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**Clerk to the Local Review Body  
Committee Team  
Communications and Democratic Services  
John Muir House  
Haddington  
East Lothian  
EH41 3HA**

**08<sup>th</sup> April 2024**

Dear Local Review Body

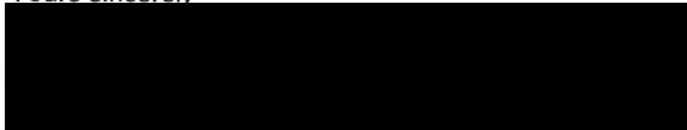
**project:** Steadings Ferneylea, Oldhamstocks TD13 5YN ref 23/000950/P

As agent for the above application I enclose my formal appeal to the local review body in respect of the refusal of planning consent as issued by East Lothian Council Planning Department on the 11/01/2024

I am amazed that there is no email address provided by your authority to enable such appeals to be lodged electronically!

I hope this hard copy finds its way to the right person and would appreciate acknowledgement of this.

Yours sincerely



Harry Wood

09 APR 2024

RECEIVED

**Appeal against planning refusal reference 23/00950/P**

**In response to the officer's report dated 15/12/2023 that accompanied the refusal notice issued on the 11/01/2024 please see below.**

**1 Overlooking of Conservatory(s) of The Old Farmhouse**

As demonstrated by the attached context plan (Appendix 1) and site photographs (Appendix 2) the Conservatory walls of The Old Farmhouse facing The Steading are solid masonry walls. How someone from The Steading would be able to overlook someone in the Conservatories through solid masonry walls is beyond me!

It makes me wonder if ELC planning actually visited this site or observed anything before compiling this report and refusing this application. If this is the criteria used to determine applications that is so patently wrong I suggest ELC take a good long look at themselves and ask why they are wasting applicants time and money and long suffering council tax payers such as myself (I live in North Berwick) have to wonder what we are paying for when such a basic error has been made forcing people to have to go through this process.

As the committee will be aware there is no charge to applicants for this appeal and I am giving my time for free as I feel the applicant is so hard done by due to ELC but ELC have to pay officers salaries and overheads in responding to this appeal.

**2 Lack of outlook and amenity space**

**2.1 Lack of outlook**

This is acknowledged to some extent but to compensate for this the proposal is to create an atrium space as the report recognises. This space is inside/outside and can be opened up fully on warm/sunny days and will form an internal courtyard garden covered in glass on colder days. The proposal to form the roof over this area entirely in rooflights that can be opened fully or partially as weather allows will provide a space where plants can grow and provide an outlook for adjacent rooms at ground floor level. At the upper level the bedroom has plenty of outlook from Velux windows.

Planning guidelines are for 18 metres to be set out between windows to habitable rooms or 9 metres to boundaries and that space simply does not exist here between adjacent properties and any boundaries. At an early stage in the planning process the planning case officer said she considered the internal courtyard to be a good feature (see Appendix 3) and requested some modifications to windows and gutters and downpipes which caused me to amend the initial proposals. At that stage I assumed the case officer stating she liked the internal courtyard and

requested I alter some finishes was an indication she welcomed the proposed development but in the end all of this was a waste of time as the application was refused.

The refusal document states that there is no amenity space but as demonstrated on the attached context plan the proposals actually have 9sqM of amenity space as stated above and a further 33sqM of amenity space at the North/East side of the property. The 33sqM of space has to provide space for a car space to comply with ELC standards but if for example this amenity space was to be used as a play area during the daylight hours it is conceivable that the car would be away as the owner/driver could be at work. To state that there is no outdoor amenity space is therefore simply another example of where statements made in the planning refusal are simply not correct.

In addition the property is in a very rural location surrounded by farmland and with distant views to the sea and with right to roam legislation in place the occupants could enjoy plenty of opportunity to experience outdoor space as soon as they step out their door.

As a comparison a small terraced house could be 4.3 metres wide and with a garden 9 metres deep and this would provide 38.7sqM of garden or 'amenity space' which by default ELC planning would be happy to accept whereas in this proposal there is 42sqM of amenity space. The small terrace house example I have in mind is in Musselburgh and this is in an urban area whereas this application as stated above is in a rural environment. In the Musselburgh terrace of houses that I mention above there is no views other than a road and a car park but people there are very glad to have a house they can afford and that I suggest will be the same if someone is able to buy and convert this property.

