



Local Review Body Appeal



Ms. Anna Smith & Gary MacPherson

Application 24/00741/P - for the Erection of a Single House

Land at Newmains, East Lothian, EH39 5PR

REVIEW STATEMENT

SEPTEMBER 2024

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24/00741/P – Newmains Cottages, Whitekirk

Ms. Anna Smith and Mr Gary MacPherson – Local Review Body Appeal

Appeal Statement – September 2024

Executive Summary

- i. The applicants are seeking permission to build a family home for them to stay close to their own roots and wider ageing family.*
- ii. Mr MacPherson’s job requires anti-social hours and the use of unusual vehicles to and from home – unsuitable for modern residential areas in terms of the amenity of neighbours etc.*
- iii. They have searched long and hard for existing rural properties that meets their specific needs. They are between a rock and a hard place – properties are either too small or far too expensive. Affordable rural living options are increasingly difficult to find as acknowledged by the Scotland wide housing crisis and the East Lothian Local Housing Strategy.*
- iv. The Report of Handling confirms that the proposal is an appropriate design for the location whilst the Roads Department has confirmed that the site can be accessed safely. There would be a negligible loss of agricultural land – the site is on the periphery of the existing field whilst the local farmer has agreed to sell the plot.*
- v. We address the three reasons for refusal which all relate to the countryside location and the restrictions on permissions being granted for new houses in the countryside. We believe that justification relating to the specific circumstances exists.*
- vi. Mr MacPherson’s job requires a rural setting – he is effectively an essential rural worker and would like the opportunity to develop a house for him and his family at an appropriate location. They have an agreement to buy the land and the design and key details of the proposed house are all acceptable.*
- vii. What we therefore seek is for the LRB Panel to be able to look beyond the strict interpretation of planning policy, acknowledge the specific circumstances of this case and allow this appeal for the development of a single house at Newmains. It would add an attractive sustainable property to this existing cluster of buildings whilst greatly assisting a local family cement their roots in East Lothian.*



24/00741/P – Newmains Cottages, Whitekirk

Ms. Anna Smith and Mr Gary MacPherson – Local Review Body Appeal

Appeal Statement – September 2024

Introduction

1. This appeal follows the refusal of planning application 24/00741/P on the 2nd September 2024 for the erection of a single family home on land adjacent to two existing cottages at Newmains Cottages, Whitekirk. Three reasons for refusal were given and these are assessed in detail later in this Appeal Statement but essentially they centre on the development of a new home outwith a settlement boundary and therefore constituting development in the countryside. We have never disputed this but believe there are good reasons to allow this appeal and enable development to take place.
2. The proposed development site is at Newmains, Whitekirk, is a modest plot immediately to the west of two existing former farm cottages. Well located for easy access to and from East Lothian, Edinburgh and beyond, it benefits from a rural location whilst not being far from key services and infrastructure in North Berwick.
3. This is a very specific project for the applicants who would occupy the new home at Newmains. Mr MacPherson was born and brought up in the area, attended the local schools and works locally as an estate gamekeeper. He very much wants to raise his family in the area. His elderly parents live close-by and are increasingly dependent on his ongoing daily support. Ms. Smith runs her own small business from home and as such does not travel for work. She would be based out of Newmains.
4. Over the past few years, Anna and Gary have lived at Gay Cottage, one of the adjacent properties to the application site (the other being Grieves Cottage). During this time, they have undertaken an exhaustive search for a property suitable for a growing family, Gary's job and work patterns whilst also acting as a base for Anna as a mother and entrepreneur.
5. This search has looked at some of the many new build properties across East Lothian as well as ad hoc established properties that have become available nearby. The latter tend to be very expensive whilst the former are not compatible with Gary's occupation where he works unsociable hours and may be using estate type vehicles on any given day (quad bike/four-wheel drives etc.).
6. The owner of Newmains Farm has offered to sell this plot of land to Anna and Gary to enable them to create an attractive and sustainable family home and a location already accommodating a number of existing homes and with negligible impact on the surrounding farmland and wider countryside setting.



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24/00741/P – Newmains Cottages, Whitekirk

Ms. Anna Smith and Mr Gary MacPherson – Local Review Body Appeal

Appeal Statement – September 2024

7. Changes in national planning policy encourage a more flexible approach to new housing in the countryside. Taking a positive approach to sustainable new development is to be encouraged. The proposed home would be an attractive addition to an existing cluster of homes and farm buildings at Newmains and sit comfortably and sympathetically with the existing homes at Newmains.
8. The key points of this application include:
 - A high quality, single residential development at this site would have little or no impact on the surrounding area seeming as a natural addition to the two existing homes and the wider Newmains cluster;
 - A well designed, sympathetic development would be entirely appropriate to the location providing a reworked edge/end to the existing properties at Newmains and without being isolated or sporadic development in the countryside;
 - The site has access to relevant infrastructure and services;
 - The existing woodland to the north provides an attractive backdrop to development. This application represents the extension of the existing cluster to provide a new attractive and appropriately scaled family home and for the applicants own occupation; and
 - The client is proposing to build a modest home that is energy efficient utilising a number of renewable energy sources meeting many of the Council's aspirations for new build homes to be as close to Carbon Neutral/Zero Carbon as possible. Rigorous standards of energy efficiency will be employed to reduce the building's ecological footprint.
9. This is an ideal site to accommodate this single house residential development. This is a high quality development that has the opportunity to enhance the existing cluster of houses, to make it more cohesive, whilst ensuring the area does not lose its key characteristics and charm. The proposals will not have any detrimental impacts on the amenity, appearance or character of the immediate area.

Site Description

10. The site is located immediately to the west of the two existing cottages at Newmains and on the opposite side of the road from the Newmains Farm cluster of buildings. Four further residential properties lie 300 metres to the north at Newmains Cottages.



11. The site is approximately 4 miles from the centre of North Berwick to the north-west whilst being adjacent to the new leisure facility at Whitekirk Hill. Whitekirk Village and Tynninghame lie a mile and 2.5 miles to the south respectively.
12. The site is a flat, roughly rectangular plot immediately adjacent to the residential property to the east. Access would be taken via an existing field entrance directly from the A198 and pass in front (on the south side) of the existing properties each of which has their own dedicated access point.
13. The wider area is characterised by a number of clusters of residential, farm related and in the case of Whitekirk Hill, leisure related clusters of buildings, whether at Newmains, Scoughall, Lochhouses Gleghornie, Auldhame, Blackdykes and Seacliff. These clusters are 'scattered' around the lanes of this area to the east and south of North Berwick and are typical of the pattern of buildings around the East Lothian Countryside.

Design Principles

14. Scottish Planning Policy supports sustainable development and encourages a design-led approach. We have no doubt that the proposed development will also meet the six qualities of successful place (though clearly on a small scale). The application is for a modest and traditionally designed single storey new home (with bedrooms in the roof-space) that will relate well to the two homes immediately adjacent and the cluster of buildings around Newmains.

15. The house will be mainly render and roof tiles and appear as a modern take on the traditional countryside cottage and in-keeping with the surrounding homes at Newmains. It is orientated so that the main rooms and windows face away from the adjoining properties and make use of the sun's path from south-east to west, exploiting daylight and passive solar gain. It also presents an attractive and interesting frontage to the partial and long views of the property from the south-east though in reality this is an unobtrusive site with no obvious views towards it.
16. In essence the property will be seen in the context of the two neighbouring properties. It will not appear isolated or sporadic and will provide an attractive modern bookend to the three properties at Newmains.
17. The plot is comfortably large enough to accommodate the proposed new home including the garage and garden ground giving sufficient amenity and privacy both for the owners and the neighbouring properties.



18. The development of the modestly sized plot at Newmains will not have any detrimental impacts on the existing residents to the east or the wider group of homes in the area. The development would have no impact on the wider countryside setting.

Planning Application 24/00741/P

19. The planning application seeking the development of a single family home was validated on the 12th July 2024. Despite a positive overall report of handling, the application was refused on the 2nd September 2024. Any subsequent appeal to the Local Review Body must therefore be lodged within three months, and as such this appeal is submitted by the 1st December 2024 deadline.



24/00741/P – Newmains Cottages, Whitekirk

Ms. Anna Smith and Mr Gary MacPherson – Local Review Body Appeal

Appeal Statement – September 2024

20. Despite the refusal of this application, it is worth highlighting several aspects of the Report of Handling:
- No objections were made in relation to the application;
 - The overall appearance would be of a modern house design which would not appear as overly incongruous by way of its design when viewed in the context of the two adjacent cottages to the east of the application site;
 - The proposed access and parking arrangements are deemed to be acceptable. Road Services raise no objection to the proposal;
 - Subject to the imposition of a condition on any grant of planning permission requiring the submission of a biodiversity enhancement plan the proposal would not be contrary to Policy 3 of NPF4.
21. In essence, the proposed development is acceptable in terms of amenity/privacy and overlooking, design and access whilst the biodiversity of the site could be improved with a sympathetic approach to the plot/garden ground/boundary treatments given the current disturbed agricultural use.
22. As noted above however, the application was refused on September 2nd with three reasons for refusal given. The next section looks at these reasons.



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24/00741/P – Newmains Cottages, Whitekirk

Ms. Anna Smith and Mr Gary MacPherson – Local Review Body Appeal

Appeal Statement – September 2024

23/00741/P - Reasons for Refusal

- **Reason 1** - *The erection of a house with associated garage on the application site would be new build housing development in the countryside of East Lothian on land which is not allocated for housing development, is not brownfield land where a return to a natural state will not happen without intervention, does not reuse a redundant or unused building, and 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 16 and 17 of NPF4 and Policies DC1 and DC4 of the adopted East Lothian Local Development Plan 2018.***
 - **Reason 2** - *The erection of a house and associated garage 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; **The proposal is therefore contrary to Policy DC5 of the adopted East Lothian Local Development Plan 2018.***
 - **Reason 3** - *The erection of a house and associated garage on the application site would be new build housing development in the countryside of East Lothian which would be sited on **prime agricultural land and the erection of a house with associated garage is not development that is directly linked to a rural business, farm or croft or for essential workers of a rural business to live onsite and thus is not an appropriate development for the countryside which is supported by either Policy 5 of NPF4 or Policy NH7 of the adopted East Lothian Local Development Plan 2018. The proposal is therefore contrary to Policy 5 of NPF4 and Policy NH7 of the adopted East Lothian Local Development Plan 2018.***
23. In preparing an appeal statement for a Local Review Body appeal, we would normally address each reason in turn. In this instance the three reasons for refusal all relate primarily to the same conclusion, that the site is a countryside location not allocated for development and therefore fails when tested against relevant planning policy.
24. As we have noted above, the assessment of the application concluded that the design was acceptable, that the site could be accessed safely and appropriately and that there would actually be a biodiversity enhancement given the land is currently regularly disturbed due to normal farming practices. There are no concerns over the amenity (privacy, overlooking, daylight or sunlight issues) of neighbouring properties or the amenity of future residents of the proposed new home.



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24/00741/P – Newmains Cottages, Whitekirk

Ms. Anna Smith and Mr Gary MacPherson – Local Review Body Appeal

Appeal Statement – September 2024

25. It is an appropriate and attractive proposal, with few if any impacts, just adjudged to be in the wrong place according to a restrictive policy. However it is perfectly reasonable to make an exception if sufficient justification can be applied.
26. The proposed house is not needed *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* – **this is true but not entirely**. Part of the reason why the applicants have failed in securing a suitable home for their growing family has been that Mr MacPherson works as a farm gamekeeper and as such works unusual and anti-social hours often coming home in farm vehicles, not suitable or appropriate for modern housing developments (both in terms of practicality and neighbourhood amenity). **So on this respect and with this context in mind, the development does relate directly to rural and farming businesses in that it is providing accommodation for a farm worker who is otherwise finding it very difficult to find a home in the area.**
27. It could also be argued that Ms. Smith's business is rural based (as this is where she lives) and caters and is leisure and recreation based dealing with a combination of a mail-order wine and book club. It requires storage space whilst Ms. Smith has established the business to exist alongside Mr MacPhersons more unusual career/working hours etc.
28. The proposed home *is not proposed as affordable housing development of an existing rural settlement* – in the purest sense this is correct but in their own search for suitable accommodation to meet a reasonable budget and their own work and family needs, they have not been able to find anything within budget. **The East Lothian housing market, to them, given the characteristics of the required property, is unaffordable.**
29. Developing their own home is a **more affordable option** whilst also enabling them to build at a location that meets their needs in terms of access, space and proximity to ageing family members. Whilst Newmains is not an identified settlement, it does though represent a distinct cluster of buildings. As the Report of Handling acknowledges there are no concerns over the development itself so this would be an acceptable addition to the cluster.
30. Indeed a number of other authorities (The Scottish Borders, Fife and Midlothian to name but three) include a **Cluster Policy** relating to housing in the countryside relating to circumstance like that at Newmains, where the addition of an extra property where others already exist can provide much needed rural homes, incorporate attractive design whilst not resulting in any unacceptable impacts. **It seems unfair that a proposal is deemed unacceptable by dint of one authority having a different approach to rural homes than neighbouring authorities ?**



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24/00741/P – Newmains Cottages, Whitekirk

Ms. Anna Smith and Mr Gary MacPherson – Local Review Body Appeal

Appeal Statement – September 2024

31. It is stated at Reason 2 that *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* – the desirable primary use mentioned here relates to a use that requires a countryside location (including leisure and tourism). In this instance and as clarified above, Mr MacPherson’s profession requires a countryside location – unusual and anti-social hours as well as the ability/necessity to travel using farm vehicle not suitable for mainstream residential neighborhoods.
32. **The applicants are stuck between a rock and a hard place.** Tied housing is often unsuitable and/or of a poor standard but regardless does not enable them to own their own home. Aspirational homes are too expensive in East Lothian whilst living in modern residential areas (new build developments in North Berwick/East Lothian or Haddington for instance) are unsuitable. We would therefore contend that to all intents-and-purposes, housing can be considered a countryside use, where is it is needed to accommodate those employed in rural/countryside professions.
33. *The erection of a house and associated garage on the application site would be new build housing development in the countryside of East Lothian which would be sited on **prime agricultural land and the erection of a house with associated garage is not development that is directly linked to a rural business, farm or croft or for essential workers of a rural business to live onsite and thus is not an appropriate development for the countryside*** – this covers much of what we have stated before. Mr MacPherson is an essential worker. He does not benefit from a tied house but it is essential that he is based close to his place of work. **His places of work are local farms in the vicinity.**
34. Policy 5 of NPF4 and Policy NH& of the East Lothian Local Development Plan seek to protect soils from development. The proposed site is of such a small scale that there would no material loss of soils/prime agricultural land. It would be so negligible as to be insignificant as part of the site includes field edges that are not farmed anyway. Furthermore, the policy acknowledges that ***small-scale development linked to a rural business, farm or craft for essential workers for the rural business to be able to live on site.*** We have discussed this above in terms of Mr MacPherson’s profession and his requirement to live in a rural location as an essential farm worker.
35. Policy 16 of NPF4 seeks to promote new quality homes at the right locations, whilst protecting other areas from unsympathetic or inappropriate residential development. In this instance we contend that this development would meet an identified shortfall in appropriate rural homes for essential workers. It is small scale and appropriately scaled and designed with no concerns over access. It would be a self-provided home intended for a very specific sector of the market.



