



**MINUTES OF THE MEETING OF THE
LOCAL REVIEW BODY**

**THURSDAY 18 MAY 2023
VIA THE DIGITAL MEETINGS SYSTEM**

Committee Members Present:

Councillor N Gilbert (Chair)
Councillor D Collins
Councillor C Yorkston

Advisers to the Local Review Body:

Mr C Grilli, Legal Adviser to the LRB
Mr P Zochowski, Planning Adviser to the LRB

Other attendees:

None

Clerk:

Ms F Currie, Committees Officer

Apologies:

None

Declarations of Interest

None

The Clerk confirmed that Agenda Item 1 – planning application no. 22/01125/P - had been postponed and would be considered by the Local Review Body at its meeting on 15th June 2023.

Introductory Statement by the Legal Adviser

The Legal Adviser outlined the procedure for the Local Review Body to reach a decision on the planning application before it. He also asked the Members to confirm that they had viewed all of the documentation which had been available to the planning case officer during his consideration of the application. All members did so.

The Legal Adviser then invited nominations to chair the meeting. Councillors Yorkston and Collins indicated that they would be content for Councillor Gilbert to chair the Local Review Body (LRB) on this occasion.

2. PLANNING APPLICATION NO. 22/01296/P: EXTENSIONS TO HOUSE AND ALTERATIONS TO DOMESTIC GARDEN GARAGE/WORKSHOP TO FORM ANCILLARY RESIDENTIAL ACCOMMODATION, 7 BALLENCRIEFF MAINS FARM COTTAGES, BALLENCRIEFF, ABERLADY EH32 0PJ

The Chair invited the Planning Adviser, who had had no involvement in the original decision, to present a summary of the planning policy considerations in this case.

The Planning Adviser advised Members that the first case related to a review against refusal of planning permission for application no. 22/01296/P. He set out in detail the proposals contained within the application and provided information on the site and surroundings.

He reminded Members that the application must be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan consisted of the East Lothian Local Development Plan 2018 together with National Planning Framework 4 which was approved by Scottish Government after the determination of this application and which replaced Scottish Planning Policy. The case officer had separately identified NPF4 policies appropriate to the determination of the application, as had the applicant's agent, but NPF4 must be read as a whole.

As set out in the Planning Officer's report, policies relevant to the determination of this planning application were: LDP Policy DP5: Extensions and Alterations to Existing Buildings. Among the relevant NPF4 policies were Policies 14 Design Quality and Place, Policy 16 Quality Homes and Policy 17 Rural Homes. The Planning Adviser advised that, generally, NPF4 was supportive of reusing empty homes, derelict, vacant or previously developed land including in appropriate rural areas. However, NPF4 policies needed to be considered alongside the requirements of existing LDP policies.

The Planning Adviser then provided a detailed summary of the proposed application and confirmed that there had been no public objection to this proposal nor had any consultees objected.

He summarised the planning case officer's assessment of the application. He looked at the proposed materials to determine whether they were in keeping with the house and area. The elevation walls of the existing house were in white render with the elevation walls of the proposed altered house in a mix of natural stone and render to match. The roof would be in clay tiles similar to the existing with stone copings. Looking at the architectural character of the existing house the case officer found that it was derived

from its distinctly small size and scale. Looking at the proposed alterations and extension the case officer found these would significantly alter the shape and size and footprint of the existing house to the extent that it was considered that it would be essentially new build with a new roof, new windows and door openings, new dormers, new external wall finishes and a new entrance feature. Taken together, they would not appear as an integral part of the original cottage but instead would be additions that would significantly overwhelm it. Due to their form, size, scale, massing and proportions the proposal would not be subservient to it and therefore would not be in keeping with or complementary to it contrary to LDP Policy DP5.

The case officer concluded the proposals were tantamount to a new house in the countryside which in the manner proposed would give a greater emphasis to it being isolated sporadic development in the countryside and that if assessed on that basis it would conflict with LDP policies DC1 Rural Diversification and DC4 New Build Housing in the countryside. This would set an undesirable precedent for the development of new houses in the countryside the cumulative effect of which would result in a detrimental impact on the rural character of the open countryside in East Lothian. This justified the reasons for refusal.