The issue I would ask the committee to consider is I understand that it is council policy to provide housing, and I am aware in East Lothian there is a lack of affordable housing which this proposal will result in. I also understand it is policy to put existing vacant buildings back into use. This proposal achieves both and as it stands the property is of limited financial value meaning if it planning is granted someone of limited means could convert it to be a first house or a house to downsize into. I respectfully suggest to the committee that this is a desirable thing to achieve and the alternative is the property remains vacant and falls into disrepair.

**In addition the officers report mentions the following items but these were not stated as reasons for refusal but in response I cover each in turn as set out below.**

### **3) Drainage and water supply**

The owner of the property has provided evidence in the land title documents that they have rights to connect to an existing septic tank. They also state that fresh water is available within the premises from the same water source as all dwellings are in

that area, that being a private water source from a spring.

At design stage I consulted an engineer who specialises in design of surface water dispersal systems and he has confirmed that this could be formed under the car parking space. The Steading currently has gutters and downpipes and surface water has drained away for over 30 years that the current owner is aware of with no issues of flooding having occurred. Where these downpipes connect to no one knows.

#### **4) Demolition**

One issue raised by the case officer during the planning process was that demolition of properties in such a location should be resisted. As there is a requirement to comply with planning guidelines to create a car parking space and form amenity space without some demolition of part of the existing building to create such space it is not possible to utilise the steading for any purpose other than for storage of livestock or other storage use. What used to be an adjacent farm is now a dwelling and therefore there are no livestock to store and as the property is some considerable distance from any major conurbation it is hard to envisage any other use for it. It should also be noted that there has already been demolition of most of one wing of what would have formed a courtyard. According to the applicant this took place around 1995 and the applicant has record photographs of this wing prior to demolition. (Appendix 4)

#### **5) Parking**

The planning officer stated that there were concerns re parking and turning etc into the parking space as indicated. I have produced a drawing using standard vehicle turning radius (Appendix 5) that demonstrates that there is ample space to turn a car into the parking space in these proposals.

#### **6) Background**

In addition to the above at an early stage in the planning process the Planning Officer requested that the material for gutters and downpipes and windows be amended from Upvc to be cast iron and timber respectively. I amended the drawings to indicate these changes as requested and now ask why was this request made with more time wasted when the application was going to be refused.

I also made two requests to meet the Planning Officer with her team leader to see if a compromise could be reached between applicant and officers to hopefully arrive at a solution for this application that would satisfy all parties. I had no response to these requests.

#### **7) Conclusion**

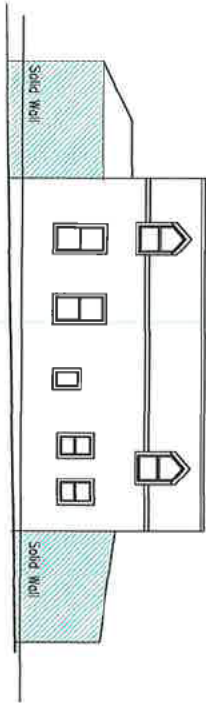
There were two reasons stated for refusal on the planning decision notice. One of these, overlooking of the conservatories of property opposite I believe I have

demonstrated is simply not the case. The other reason, lack of views and amenity space, I believe I have demonstrated that to say there is no amenity space is also not the case here. Due to the proximity of other buildings and boundaries it is not possible to provide views and comply with planning guidelines but to compensate for this I have created an atrium/internal/external courtyard that can be a green oasis that can provide better views than many urban gardens. If the property is developed all an occupant has to do to enjoy views in all directions is step outside their door.

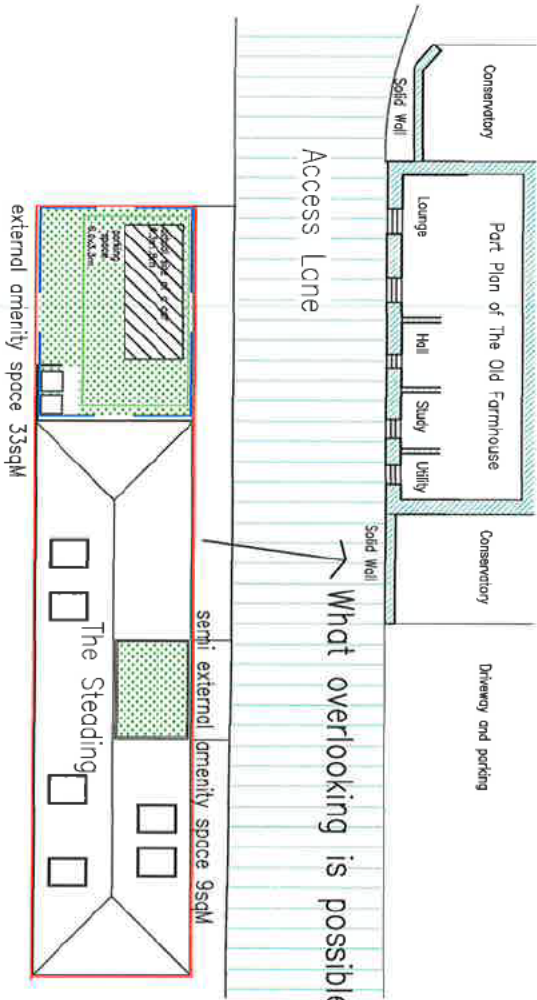
I respectfully suggest that the committee therefore has to decide is it better to leave an historic rural building vacant and eventually deteriorate or accept some compromise on views from within the property and allow it to be put to practical use and provide a home in an area where such homes are desperately needed? The value of this property, even with a planning consent will not be high, and as stated above it will give someone the opportunity to create a home at an economical price that many people on low to middle incomes can afford.

