open character in contrast with the surrounding woodland, is of historic interest and is important to our understanding of the house and estate and forms an important part of the setting of the listed house.

Historic Environment Scotland advise that 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.”

The proposal would occupy a significant element of the open parkland setting to the house. The change in character to a residential property would undermine the open parkland nature of the wider area and would be significantly detrimental to the historic parkland and our understanding of the setting to the house within the estate.

Moreover, the proposed buildings would be visible on longer views towards the house. The axial view to the house through the avenue of trees is particularly impressive. Within this quiet view the focus is on the house although the view also affords us the open aspect of the parkland and tree belt enclosure. The formality of the axial view and the informal open parkland would be interrupted by the proposed house, garage and extensive garden grounds. The level of change proposed would have an adverse impact on the setting of the category A listed Whittingehame House.

Consequently Historic Environment Scotland object to this application and consider it to be harmful to the setting of Whittingehame House a Category A listed building. Therefore as the proposal would have an adverse impact on the setting of the listed building it is not in accordance with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and does not accord with policy CH1: Listed Buildings of the adopted East Lothian Local Development Plan 2018 and with HES guidance Managing Change in the Historic Environment 'Setting'.

As the site is within the Whittingehame Estate which is one of Historic Environment Scotland’s Inventory Garden and Designed Landscape Policy CH6: Gardens and Designed Landscapes of the ELLDP applies. The designed landscape is listed of high value as a work of art and of outstanding historical interest.

The application site is within a significant part of the parkland within the Whittingehame Inventory Garden and Design Landscape designed landscape. This parkland is important as part of the overall landscape design and retains its original form and character. The parkland is visible in glimpsed views from the house and on approach to Whittingehame House from the south. It is highly visible from the avenue of lime trees that form an axial avenue aligned with the house. The introduction of the proposed house, garage structure, driveway and the change of the use of the land to residential use would represent a significant intervention into the parkland. The proposal would transform this part of the designed landscape into a residential character containing modern structures, uncharacteristic of the designed landscape. The level of change is significant and would conflict with the open character of the parkland. The extensive gates walls and paths at the entrance to the site create the impression of importance which competes with the role of the parkland within the designed landscape.

In respect of the impact of the proposal on the designed landscape HES note:

“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.”

Consequently Historic Environment Scotland object to this application and consider it to have a significant adverse impact on the Whittingehame Inventory garden and designed landscape. Therefore the proposal is contrary to Policy CH6: Gardens and Designed Landscapes of the adopted East Lothian Local Development Plan 2018.

The site also lies within the Whittingehame to Deuchrie Special Landscape Area (SLA 8). The Whittingehame to Deuchrie SLA includes the incised and wooded slopes of the Whittingehame valley. One of the special features and qualities noted in the SLA Statement of Importance is that settlement within the area is limited and small in scale, of vernacular style, dotted around the minor roads or hidden in the wooded valleys adding to the picturesque and historic nature of the area. It goes on to say that the use of local materials, sandstone especially red to match the soil, slate roofs, and the small number and scale of settlements and their fit within the landscape gives the impression of man living with nature rather than controlling it. Whittingehame House, although a larger grander building has been designed to sit sensitively within the valley and its surrounding parkland, hidden by the heavily wooded valley slopes from wider views.

The proposed building of the two storey house and garage together with the long driveway and significant external landscape works would be set within the woodland of the Whittingehame valley. Moreover, it is proposed to site the buildings on the upper slopes of the parkland, thereby increasing the development's prominence locally and enabling views of the house to be seen from the wider surrounding landscape, particularly to the north. The proposed buildings would not be of scale, style, material or colour that fits with the local vernacular or the formality of the estate building.

Furthermore, in this part of the SLA the well-planned woodland framework is part of the designed landscape. The woodlands of the valley have been located and used to control views and provide seclusion as part of the designed landscape. Whittingehame House only has views of its parkland surrounds. Wider views and views of other development are curtailed by the woodland framework. The development as proposed breaks this seclusion. Building in this location would enable two large buildings to be viewed together within an area of open parkland. This would harm the small-scale secluded visual character derived from the well-planned mature woodland framework formed as part of the designed landscape.

Therefore as the proposal conflicts with guidelines contained within the Statement of Importance for Whittingehame to Deuchrie Special Landscape Area (SLA 8) it would harm the parkland landscape character of the area and therefore would have an adverse impact on the Special Landscape Area. 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 and to the Special Landscapes Areas SPG.

The site lies within land that is categorised as Prime Agricultural Land. The East Lothian Local Plan sets out the Council's aims to reduce adverse impacts on soils, avoid where possible development on prime agricultural land, and consider climate changes impacts of developing certain soil types. The proposal would result in the loss of a significant area of Prime Agricultural Land to a residential land use. The proposal is therefore contrary to Policy NH7: Protecting Soils.

The proposal also includes a lengthy driveway that is routed between the two mature trees. These trees form part of the designed landscape and are a significant natural assets within the site. The proposed driveway would be constructed within the root protection area of these trees and is likely to impact on the roots and health of the trees. It is accepted that the site is adequately large that an alternative route for the driveway could be accommodated avoiding the conflict with the existing trees. However, the current proposed driveway route is unacceptable in respect of adverse impact on trees contrary to Policy NH8 of the adopted East Lothian Local Development Plan 2018.

In conclusion there are no material planning considerations that outweigh the fact that the proposed development is contrary to Policies of the Development Plan 2018.

The site entrance including roadway, footways, walls and gates that have already been constructed form part of this application. These works have been carried out, are unauthorised and are therefore in breach of planning control. If within 3 months of the date of the refusal to grant planning permission steps have not been taken to remove the roadway, footways, walls and gates and all associated works, enforcement action will be taken to secure the removal of those works with the period for compliance with the enforcement notice being 3 months.

REASONS FOR REFUSAL:

- 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.

LETTERS FROM

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10th January 2023

ELC Document i) Conditions

The proposal, including the unauthorised formation of the entrance driveway paths, gates and walls, are contrary to the Development Plan and there are no conditions which could be applied to this proposal to enable the development to align with the Development Plan.

The following condition is recommended should the appeal be allowed.

1. The development hereby approved shall begin before the expiration of 3 years from the date of this permission.

Reason:

Pursuant to Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.

ELC Document i) Site Photographs

Photo 1. Unauthorised driveway, walls, gates and piers.



ELC Document i) Site Photographs

Photo 2. Unauthorised driveway, walls, gates and piers viewed from within site.



ELC Document i) Site Photographs

Photo 3. Adjoining site.



ELC Document i) Site Photographs

Photo 4. Two mature trees within site.



ELC Document i) Site Photographs

Photo 5. Application site and parkland setting.