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24/00741/P – Newmains Cottages, Whitekirk

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Appeal Statement – September 2024

36. The intent of Policy 17 of NPF4 is as follows; To encourage, promote and facilitate the delivery of more high quality, affordable and sustainable rural homes in the right locations. As the Report of Handling confirms there are no concerns over the siting or design of the proposals (as per part (a)). We would then argue that Mr MacPherson is an essential farm worker (part a (v)) and that between him and Ms. Smith (running a small business from the property) they would contribute to the local community whilst in this specific instance, this would be an affordable solution for them to create an appropriate and high quality family home.
37. Policy DC1 of the East Lothian Local Development Plan covers proposals for rural diversification. This proposal is really for a new home in the countryside and this is covered by Policy DC4 (see below). However as the arguments above have outlined, Mr MacPherson has a locational need to be in the countryside whilst other potential opportunities have been considered but either unaffordable or unsuitable. In these circumstances, the development is linked to an existing rural business (Mr Macpherson’s employer) whilst the landowner at Newmains has agreed to sell this small area of land to enable the development to take place.
38. Policy DC4 – New Build Housing in the Countryside applies where there is no suitable alternative and that there is a direct operational requirement for the house to be built. We have covered all of that in detail above in our response to the reasons for refusal.
39. Housing Crisis – The East Lothian Local Housing Strategy 2024-2029 outlines the following *House prices in East Lothian are 38% higher than the national average. House prices are generally higher in rural areas and smaller communities. This makes it difficult for young people, for example, to remain in the areas. Enabling households to live in high quality and sustainable homes within East Lothian is a key strategic aim of this LHS. The LHS can contribute to a reduction in fuel poverty, encourage better health outcomes and drive progression towards Net Zero.*
40. **This clarifies the logic behind this application. The availability and affordability of family homes in rural East Lothian coupled with the opportunity to build a modern, attractive and efficient/sustainable new home will help, in this specific instance, to address the key issues identified in the Housing Strategy. Scotland has declared a housing crisis in the provision of housing across all sectors.**



24/00741/P – Newmains Cottages, Whitekirk

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Appeal Statement – September 2024

Conclusions

41. This site at Newmains presents a unique opportunity for a local, young and entrepreneurial couple to establish their roots in East Lothian, and following an exhaustive search for a suitable home or plot for their growing family and appropriate to their professional needs.
42. East Lothian remains one of the most expensive places to live in Scotland, and this is most keenly felt by first time buyers. Despite a reasonable budget, Ms. Smith and Mr MacPherson's requirements mean that a 'normal' new build (of which there are many across East Lothian) is not a suitable option.
43. As an estate gamekeeper Mr MacPherson works anti-social hours and often drives vehicles unsuitable for typical urban/suburban locations. He has lived in the east of East Lothian all his life, wants his growing family to benefit from the same, whilst also being close to ageing parents, increasingly in need of daily assistance.
44. The site at Newmains, whilst close enough to services and facilities in North Berwick, provides an attractive plot for a new home but also at a location that meets the specific needs both personally and in line with Mr MacPherson's occupation.
45. Ms. Smith is self-employed, and works from home so the rural location will not generate any additional or unsustainable commuter journeys whilst being located closer to Mr MacPherson's workplace.
46. The Report of Handling that accompanied the decision notice states that the proposed house is acceptable in terms of its design, setting and access and in terms of any potential impacts on neighbouring properties. It is simply that the principle of development is not supported at this location despite the fact that the new building would relate well to the neighbouring properties and wider Newmains cluster whilst supporting an essential farm worker.
47. We have responded to the reasons for refusal outlining why we think an exception is justified and that in enabling the applicants to develop the site for a new family home, you would be supporting sustainable rural living for a couple or need a rural setting given their personal circumstances.
48. There are no wider landscape impacts, the site is currently a cultivated field (though the loss of prime agricultural land will be negligible) with very limited ecological value whilst the creation of garden ground and boundary planting/hedgerows provided the opportunity for biodiversity enhancement.



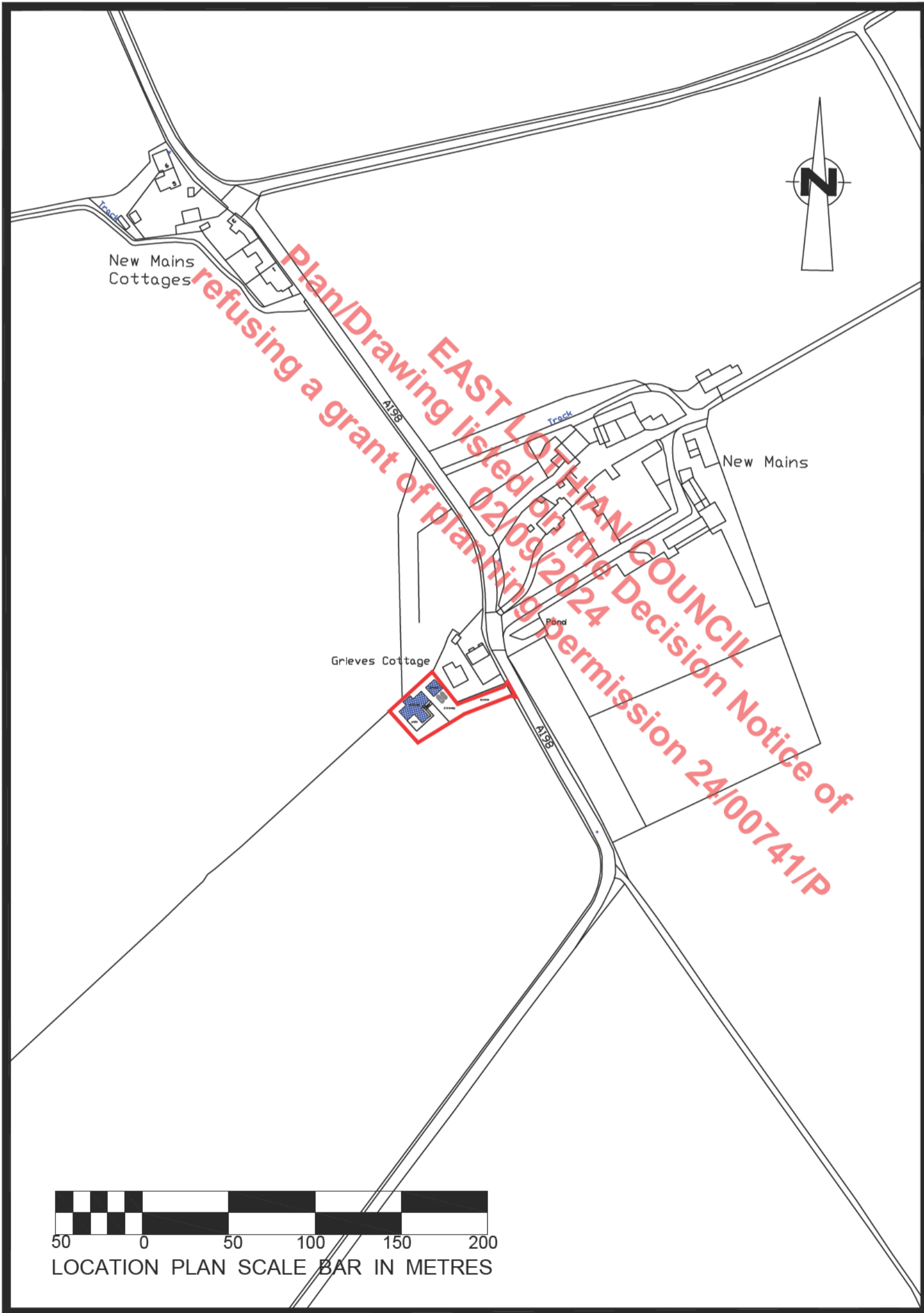
24/00741/P – Newmains Cottages, Whitekirk

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Appeal Statement – September 2024

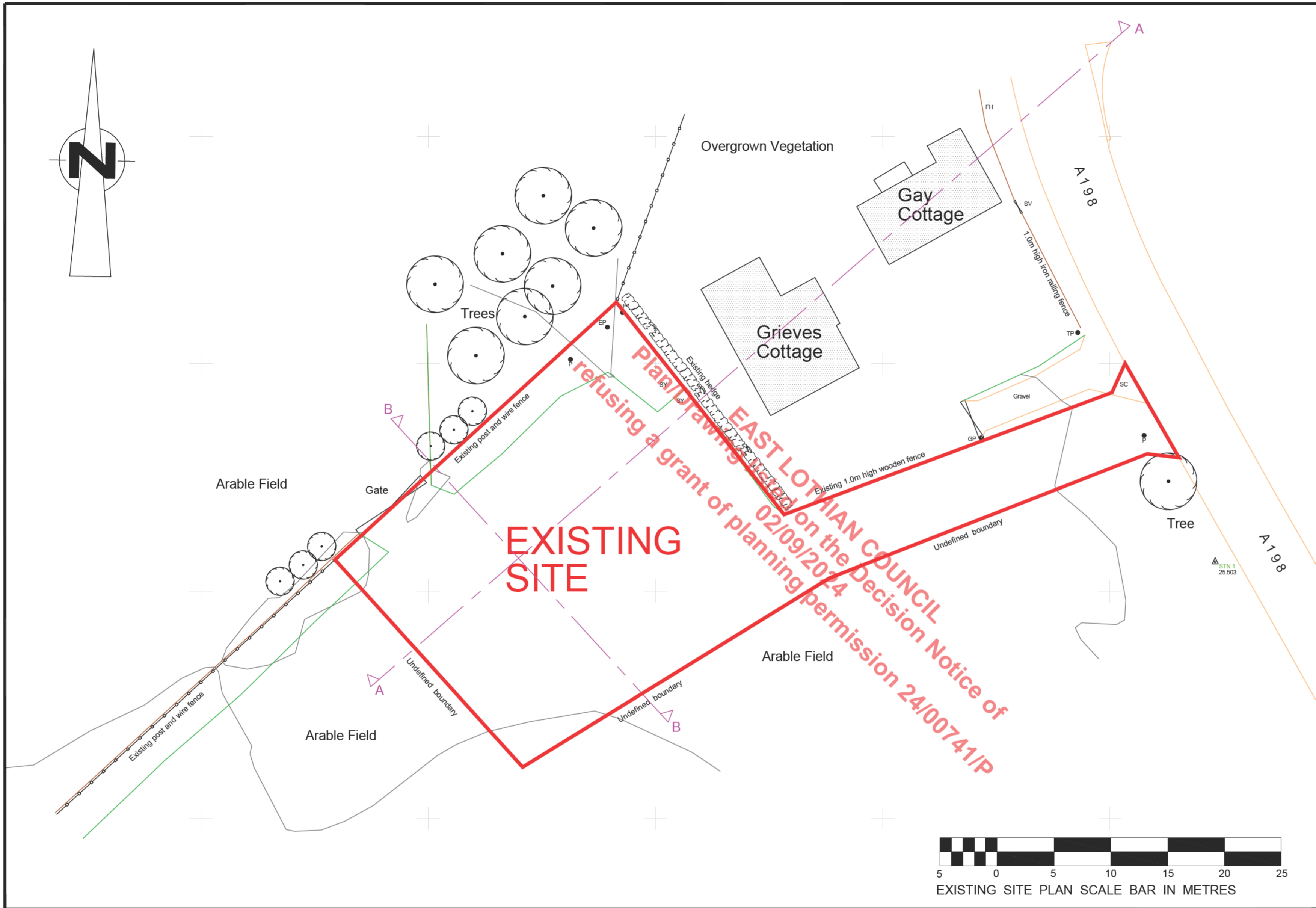
49. We would stress that the LRP Panel has the ability to review the application and decision and truly judge this application on its individual and specific merits. Planning policy cannot relate to every application, to every circumstance, but provides a framework within which decisions are taken and in this instance, we feel that those circumstances justify the development of a new home at Newmains.

50. The implications of a refusal are that a young, economically active, entrepreneurial and hard-working young family are in a position that they cannot stay in East Lothian and own their own property. Surely planning policy should be used proactively to help applicants like this and not be used to prevent them setting up home in East Lothian, close to ageing parents and being able and live and work in the County.



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PROPOSED LOCATION PLAN. 1:2500.



EXISTING SITE PLAN. 1:250.

rev B

EXISTING SCHEDULE :

Overall Site Area bounded in red : 1113 Square metres, 0.111 Hectares, 0.275 Acres.

Existing corner section of arable field adjacent to two cottages.

Layout subject to detailed site surveys, investigations, and discussions with Planning and Roads departments.