For information I attach the plans and elevations as submitted with the original application. (Appendix 6)

**Appendix 1 – Context Drawing**



Outline Elevation of The Old Farmhouse



What overlooking is possible here



PROPOSED ALTERATIONS TO  
STEADING FERNEYEA  
FOR  
MR AND MRS DONALDSON  
DRAWING - CONCEPT PLAN 23/7/08 P 07  
SCALE 1/100 (A3)



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**Appendix 2 – Photographs of Old Farmhouse Conservatory Walls**







**Appendix 3 – Extract from email from Planning Officer**

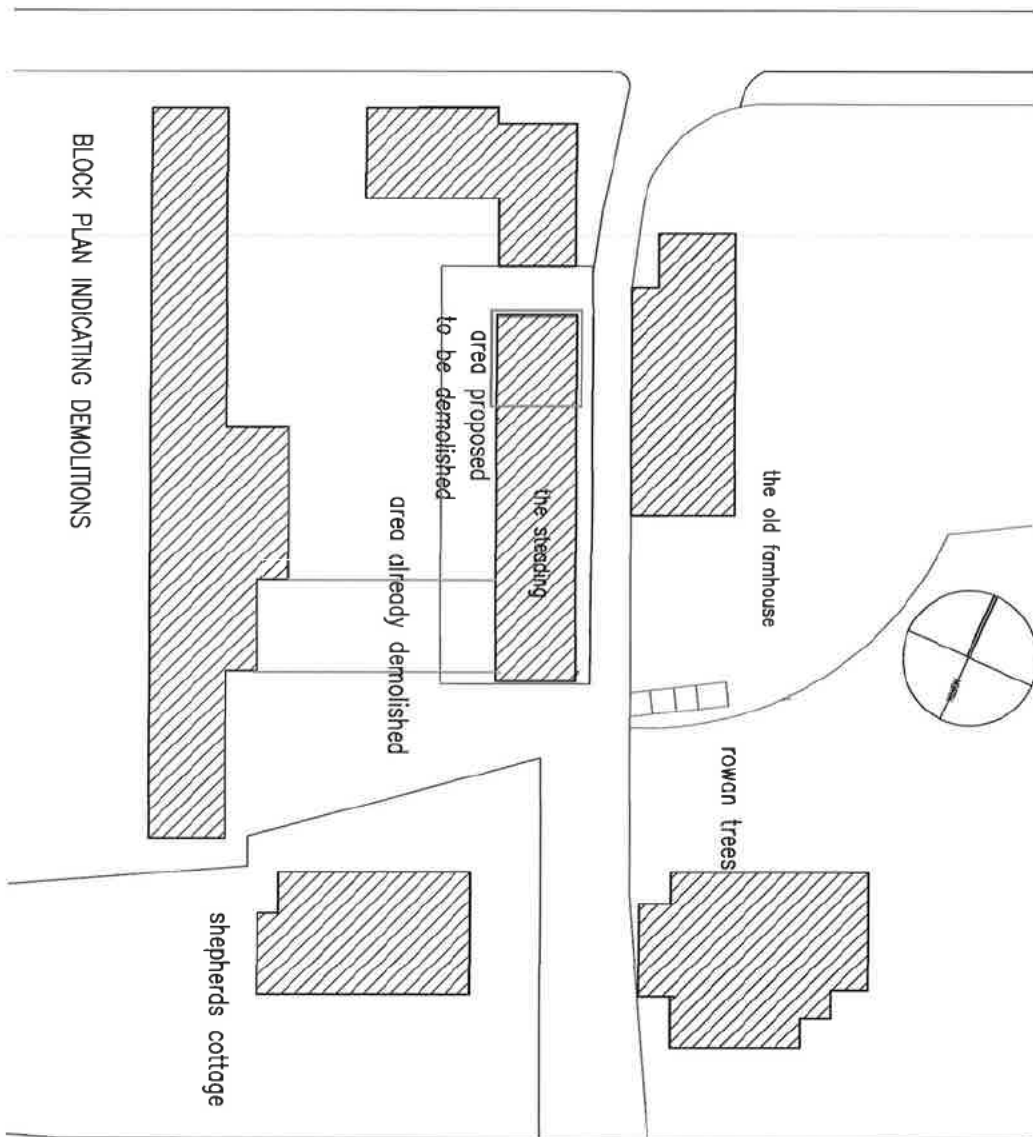
[REDACTED]  
**From:** [REDACTED]  
**Sent:** 12 October 2023 18:10  
**To:** [REDACTED]  
**Subject:** 23/00950/P - Ferneylea Steading