The Planning Adviser stated that the determining issue was therefore whether the house met the terms of NPF4 in terms of Policy 16 Quality Homes and Policy DP5 of the LDP in terms of the suitability of its design and the size and scale of the extension and alterations. If the considered view was that it overwhelmed the property to the point where the intentions of planning policy were breached then policies DC1 and DC4 of the LDP could be applied, but if it was considered that it did not, then it was his view that DC1 and DC4 did not apply as the house was an existing house. He advised that Members also needed to consider whether the house with the proposed alterations would be in keeping with the general character of the area in which it was located.

The Planning Adviser then summarised the appellant's submission, which was provided in depth by both the planning agent and the architectural and building designer but could be summarised as:

- The existing house was constructed in the 1930s and later extended to form a single storey 3 bedroom bungalow with a higher centrally pitched roof with long views over its large plot originally provided for self-sufficient food production
- The house and outbuildings were in poor condition requiring considerable expenditure to upgrade to an acceptable standard
- The proposals would proportionately suit the size of plot while retaining 80% of the existing external walls and undertaking only minor extensions to the fabric of the existing house while converting the presently dilapidated store to provide habitable accommodation suitable for ancillary use of the main house.
- The design maintained the characteristic design of the local architecture and though the roof was larger covering a greater area it did not increase the ridge height which is balanced by the surrounding foliage and tree line.
- The site contained a house and a garage/store building that were proposed to be altered therefore it did not represent a new house in the countryside and the second reason for refusal should not have applied
- Permissions had been granted elsewhere in East Lothian in similar circumstances
- The design evolved to try to ensure that elements of the existing house were retained for example the bay window, and that much of the floorplate of the house

was retained along with the majority of the external walls, the roof height was not exceeded and other key design themes are incorporated

- Not all planning policies referred to could apply to all circumstances and proposals should be supported where the outcome was better than the existing situation
- The individual characteristics of the site should be considered as well as the proposals and a balanced view taken in the context of all influencing factors
- The officer report contained an assessment highlighting how the proposal complies with all key policies protecting neighbouring properties and it was an ideal site for these proposals
- The three reasons for refusal were challenged as they overstated concerns regarding the proposals: 1) The design was appropriate for its site and setting and the quality of the proposed finish should be the focus; 2) policies DC1 and DC4 did not apply to this application and it was not a new home in the countryside; and 3) a development that was both attractive and appropriate could not set an undesirable precedent.

The Planning Adviser concluded his presentation by reminding Members that it was now open to them to review the case and either agree with the decision taken by the planning case officer, for the reasons given, or to come to a different determination. He added that should Members wish to approve planning permission, a condition to the effect that the development shall begin within 3 years had been supplied by the planning case officer but a condition would also be required to ensure that the ancillary building was not to be used as a separate dwelling house.

The Planning Adviser responded to questions from Members on the existing flooring within the property, its current energy rating and the increase in the size of the footprint compared to the original building.

The Chair asked his colleagues to confirm that they had attended the site visit and if they were satisfied that they had sufficient information before them to determine the application. They confirmed this to be the case.

The Chair then invited Members to give their views on the application.

Councillor Yorkston commented that works arising from the proposed permission were on the fine edge of subservience. He noted the increase in footprint together with the additional roof space meant the living space more than doubled in size but this does not look that way. While he was sympathetic to the Planning Officer's opinion, he was minded to agree with the applicant that this did not constitute a new build. Accordingly, he was minded to grant the Planning Permission.

Councillor Collins was of the view that the proposed building materials would be sympathetic to the area and the application was consistent with NPF4 as this improved the environment. Accordingly, she was minded to support this application.

The Chair agreed with his colleagues. He was of the view that the proposed development would not overwhelm the existing property and therefore was minded to grant the application.

The decision to grant planning permission was confirmed by roll call vote. The members of the LRB then considered the suggested conditions outlined by the Planning Adviser and agreed that both conditions should be added to the planning permission.

Decision

The ELLRB agreed, unanimously, to grant planning permission subject to the following conditions:

- 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

2. The outbuilding hereby approved shall only be used for purposes incidental to the residential use and enjoyment of the dwelling house of 7 Ballencrieff Mains Farm Cottages and shall at no time form a separate residential unit or be used for any business, trade or other commercial use.

Reason:

To enable the Planning Authority to control the use of the development in the interests of safeguarding the character and residential amenity of the area and that of the dwelling house of 7 Ballencrieff Mains Farm Cottages.

Signed

Councillor Neil Gilbert
Chair of Local Review Body (Planning)