Rev	Date	Revision	By
B	20/12/23	Red line boundary altered to included new access to the A198 including the site area	RL
A	01/11/23	ISSUED FOR CLIENT COMMENTS	RL

ROBERT LAMB
Architectural Services Ltd

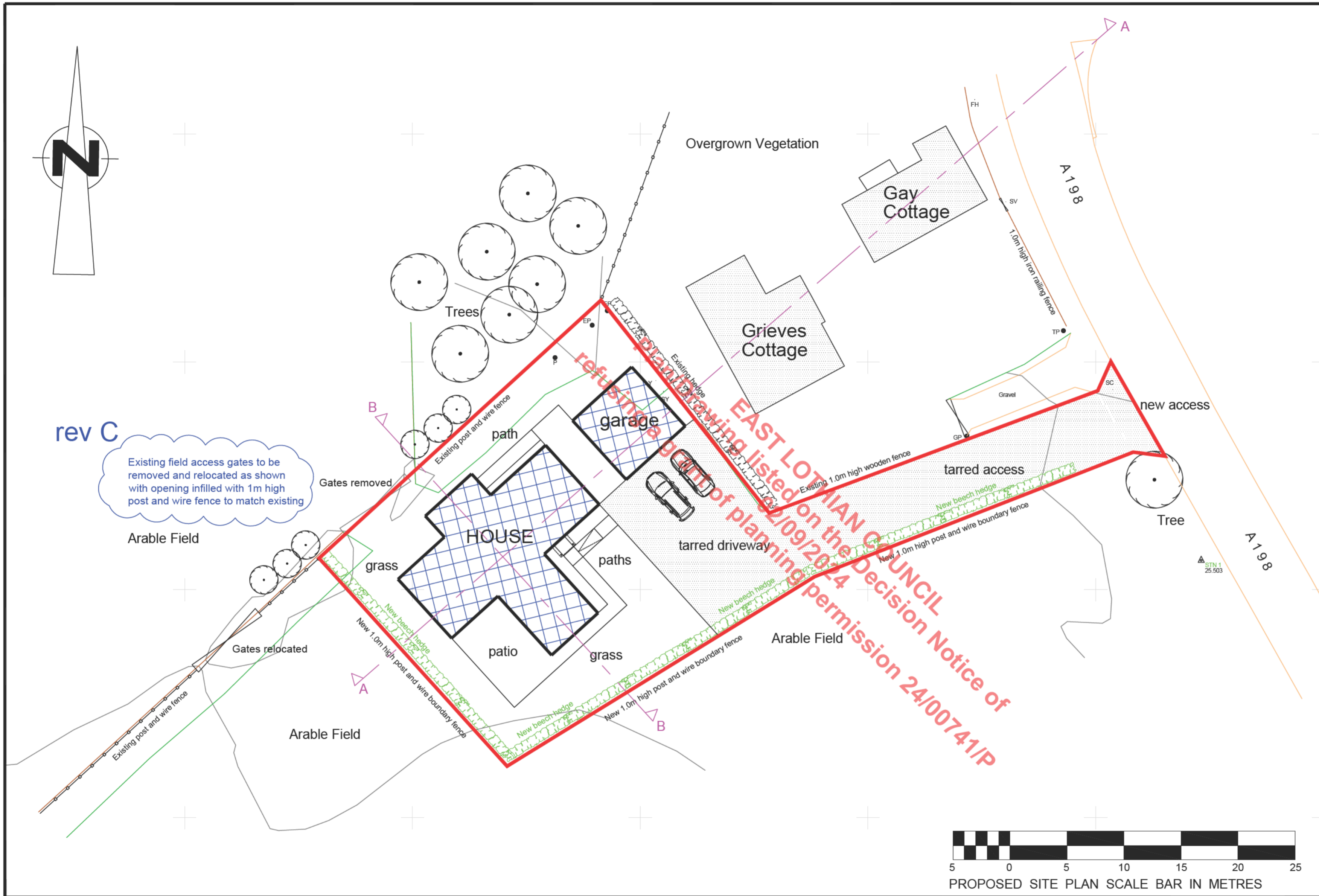
BURNSIDE STEADING. 24 SMALLHOLDINGS.
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TEL/FAX: 01358 742771 MOB: 07766 106279
E-Mail: robert.lamb6@btopenworld.com

Client
Miss Anna Smith

Project
Proposed new house & garage on vacant site next to 'Grieves Cottage'. Whitekirk. East Lothian.

Description Existing Site Plan		
Project No Smith	Drawing No PL/001	Amendment B
Scale as shown @ A2	Date 25/10/23	Drawn By RGL
Computer File Ref	Checked By	Status planning

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PROPOSED SITE PLAN. 1:250.

EXISTING SCHEDULE :

Overall Site Area bounded in red : 1113 Square metres, 0.111 Hectares, 0.275 Acres.

Existing corner section of arable field adjacent to two cottages.

Layout subject to detailed site surveys, investigations, and discussions with Planning and Roads departments.

Rev	Date	Revision	By
C	10/01/24	Note added ref : field gates relocation	RL
B	06/12/23	Red line boundary altered to included new access to the A198 including the site area	RL
A	01/11/23	ISSUED FOR CLIENT COMMENTS	RL

ROBERT LAMB
Architectural Services Ltd

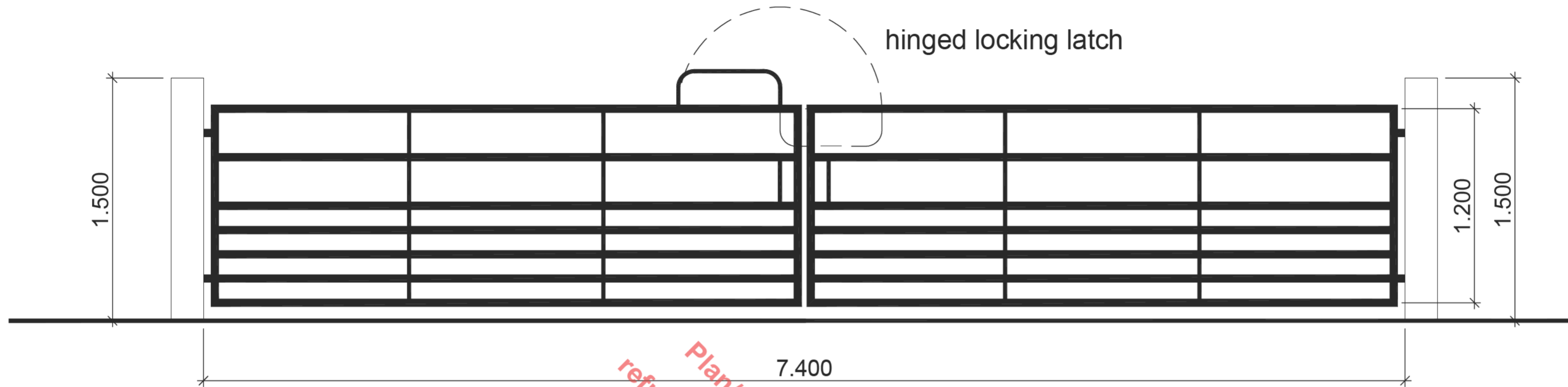
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Client
Miss Anna Smith

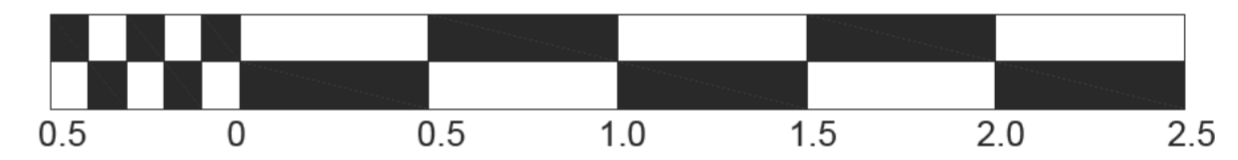
Project
Proposed new house & garage on vacant site next to 'Grieves Cottage'. Whitekirk. East Lothian.

Description Proposed Site Plan		
Project No Smith	Drawing No PL/002	Amendment C
Scale as shown @ A2	Date 25/10/23	Drawn By RGL
Computer File Ref	Checked By	Status planning

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EXISTING ELEVATION OF FIELD ACCESS GATES. 1:20.



EXISTING FIELD ACCESS GATES SCALE BAR IN METRES

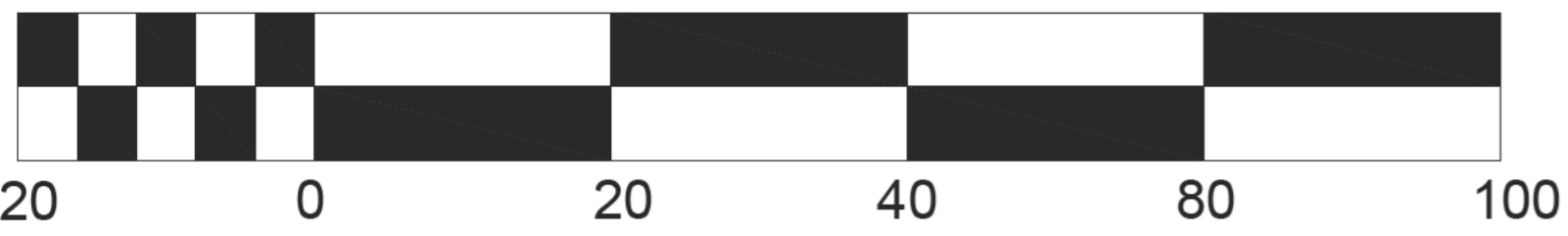
FIELD ACCESS GATE DETAILS :

Posts : Timber (Natural Brown)

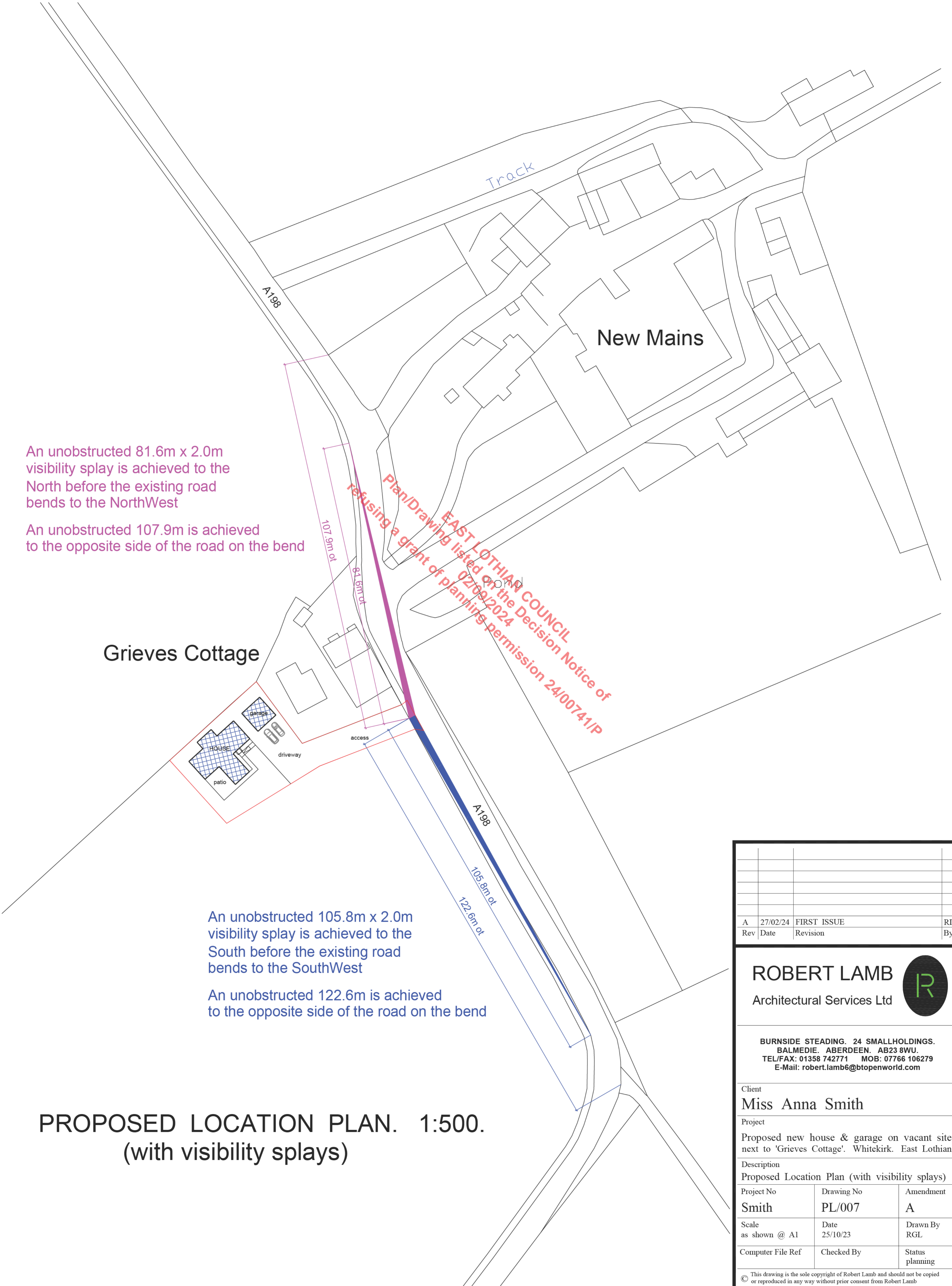
Gates : Galvanised tubular steel : (light grey)

Plan/Drawing listed on the Decision Notice of
 refusing a grant of planning permission 24/00741/P
 EAST Lothian Council
 02/09/2024

A	10/01/24	ISSUED FOR PLANNING	RL
Rev	Date	Revision	By
ROBERT LAMB  Architectural Services Ltd			
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Client			
Miss Anna Smith			
Project			
Proposed new house & garage on vacant site next to 'Grieves Cottage'. Whitekirk. East Lothian.			
Description			
Existing Elevation of Field Access Gates			
Project No	Drawing No	Amendment	
Smith	PL/006	A	
Scale as shown @ A2	Date	Drawn By	
	10/01/24	RGL	
Computer File Ref	Checked By	Status	
		planning	
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PROPOSED LOCATION PLAN SCALE BAR IN METRES