Hi Harry,

I'm just about to go off on leave and thought I would pop you an email setting out my initial thoughts on the above application, given the NN consultation period has since lapsed. Just to note, I haven't been out on-site yet and will take note of any precedent in terms of UPVC etc. next week, when I return.

1. I note that plans have since been altered and new application forms have been submitted, with altered land ownership. Several of the objections mention that the applicant only has control over the building itself. Can you provide some clarity / evidence that the area as outlined in red falls under the ownership/ control of Ms Donaldson / Mr & Mrs [REDACTED]?
2. Previous approvals for conversion of the other steadings buildings have included for timber framed windows/doors and iron/cast aluminium rainwater goods. Can this be incorporated into the scheme, rather than upvc?
3. I note there are a number of roof windows in this proposal. In order to accurately assess overlooking, can you provide me with [REDACTED] floor to roof heights;
4. [REDACTED] and I note that windows on the roof windows will service the courtyard. I'm not quite clear from your elevations what this will look like in practice. Are you able to provide sections, or a detailing spec or examples?

**Appendix 4 – Context Plan showing demolition**

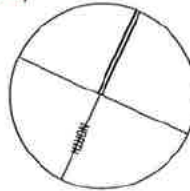
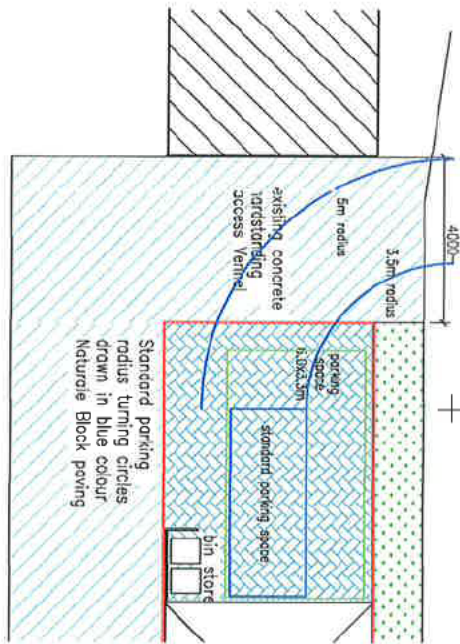


BLOCK PLAN INDICATING DEMOLITIONS

## **Appendix 5 – Parking arrangement plan**



Access Lane



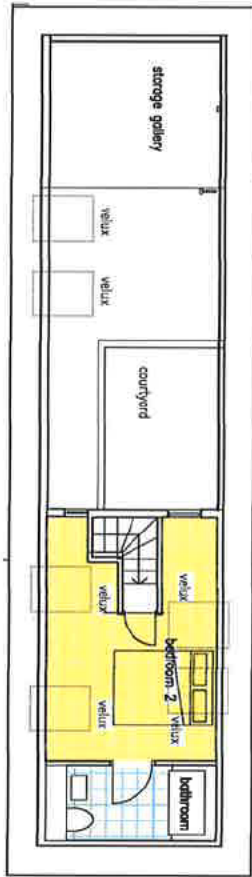
PROPOSED ALTERATIONS TO  
STEADING FERNEYLEA  
FOR

MIR AND MRS DONALDSON  
DRAWING - PARKING PLAN 23/788 P 08  
DATE 23  
SCALE 1/100 (A3)