PROPOSED LOCATION PLAN. 1:500.
(with visibility splays)

A	27/02/24	FIRST ISSUE	RL
Rev	Date	Revision	By

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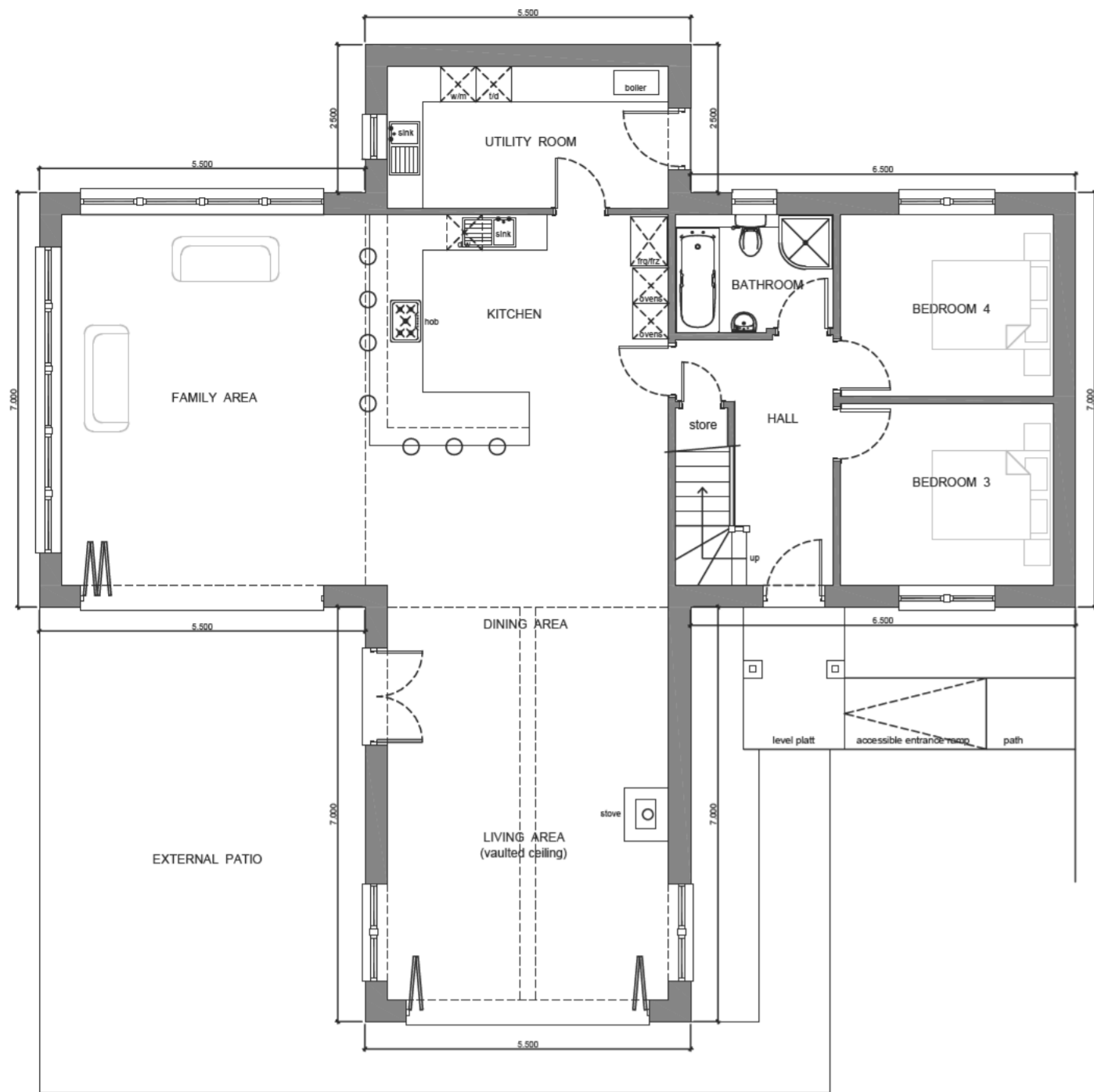
Client
Miss Anna Smith

Project
Proposed new house & garage on vacant site next to 'Grieves Cottage'. Whitekirk. East Lothian.

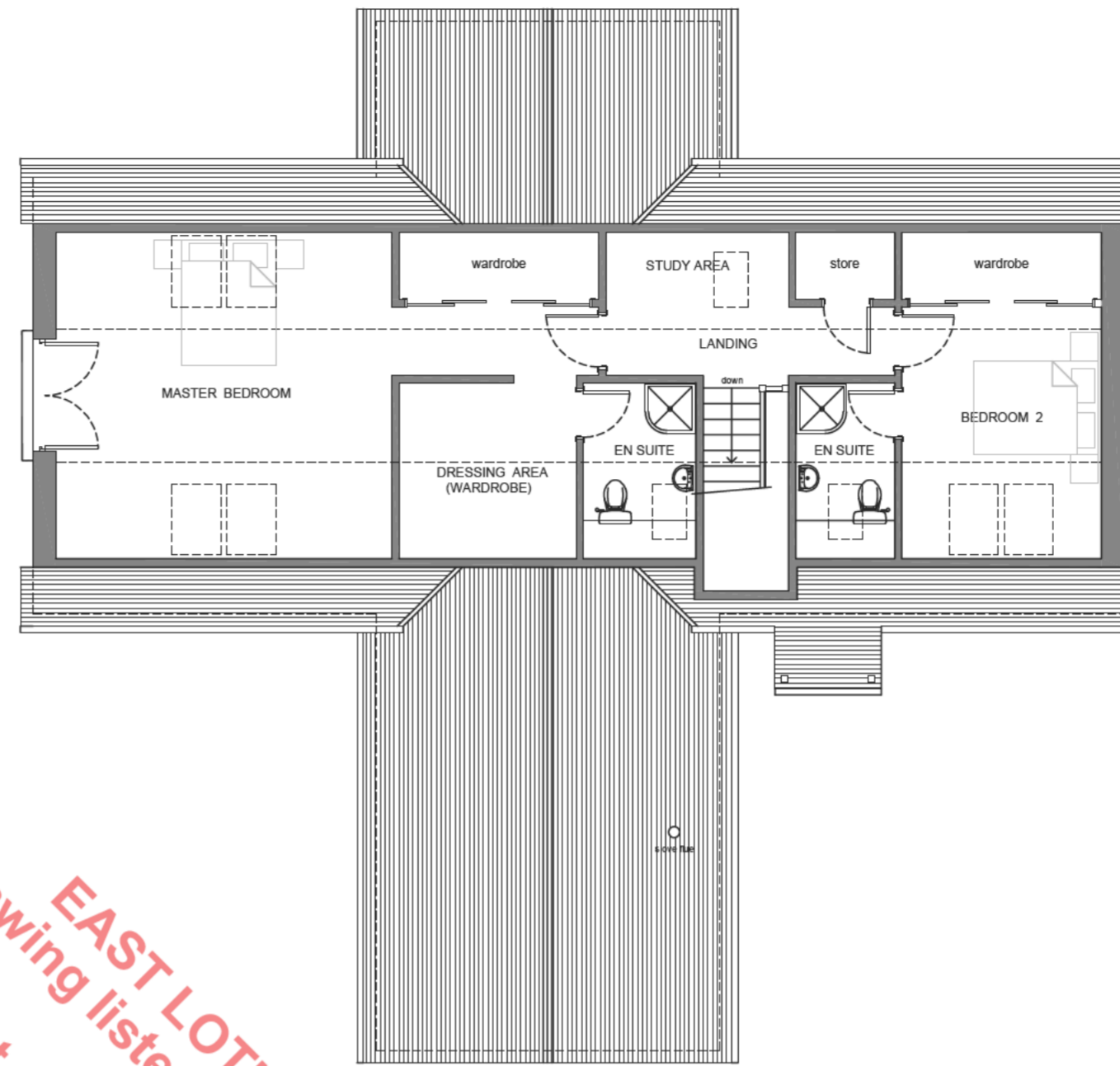
Description
Proposed Location Plan (with visibility splays)

Project No Smith	Drawing No PL/007	Amendment A
Scale as shown @ A1	Date 25/10/23	Drawn By RGL
Computer File Ref	Checked By	Status planning

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PROPOSED GROUND FLOOR PLAN OF HOUSE. 1:100.



PROPOSED FIRST FLOOR PLAN OF HOUSE. 1:100.

SCHEDULE OF PROPOSED HOUSE FINISHES :

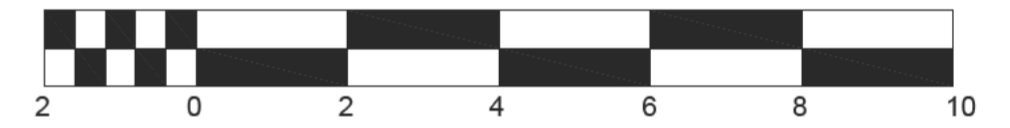
- Roof : Spanish Slates. (Dark Grey)
- Walls : Roughcast (White)
- Walls Basecourse : Smooth Render (Grey)
- Windows : PVC (Anthracite Grey)
- Doors : PVC (Anthracite Grey)
- French Doors : PVC (Anthracite Grey)
- Bi-folding Ddoors : Aluminium (Anthracite Grey)
- Juliet Balcony : Stainless Steel with Glazed Panels.
- Gutters & Rwp's: PVC (Black)

SCHEDULE OF HOUSE FLOOR & GROUND LEVELS :

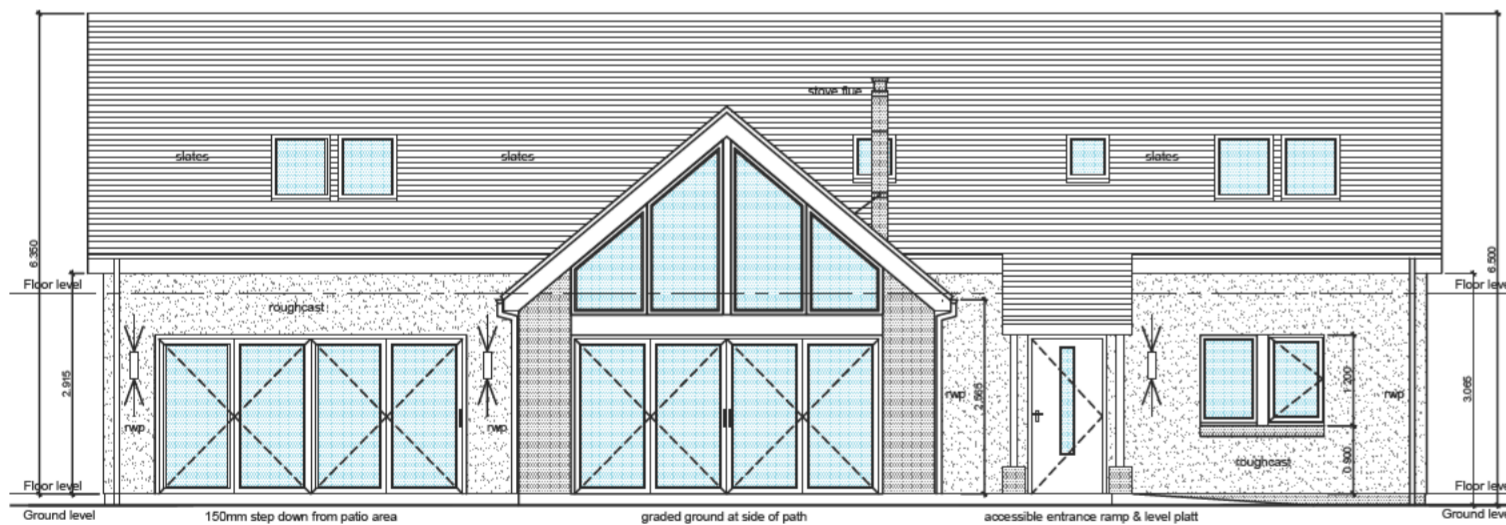
- Existing ground level : varies from 25.560m to 26.010m
- Proposed ground floor level : 25.900m
- Proposed first floor level : 28.550m
- Existing ground levels around building : varies from 25.560m to 26.010.
- Proposed ground levels around building : reduced to 25.560m 25.750m

The existing and proposed ground levels around the proposed house are unaffected with only minor level raising / lowering of around 100mm to 150mm where proposed patio and paving areas are being formed.

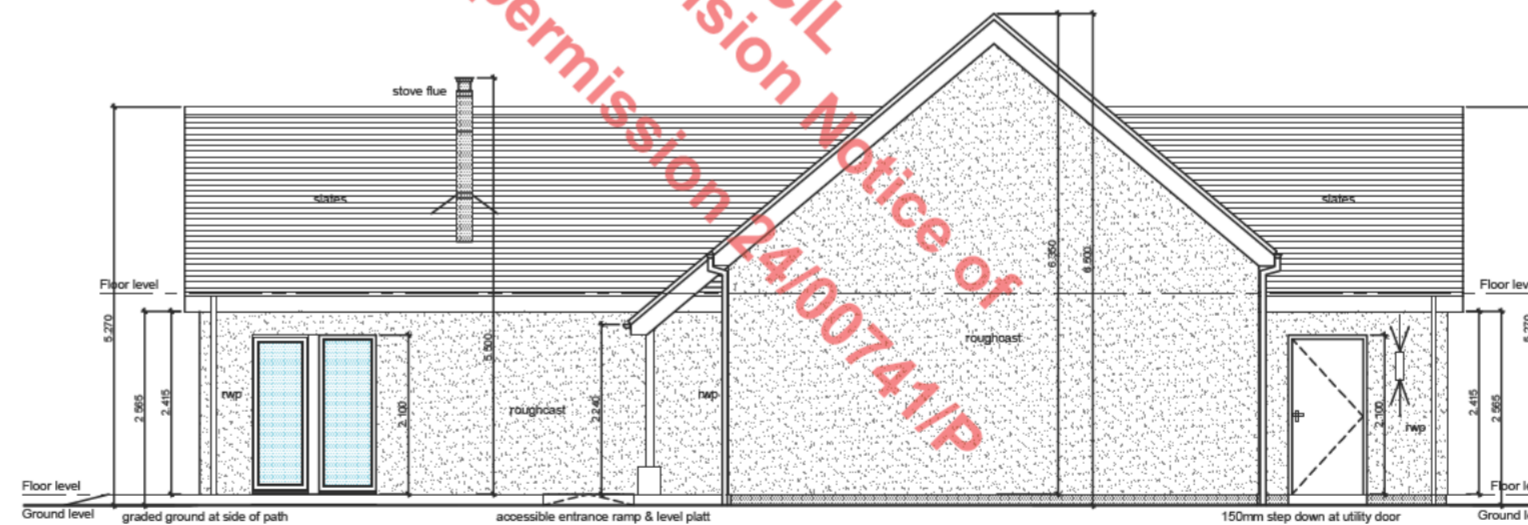
EAST Lothian Council
refusing a grant of planning permission 24/00741/P
Plan/Drawing listed on the Decision Notice of 02/09/2024



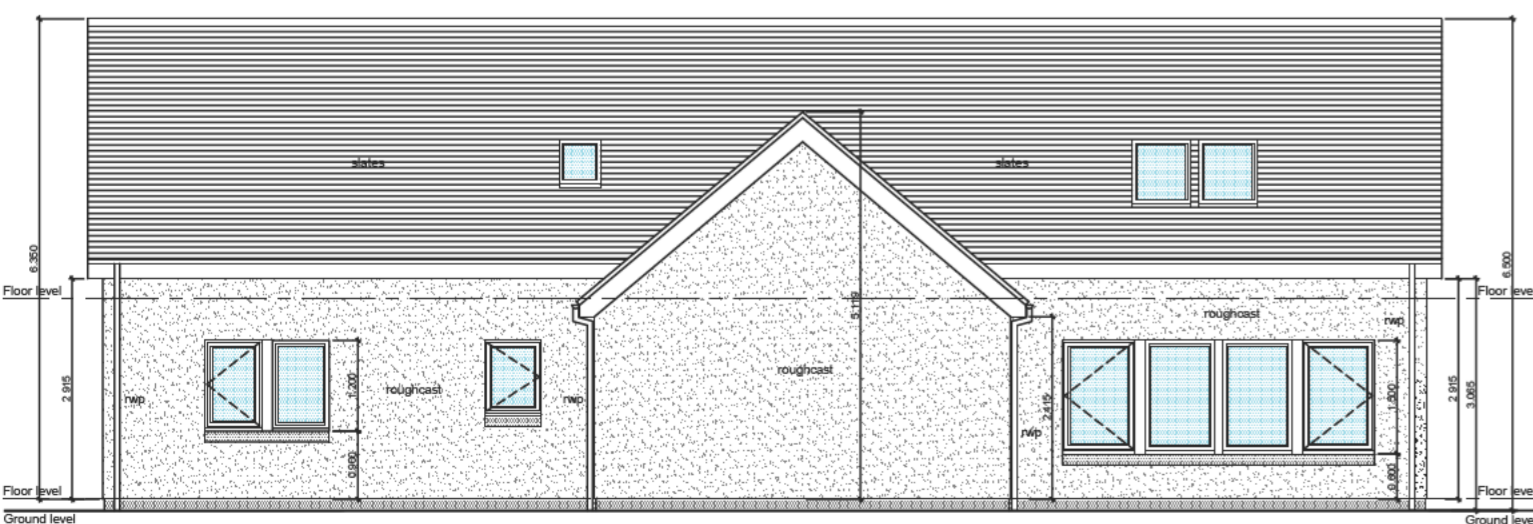
FLOOR PLANS & ELEVATIONS SCALE BAR IN METRES



PROPOSED FRONT (SOUTHEAST) ELEVATION. 1:100.



PROPOSED SIDE (NORTHEAST) ELEVATION. 1:100.

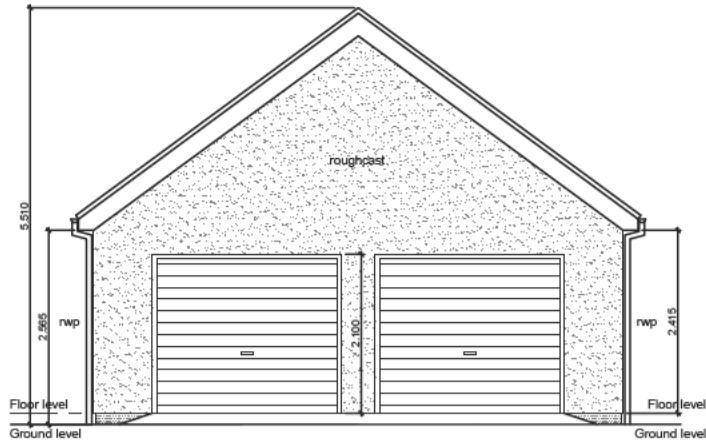


PROPOSED REAR (NORTHWEST) ELEVATION. 1:100.

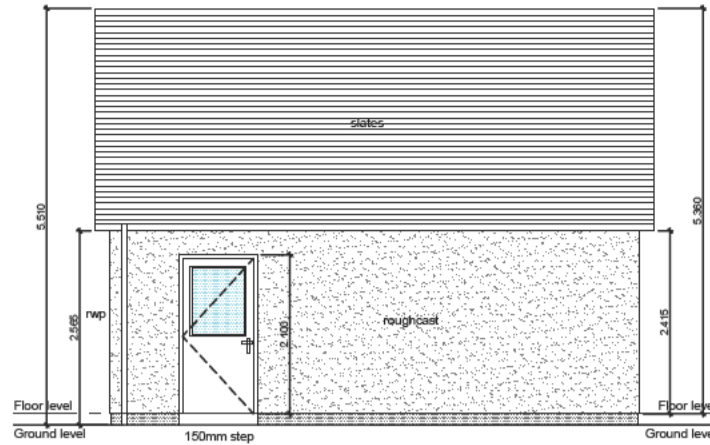


PROPOSED SIDE (SOUTHWEST) ELEVATION. 1:100.

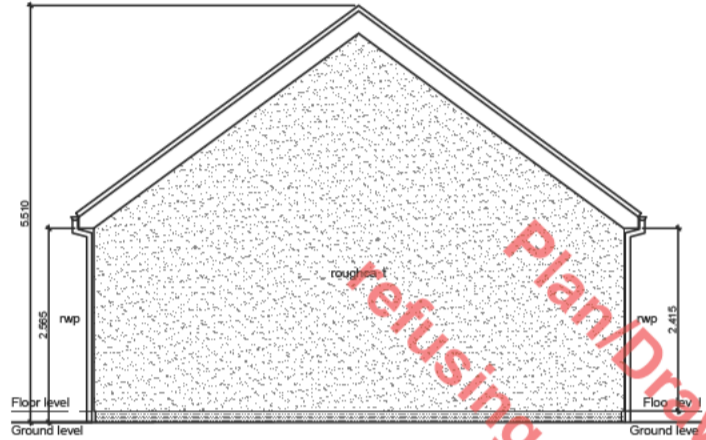
A				01/11/23	ISSUED FOR CLIENT COMMENTS	RL
Rev				Date	Revision	By
ROBERT LAMB Architectural Services Ltd						
BURNSIDE STEADING. 24 SMALLHOLDINGS. BALMEDIE. ABERDEEN. AB23 8WU. TEL/FAX: 01358 742771 MOB: 07786 106279 E-Mail: robert.lamb6@btopenworld.com						
Client						
Miss Anna Smith						
Project						
Proposed new house & garage on vacant site next to 'Grievies Cottage'. Whitekirk. East Lothian.						
Description						
Proposed House Floor Plans & Elevations						
Project No	Drawing No	Amendment				
Smith	PL/003	A				
Scale as shown @ A2	Date	Drawn By				
	25/10/23	RGL				
Computer File Ref	Checked By	Status				
		planning				
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PROPOSED FRONT (SOUTHEAST) ELEVATION OF GARAGE. 1:100.



PROPOSED SIDE (SOUTHWEST) ELEVATION OF GARAGE. 1:100.



PROPOSED REAR (NORTHWEST) ELEVATION OF GARAGE. 1:100.

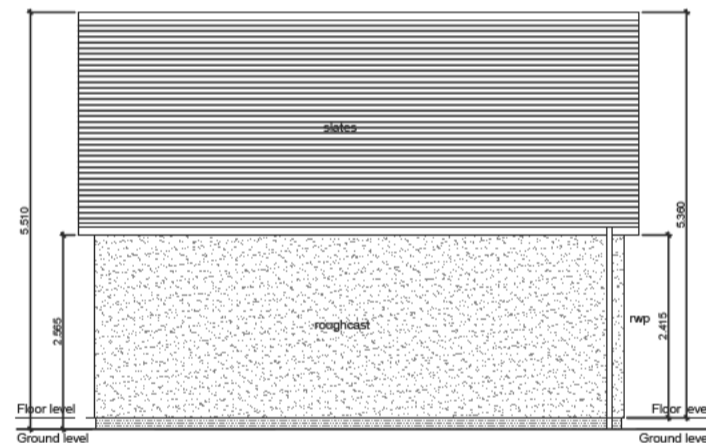
SCHEDULE OF GARAGE FINISHES :

- Roof : Spanish Slates. (Dark Grey)
- Walls : Roughcast (White)
- Walls Basecourse : Smooth Render (Grey)
- Doors : PVC (Anthracite Grey)
- Garge Doors : Steel Roller Shutter (Anthracite Grey)
- Gutters & Rwp's: PVC (Black)

SCHEDULE OF GARAGE FLOOR & GROUND LEVELS :

Existing ground level : varies from 25.560m to 25.860m
Proposed garage floor level : 25.800m
 Existing ground levels around garage : varies from 25.560m to 25.860.
 Proposed ground levels around garage : reduced / increased to 25.650m.

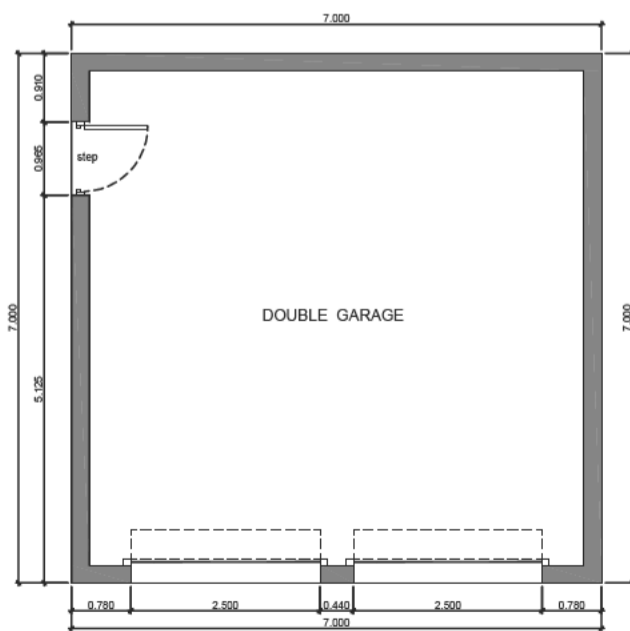
The existing and proposed ground levels around the proposed house are unaffected with only minor level raising / lowering of around 100mm to 150mm where proposed doors, paving and tarmac areas are formed.



PROPOSED SIDE (NORTHEAST) ELEVATION OF GARAGE. 1:100.

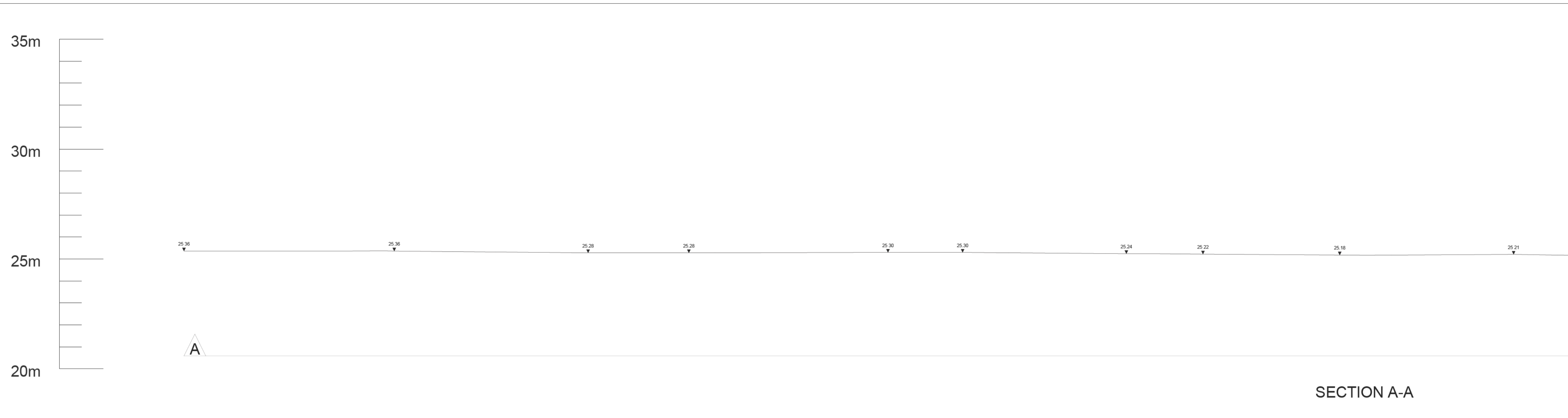


FLOOR PLANS & ELEVATIONS SCALE BAR IN METRES

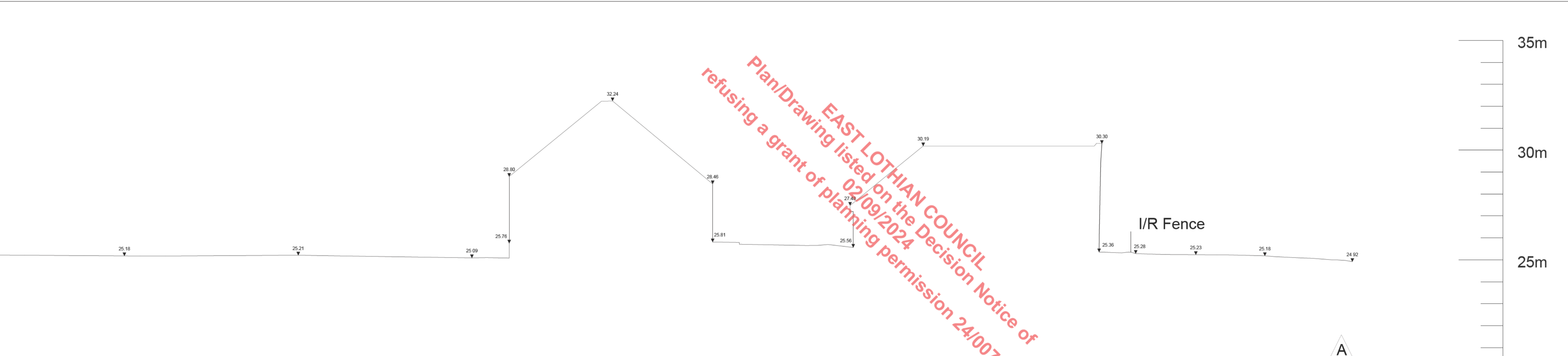


PROPOSED FLOOR PLAN OF GARAGE. 1:100.