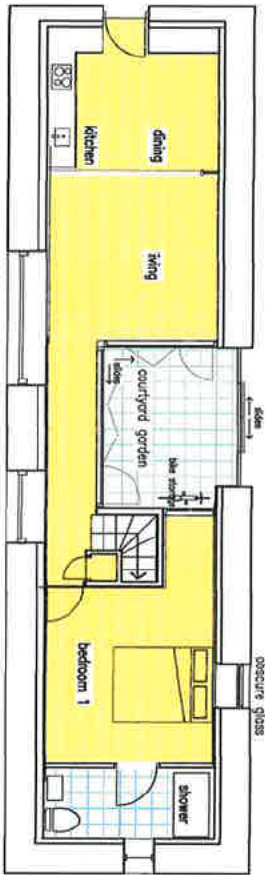
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e-mail nat@woodentia.com



**Appendix 6 – Drawings as originally submitted**



FIRST FLOOR



GROUND FLOOR



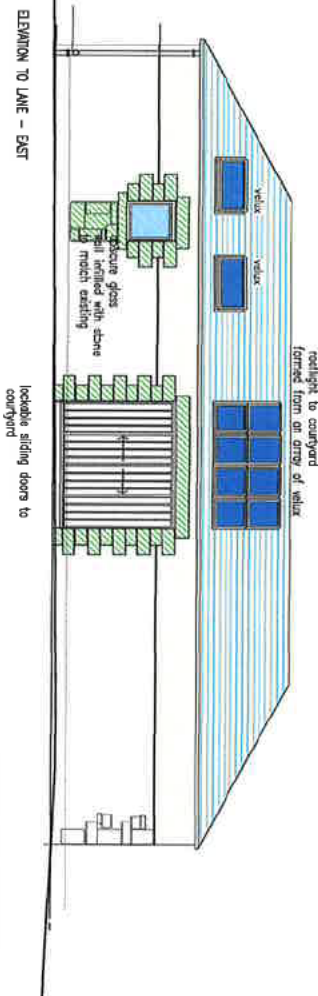
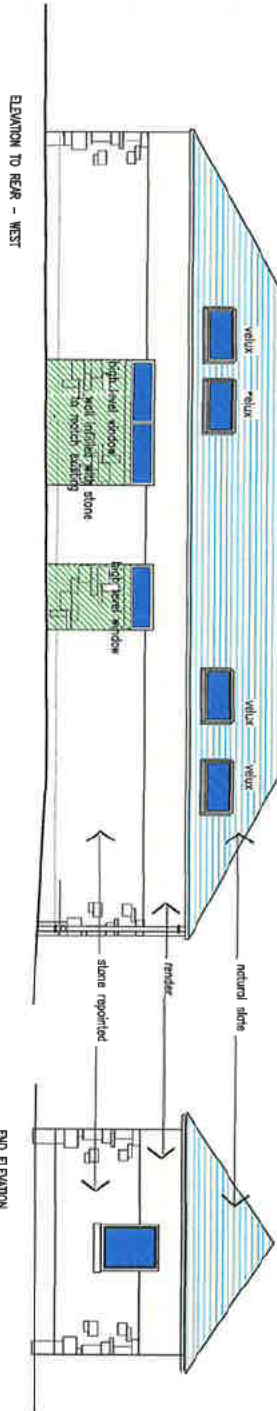
ANNEX A - WINDOWS DIMMED SIZE REDUCED PER NOV 23

PROPOSED ALTERATIONS TO  
STEADING FERNEYEA

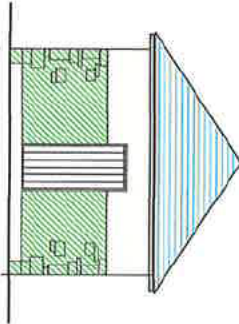
FOR  
MR AND MRS DONALDSON  
DUNWYCK  
DUNWYCK - PLANNING PERMISSION NUMBER 22/718 P 02A  
SCALE 1/100 (A3)



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- MATERIALS -** ROOF NATURAL SLATE  
 WALLS STONE AND PAINTED RENDER  
 FLOORING + BALL, MANGROVE  
 WINDOWS AND DOORS WHITE HARDWOOD  
 VELUX AND ROOFLIGHT BLACK  
 GUTTERS AND DOWNPIPES BLACK CAST IRON



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 VANCOUVER, BC V3A 2R4

**MR AND MRS DONALDSON**  
 20/796 P. 028  
 20/796 P. 028

**ARCHITECT -** WARRING QUAYD SIZE REDUCED FOR NOV 23  
 ARCHITECT - DONALDSON FOR NOV 23  
 PROPOSED ALTERATIONS TO  
 STADING FERRYVIEW  
 FOR  
 MR AND MRS DONALDSON