A	01/11/23	ISSUED FOR CLIENT COMMENTS	RL
Rev	Date	Revision	By
ROBERT LAMB Architectural Services Ltd			
BURNSIDE STEADING. 24 SMALLHOLDINGS. BALMEDIE. ABERDEEN. AB23 8WU. TEL/FAX: 01358 742771 MOB: 07766 106279 E-Mail: robert.lamb6@btopenworld.com			
Client			
Miss Anna Smith			
Project			
Proposed new house & garage on vacant site next to 'Grievies Cottage'. Whitekirk. East Lothian.			
Description			
Proposed Garage Floor Plan & Elevations			
Project No	Drawing No	Amendment	
Smith	PL/004	A	
Scale as shown @ A3	Date	Drawn By	
	25/10/23	RGL	
Computer File Ref	Checked By	Status	
		planning	
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SECTION A-A



EAST LOTHIAN COUNCIL
 Plan/Drawing listed on the Decision Notice of
 refusing a grant of planning permission 24/00741/P
 02/09/2024

I/R Fence

SECTION A-A

PAVILION 2
 BUCHANAN BUSINESS PARK
 GLASGOW
 G3 3 6HZ
 TEL: 0141 775 9991
 WWW.SIGMA-SURVEYS.COM

10 LORCHSIDE PLACE
 EDINBURGH PARK
 EDINBURGH
 EH12 9RG
 TEL: 0131 222 7861
 QUOTE@SIGMA-SURVEYS.COM

SURVEYED	P. MAYES	SCALE
DRAWN	P. MAYES	1:100 (A1 Sheet)
CHECKED	J. ROMAN	

ROBERT LAMB ARCHITECTURAL SERVICES

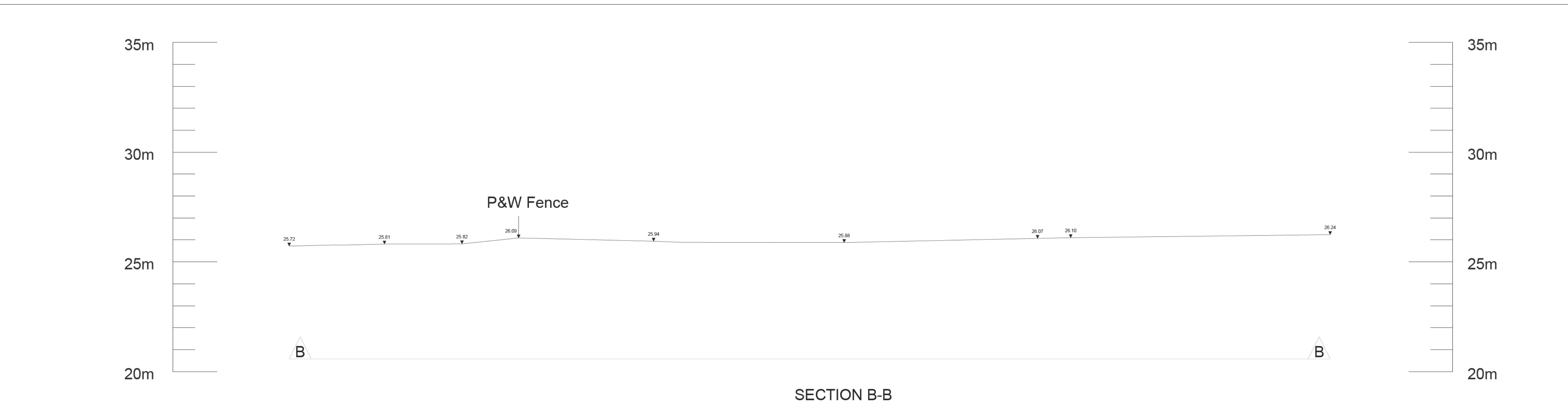
SITE AT A198, WHITEKIRK, EAST LOTHIAN

SECTION SURVEY
 SECTIONS A & B

Job No.	Drawing No.	Date	Revision
23/348	23/348/02	August 2023	

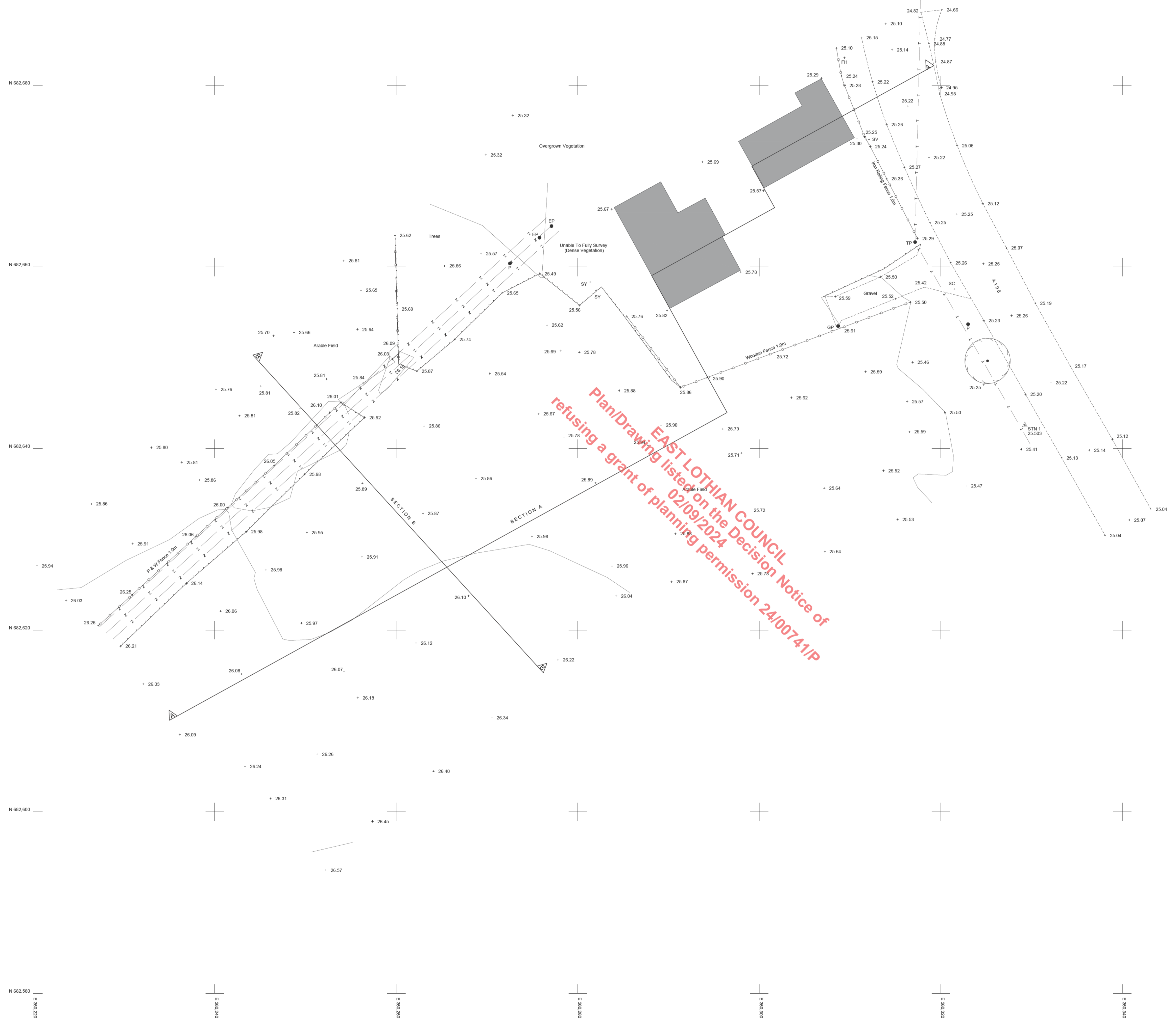
REVISION	NOTES	DATE

Notes:
 Grid is arbitrary.
 All levels relate to OS Datum OSGM15.



P&W Fence

SECTION B-B



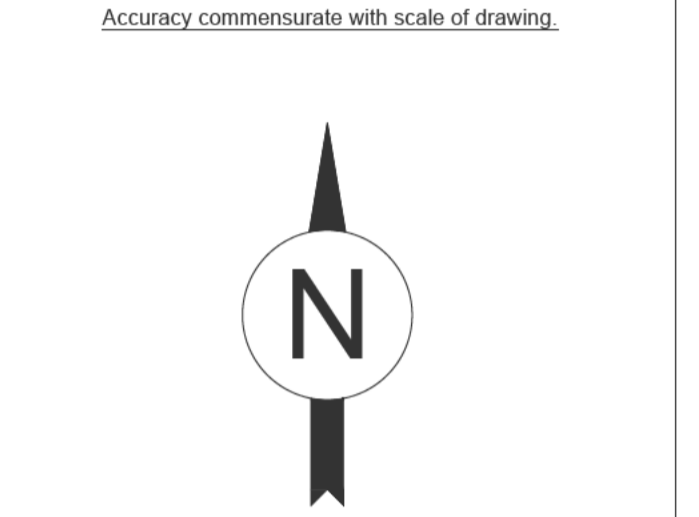
EAST LOTHIAN COUNCIL
 refusing a grant of planning permission 24/00741/P
 Plan/Drawing listed on the Decision Notice of 02/09/2024

LEGEND

TOP OF EMBANKMENT	ROAD CHANNEL
BOTTOM OF EMBANKMENT	FENCE
FOLIAGE & HEDGES	CRASH BARRIER
TREE	WALL
BUSH	OVERHEAD TELECOMMS
NOTE: DIMENSIONS AND HEIGHTS ARE INDICATED ONLY	OVERHEAD ELECTRICITY
GATE	BUILDING
VERGE	OPEN SIDED BUILDING
CONCRETE / TARMAC EDGE	CONTOURS
	ROCK OUTCROP

ABBREVIATIONS (WHERE APPLICABLE)

AIR VALVE	AV	LIGHT BOX	L BOX
RED LEVEL	BL	MANHOLE	MH
BOLLARD	BM	MARKER POST	MP
BOUNDRY	BS	MELE STONE	MS
BIRTHDAY TELECOM	BT	MOORING RING	MR
BURMAN TRAP	T&M	PARKING METER	PM
BUS STOP	BS	POST	PS
CABLE TV	CTV	POST BOX	PB
COVER LEVEL	CCTV	POWER POINT	Power Pt
DOWN PIPE	DP	REFLECTING POST	RP
ELECTRICITY BOX	EB	ROAD SIGN	RS
EARTH ROD	ER	ROCKING EYE	RE
FIRE HYDRANT	FH	RETAINING WALL	RTW
FLAG POLE	FL	SOON	SN
FLAG POST	FP	STOP VALVE	SV
GAS VALVE	GV	THREE STONE	TS
GATE POST	GP	TELEGRAPH POLE	TP
GULLY	G	THRESHOLD LEVEL	TL
HALO PILLAR	H	TRAFFIC CONTROL BOX	TCB
INSPECTION COVER	IC	TRIAL PIT	TP
INVERT LEVEL	IL	UNABLE TO LOCATE	UL
JUNCTION BOX	JB	UNABLE TO RAISE	UR
KERB OUTLET	KO	VERT PIPE	VP
LAMP POST	LP	WATER METER	WM
LITTER BIN	LB	WATER LEVEL	WL
LIGHT	L		



CONTROL STATIONS

Point	Easting	Northing	Elevation	Description
1	360329.261	662642.581	25.503	Peg

SIGMA SURVEYS

PAVILION 2
 BUCHANAN BUSINESS PARK
 GLASGOW
 G3 3 6HZ
 TEL: 0141 779 7971
 WWW.SIGMA-SURVEYS.COM

10 LOCHSIDE PLACE
 EDINBURGH PARK
 EDINBURGH
 EH12 9RB
 TEL: 0131 203 7861
 QUOTE@SIGMA-SURVEYS.COM

SURVEYED	P. MAYES	SCALE
DRAWN	P. MAYES	1:200 (A1 Sheet)
CHECKED	J. ROMAN	

ROBERT LAMB ARCHITECTURAL SERVICES

SITE AT A198, WHITEKIRK, EAST LOTHIAN

TOPOGRAPHICAL SURVEY

Job No.	Drawing No.	Date	Revision
23/483	23/483/01	August 2023	

REVISION	NOTES	DATE

Notes:
 Grid relates to OS Active Network OSTN15.
 All levels relate to OS Datum OSGM15.
 Drawing Scale Factor: 1
 Contours drawn at 0.5m intervals.

THE SURVEY ASSOCIATION
 Constructionline
 CHAS
 ices
 DroneSafe



Application for Planning Permission



Ms. Anna Smith & Gary MacPherson

Application for Planning Permission for Erection of a Single House
Land at Newmains, East Lothian, EH39 5PR

PLANNING SUPPORT STATEMENT

July 2024

apt planning &
development

**1 West Road
Whitekirk
EH42 1XA**

www.apt-plandevlop.co.uk



Introduction

1. The proposed development site is at Newmains, Whitekirk, is a modest plot immediately to the west of two existing former farm cottages. Well located for easy access to and from East Lothian, Edinburgh and beyond, it benefits from a rural location whilst not being far from key services and infrastructure in North Berwick.
2. This is a very specific project for the applicants who would occupy the new home at Newmains. Mr MacPherson was born and brought up in the area, attended the local schools and works locally as an estate gamekeeper. He very much wants to raise his family in the area. His elderly parents live close-by and are increasingly dependent on his ongoing daily support. Ms Smith runs her own small business from home and as such does not travel for work. She would be based out of Newmains.
3. Over the past few years, Anna and Gary have lived at Gay Cottage, one of the adjacent properties to the application site (the other being Grieves Cottage). During this time, they have undertaken an exhaustive search for a property suitable for a growing family, Gary's job and work patterns whilst also acting as a base for Anna as a mother and entrepreneur.
4. This search has looked at some of the many new build properties across East Lothian as well as ad hoc established properties that have become available nearby. The latter tend to be very expensive whilst the former are not compatible with Gary's occupation where he works unsociable hours and may be using estate type vehicles on any given day (quad bike/four-wheel drives etc.).
5. The owner of Newmains Farm has offered to sell this plot of land to Anna and Gary to enable them to create an attractive and sustainable family home and a location already accommodating a number of existing homes and with negligible impact on the surrounding farmland and wider countryside setting.
6. Changes in national planning policy encourage a more flexible approach to new housing in the countryside. Taking a positive approach to sustainable new development is to be encouraged. The proposed home would be an attractive addition to the existing cluster of homes and farm buildings at Newmains and sit comfortably and sympathetically with the existing homes at Newmains.
7. The key points of this application include:
 - A high quality, single residential development at this site would have little or no impact on the surrounding area seeming as a natural addition to the two existing homes and the wider Newmains cluster;

- A well designed, sympathetic development would be entirely appropriate to the location providing a reworked edge/end to the existing properties at Newmains and without being isolated or sporadic development in the countryside;
 - The site has access to relevant infrastructure and services;
 - The existing woodland to the north provides an attractive backdrop to development. This application represents the extension of the existing cluster to provide a new attractive and appropriately scaled family home and for the applicants own occupation; and
 - The client is proposing to build a modest home that is energy efficient utilising a number of renewable energy sources meeting many of the Council's aspirations for new build homes to be as close to Carbon Neutral/Zero Carbon as possible. Rigorous standards of energy efficiency will be employed to reduce the building's ecological footprint.
8. This is an ideal site to accommodate this single house residential development. This is a high quality development that has the opportunity to enhance the existing cluster of houses, to make it more cohesive, whilst ensuring the area does not lose its key characteristics and charm. The proposals will not have any detrimental impacts on the amenity, appearance or character of the immediate area.

Site Description

9. The site is located immediately to the west of the two existing cottages at Newmains and on the opposite side of the road from the Newmains Farm cluster of buildings. Four further residential properties lie 300 metres to the north at Newmains Cottages.





Ms. Anna Smith and Mr Gary MacPherson - Application for Planning Permission
Planning Support Statement – July 2024.

10. The site is approximately 4 miles from the centre of North Berwick to the north-west whilst being adjacent to the new leisure facility at Whitekirk Hill. Whitekirk Village and Tynninghame lie a mile and 2.5 miles to the south respectively.
11. The site is a flat, roughly rectangular plot immediately adjacent to the residential property to the east. Access would be taken via an existing field entrance directly from the A198 and pass in front (on the south side) of the existing properties each of which has their own dedicated access point.
12. The wider area is characterised by a number of clusters of residential, farm related and in the case of Whitekirk Hill, leisure related clusters of buildings, whether at Newmains, Scoughall, Lochhouses Gleghornie, Auldhame, Blackdykes and Seacliff. These clusters are 'scattered' around the lanes of this area to the east and south of North Berwick and are typical of the pattern of buildings around the East Lothian Countryside.

Planning History

Application Ref.	Detail	Granted/ Refused
23/00068/P	Extension to house to create kitchen dining room – Gay Cottage, Newmains, EH39 5PR – adjacent to application site.	Granted 16 th March 2023
23/01422/P	Erection of 1 house, garage and associated works - Land At Newmains, Whitekirk – the application site	Refused 26 th March 2024

13. Application 23/01422/P also sought planning permission for the erection of a single house on the application site. It was refused in March 2024. We are applying again given the positive response to the application when addressing the key components of the proposals.
14. The application was supported by the Roads Department who acknowledged that the site benefits from an appropriate access. There are not road safety or capacity concerns.
15. The design of the proposed house would be high quality, attractive and appropriate in the context of the site and its surroundings. There are no concerns around the amenity of neighbouring properties and the residents of the house would have a high level of amenity.
16. There were no further concerns with regards to ecology or biodiversity with an acknowledgement that the existing site is a disturbed field. The creation of new habitats as part of the new residential property would enhance the biodiversity value of the site.
17. There are no flooding or drainage concerns. Whilst the house would be positioned adjacent to two other residential properties whilst further properties exist at Newmains Farm immediately to the east and Newmains Cottages to the north. The site would not represent isolated or sporadic development in the countryside.

Design Principles

18. Scottish Planning Policy supports sustainable development and encourages a design-led approach. We have no doubt that the proposed development will also meet the six qualities of successful place (though clearly on a small scale). The application is for a modest and traditionally designed single storey new home (with bedrooms in the roof-space) that will relate well to the two homes immediately adjacent and the cluster of buildings around Newmains.
19. The house will be mainly render and roof tiles and appear as a modern take on the traditional countryside cottage and in-keeping with the surrounding homes at Newmains. It is orientated so that the main rooms and windows face away from the adjoining properties and make use of the sun's path from south-east to west, exploiting daylight and passive solar gain. It also presents an attractive and interesting frontage to the partial and long views of the property from the south-east though in reality this is an unobtrusive site with no obvious views towards it.
20. In essence the property will be seen in the context of the two neighbouring properties. It will not appear isolated or sporadic and will provide an attractive modern bookend to the three properties at Newmains.
21. The plot is comfortably large enough to accommodate the proposed new home including the garage and garden ground giving sufficient amenity and privacy both for the owners and the neighbouring properties.



22. The development of the modestly sized plot at Newmains will not have any detrimental impacts on the existing residents to the east or the wider group of homes in the area. The development would have no impact on the wider countryside setting.



Planning Policy

23. 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.
24. Scottish Planning Policy states that there should be a positive approach to new development within rural areas and development which provides employment and community benefits should be encouraged. There are two significant material considerations regarding this application. The site represents a natural book-end to the existing homes at Newmains and will provide an attractive third house in the sequence.
25. The development plan consists of National Planning Framework 4 and the 2018 East Lothian Local Development Plan (LDP). In the event of any conflict between policies, the NPF policies as the most up-to-date reflection of planning policy take precedence.



Ms. Anna Smith and Mr Gary MacPherson - Application for Planning Permission
Planning Support Statement – July 2024.

Policy	Comment
NPF4 Policy 1	<ul style="list-style-type: none">The plot at Newmains lies adjacent to two existing homes and close to the main cluster of buildings at Newmains Farm and other homes at Newmains Cottages. In catering for the two owners, one of whom has a countryside related occupation as a gamekeeper and the other who works from home, Newmains is an ideally located site which will cater for the applicant's future needs whilst minimising their need to travel.
Policy 2	<ul style="list-style-type: none">The new home will be erected using sustainable construction methods including modern insulation and orientated to make best use of solar gain and natural light/heat sources.
Policy 3	<ul style="list-style-type: none">The existing site is a small area of a cultivated field, regularly disturbed with limited biodiversity value. The creation of garden ground with boundary planting/hedgerows will enable biodiversity enhancement through the creation of new habitats.
Policy 5	<ul style="list-style-type: none">The creation of a new home at Newmains will see the loss of a very small part at the edge of the existing field. The loss of agricultural land will be negligible in the context of the field or Newmains Farm.
Policy 13	<ul style="list-style-type: none">The Newmains site is on the existing North Berwick to Dunbar 120 bus route whilst being a short distance from North Berwick Train Station, East Linton Station and Dunbar Station enabling access to the wider rail network. The applicants work from home and in the countryside close to the application site, therefore minimising the need for day-to-day travel.
Policy 14	<ul style="list-style-type: none">This proposal would see the creation of a modest and attractive family home built specifically with the applicants in mind. They are a young, entrepreneurial and local couple who have found it impossible to purchase a family home in the area which would cater to their specific needs (and chiefly Mr MacPherson's countryside based work). The building would sit comfortably alongside the existing properties at Newmains without any unacceptable impacts on the setting of the surrounding countryside.
Policy 15	<ul style="list-style-type: none">This is a site and occupier specific location. It cannot comply with the 20 minute neighbourhood vision. Given the occupations of the applicants, day-to-day travel is limited and in the nearby countryside/farms/estates whilst normal everyday activities would be combined with other trips from the house. North Berwick is a short drive away whilst there is a regular bus service to North Berwick and Dunbar.
Policy 16	<ul style="list-style-type: none">Policy 16 seeks to provide <i>high quality, affordable homes in the right locations</i>. For Ms Smith and Mr Macpherson, and after an exhaustive search, that is exactly what Newmains will provide for them. The opportunity to develop a high quality new home, that fits their needs (given their occupations and a growing family etc.) and within their own reasonable budget. Whilst not fitting the blueprint of other housing developments, each application must be judged on its own merits and in this instance the specific circumstances of the applicant's merits favourable consideration of this application.



**Ms. Anna Smith and Mr Gary MacPherson - Application for Planning Permission
Planning Support Statement – July 2024.**

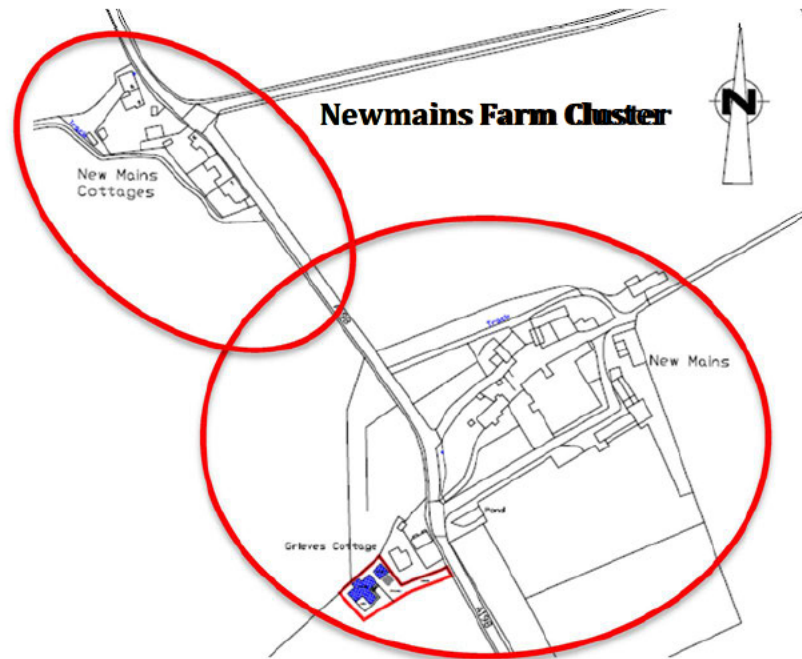
-
- Policy 17
- The proposals are of an appropriate scale and design to sit alongside the existing properties at Newmains. They will be sustainable and support the two occupiers in their search of an appropriately sized and affordable (to their budget) home that also meets their specific needs.
-
- Policy 22
- There is no flood risk associated with the site at Newmains nor will there be any additional risk associated with the proposed new home.
-
- East Lothian
LDP – Policy
DC4
- There is no site-specific operational requirement for a new home at Newmains.
 - However justification exists in the countryside based nature of the applicants occupation (which often means travelling home using farm related vehicles, unsuitable for a more urban environment) alongside the home-working of Ms Smith.
 - This creates the site-specific nature of the opportunity. The applicants have undertaken a long search for suitable accommodation in the general area, but properties are either unsuitable or far too expensive.
 - This opportunity enables them to work and live in the area that already live in, whilst creating an affordable, attractive and sustainable new family homes fit-for-purpose for the foreseeable future. Mr MacPherson's ageing parents also live nearby and are in increasing need of daily assistance.
-
- Policy T1 & T2
- An established access already exists for the two properties at Newmains and the new home will utilise an adjacent access that already services the field. There will be very limited use of the access at what is already acknowledged as a residential location.
-
- Policy DP1
- The proposals will not have any impact on the landscape character of the area. The property will simply appear as an attractive third house in a row of three at Newmains. There are limited views towards the property which will be seen in the context of the other homes and Newmains Farm cluster to the east.
-
- Policy DP2 &
DP5
- The proposed new home at Newmains will be an attractive and modest new family home, adjacent to two other small homes and within close proximity of other buildings at Newmains Farm, Newmains Cottages and the expanding development at Whitekirk Hill. The design makes the most of potential solar gain facing south and west, whilst protecting the amenity of the neighbouring properties which are owned by Newmains Farm and who is supportive of the proposals.
 - The plot is comfortably big enough to accommodate the property without any unacceptable loss of prime agricultural (the loss will be negligible) or impact on the wider landscape setting. It will provide flexible accommodation easily adaptable and accessible.



Conclusions

26. This site at Newmains presents a unique opportunity for a local, young and entrepreneurial couple to establish their routes in East Lothian, and following an exhaustive search for a suitable home or plot for their growing family and appropriate to their professional needs.
27. East Lothian remains one of the most expensive places to live in Scotland, and this is most keenly felt by first time buyers. Despite a reasonable budget, Ms Smith and Mr MacPherson's requirements mean that a 'normal' new build (of which there are many across East Lothian) is not a suitable option.
28. As an estate gamekeeper Mr MacPherson works anti-social hours and often drives vehicles unsuitable for typical urban/suburban locations. He has lived in the east of East Lothian all his life, wants his growing family to benefit from the same, whilst also being close to ageing parents, increasingly in need of daily assistance.
29. The site at Newmains, whilst close enough to services and facilities in North Berwick, provides an attractive plot for a new home but also at a location that meets the specific needs both personally and in line with Mr MacPherson's occupation.
30. Ms Smith is self-employed, and works from home so the rural location will not generate any additional or unsustainable commuter journeys whilst being located closer to Mr MacPherson's workplace.
31. We acknowledge that application 23/01422/P was refused in March 2024 but feel that given the responses of key consultees and the context of the site and the application, it is worthy of further consideration. We feel that the site does not represent isolated or sporadic development in the countryside being part of an existing cluster of buildings whilst the applicants present a unique set of circumstances that are worthy of further consideration. Moreover there were no objections to the earlier application.
32. The proposed development will have no significant impact on the wider landscape setting and would relate well to the neighbouring properties and wider Newmains cluster. Newmains is typical of many of the smaller clusters that have evolved in the east of East Lothian many of which are also close-by such as Blackdykes, Lochhouses and Auldhome to name but three.
33. Whilst planning policy normally places strict restrictions on new housing in the countryside, we do contend that NPF Policy 16 does seek to support high quality, affordable housing in the right locations. These proposals represent a high quality proposal, affordable to the applicants and at the right location given their occupations and personal needs.

34. There are not wider landscape impacts, the site is currently a cultivated field (though the loss of prime agricultural land will be negligible) with very limited ecological value whilst the creation of garden ground and boundary planting/hedgerows provided the opportunity for ecological enhancement. The site will make use of an existing farm track into the field with an existing access onto the A198.



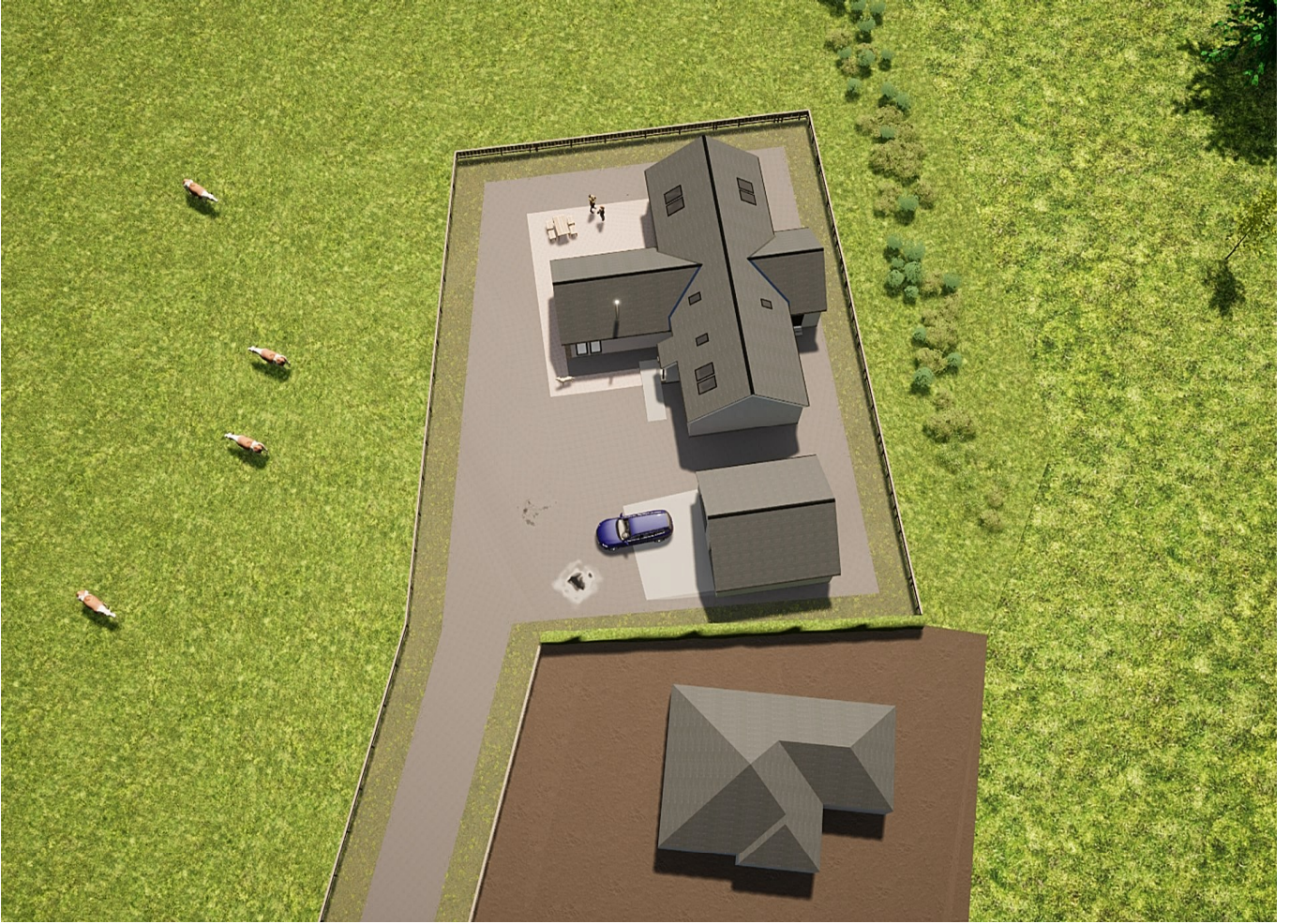
35. The proposed home is an appropriate addition to an existing identifiable building group. As the above image clearly shows, the site is located in amongst a range of residential and farming properties.
36. We would assert that each application must be determined on its individual merits and whilst it does not meet all of the policy tests set out in DC4 this does not and should not, in itself preclude development on this site. Planning policy cannot relate to every application, to every circumstance, but provides a framework within which decisions are taken.
37. As such we are very happy to respond to any requests for further information. We look forward to hearing from you in due course.











App No. 24/00741/P

**EAST LoTHIAN COUNCIL
DECISION NOTICE**

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

Mr Gary And Anna Macpherson And Smith
c/o Apt Planning & Development
Per Tony Thomas
1 West Road
Whitekirk
EH42 1XA

APPLICANT: Mr Gary And Anna Macpherson And Smith

With reference to your application registered on 12th July 2024 for planning permission under the above mentioned Acts and Regulations for the following development, viz:-

Erection of 1 house, garage and associated works
at
Land At Newmains
Whitekirk
North Berwick
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 The erection of a house with associated garage on the application site would be new build housing development in the countryside of East Lothian on land which is not allocated for housing development, is not brownfield land where a return to a natural state will not happen without intervention, does not reuse a redundant or unused building, and 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 16 and 17 of NPF4 and Policies DC1 and DC4 of the adopted East Lothian Local Development Plan 2018.

- 2 The erection of a house and associated garage 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; The proposal is therefore contrary to Policy DC5 of the adopted East Lothian Local Development Plan 2018.
- 3 The erection of a house and associated garage on the application site would be new build housing development in the countryside of East Lothian which would be sited on prime agricultural land and the erection of a house with associated garage is not development that is directly linked to a rural business, farm or croft or for essential workers of a rural business to live onsite and thus is not an appropriate development for the countryside which is supported by either Policy 5 of NPF4 or Policy NH7 of the adopted East Lothian Local Development Plan 2018. The proposal is therefore contrary to Policy 5 of NPF4 and Policy NH7 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>
DWG 01	-	12.07.2024
23/483/01	-	12.07.2024
23/348/02	-	12.07.2024
PL/001	B	12.07.2024
PL/002	C	12.07.2024
PL/003	A	12.07.2024
PL/004	A	12.07.2024

PL/005	A	12.07.2024
PL/006	A	12.07.2024
PL/007	A	12.07.2024

2nd September 2024



Keith Dingwall
Service Manager - Planning
(Chief Planning Officer)

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.

OFFICER REPORT

29th August 2024

App No. **24/00741/P**

Application registered on **12th July 2024**
Target Date **11th September 2024**

Proposal	Erection of 1 house, garage and associated works	SDELL	N
		CDEL	N
Location	Land At Newmains Whitekirk North Berwick East Lothian	Bad Neighbour Development	N

APPLICANT: Mr Gary And Anna Macpherson And Smith

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

**c/o Apt Planning & Development
Per Tony Thomas
1 West Road
Whitekirk
EH42 1XA**

DECISION TYPE:

Application Refused

PLANNING ASSESSMENT

This application relates to 1,113 square metres area of a roughly rectangular shape of land which currently comprises part of an agricultural field and is situated within the countryside as defined by Policy DC1 of the adopted East Lothian Local Development Plan 2018 at Newmains Whitekirk. The site is located some 5.6m from North Berwick and some 8 miles from Dunbar.

The application site is bounded to the north by a strip of woodland and further beyond by agricultural land, to the east by two neighbouring residential properties and to the south and west by agricultural land.

In March 2024 planning permission (23/01422/P) was refused for the erection of 1 house, garage and associated works on the application site.

Planning permission is again sought for the erection of the same house, detached garage and associated vehicular access as was refused planning permission 23/001422/P previously.

The proposed 1.5 storey, detached house would have a length of some 18.2 metres; a width of some 17.2 metres and would have a height of some 6.6 metres, at its apex.

The proposed house would comprise of a hall, bathroom, utility room, kitchen, family area, living area, two bedrooms and a storage area. First floor level would comprise of a hall, two bedrooms, en-suites, dressing area and storage areas.

Access to the site would be taken from the public road of A198 and would utilise an existing access to the agricultural field which would be formed by the construction of a tarred access road which would lead to a driveway situated to the front of the proposed garage.

Amenity space for the proposed house will be provided in the form of a private garden area to the eastern section of the site with an associated patio area.

The north boundary of the site will be bounded by an existing post and wire fence, the east boundary would comprise of the existing hedge and 1-metre-high wooden fence, the south and west boundary would comprise of a proposed 1-metre-high post and wire fence and associated hedge.

Due to the siting of the proposed house and garage it is proposed to re-locate an existing agricultural gated access which is situated directly to the north of the application site. This access/gate would be re-located west and would lie out with the application site.

To the east of the house, it is proposed to erect a single storey, detached garage which would have a length and width of some 7.5 metres and would have a height of some 5.5 metres, at its apex.

The proposed house and garage would be finished externally in a white roughcast with a grey smooth render basecourse. The roofs would be clad in dark grey Spanish slates and the side (northeast) elevation roof slope of the house would feature a stove flue. The proposed window and door frames would be of PVC construction and would feature dark grey colour frames. The proposed rainwater goods would be of PVC construction. The shutter door to the proposed garage would comprise of an anthracite grey steel roller shutter.

A supporting statement has been submitted alongside the application which notes the application site is a modest plot situated to the west of two existing farm cottages and the site is well located for easy access to and from East Lothian, Edinburgh and beyond. The proposed house is a high quality, single residential development on the application site which would have little or no impact on the surrounding area, seeming as a natural addition to the two existing homes and the wider Newmains cluster. The proposed development is a well-designed and sympathetic and would be entirely appropriate to the location providing a reworked end to the existing properties at Newmains and without being isolated or sporadic development in the countryside. The existing woodland to the north provides an attractive backdrop to the development. The applicant proposes a modest home that is energy efficient utilising a number of renewable energy sources. The development of the modestly sized plot at Newmains will not have any detrimental impacts on the existing residents to the east or the wider group of homes in the area. The development would have no impact on the wider countryside setting.

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 National Planning Framework 4 (NPF4) and the adopted East Lothian Local Development Plan 2018.

Policies 1 (Tackling the climate and nature crises), 3 (Biodiversity), 5 (Soils), 6 (Forestry, woodland and trees), 13 (Sustainable transport), 14 (Design, quality and place), 16 (Quality Homes), 17 (Rural Homes) and 29 (Rural Development) of NPF4 are relevant to the determination of this application. Policies DC1 (Rural Diversification), DC4 (New Build Housing in the Countryside), DC5 (Housing as Enabling Development), DP2 (Design), NH7 (Protecting Soils), NH8 (Trees and Development), T1 (Development Location and Accessibility), and T2 (General Transport Impact) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of the application.

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.

It is stated in Policy 17 of NPF4 that:

(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 Local Development Plan (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;

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 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.

No objections have been received in relation to the application.

The submitted drawings indicate that the massing and form of the new home has been designed to reflect and sit comfortably within the massing of the surrounding buildings and landscape and the proposal reflects, the pitched roof form of the adjacent cottages. Furthermore, when viewed in the context of those cottages the proposed house and garage would be of a similar size and form. The proposed house and garage would seek to draw upon the external finishes of those two cottages and would be a modern contemporary design that would complement the appearance of those cottages which are not of a particular traditional design. Therefore, the overall appearance would be of a modern house design which would not appear as overly incongruous by way of its design when viewed in the context of those two adjacent cottages to the east of the application site.

The Council's Senior Environmental Health Officer has advised he has no comment to make regarding the application, being satisfied that the development would not have an adverse impact on any neighbouring land uses.

The Council's Contaminated Land Officer has been consulted on the application and notes there is no direct evidence to suggest any previous contaminative use of the site issues the (site looks like it has always been agricultural land), however, there is the possibility that areas of made ground may exist due to the presence of old 'farm dumps' which could have resulted in localised contamination.

It should also be noted that according to the latest Radon Mapping data the site falls within a Radon Affected Area (Class 5 : 10-30 % of properties are at or above the radon action level). This means that the new build will require full radon protection measures to be installed.

Given the above and due to the nature of the development (residential), should planning permission be granted then further information will be required to determine the ground conditions and potential contamination issues impacting on the site (with the minimum of a Phase I Geo-Environmental Assessment being carried out).

The Council's Road Services have been consulted on the application and advise that drawing number PL 007 Rev A shows that a visibility splay of 2m x 81.6m to the north and 2m x 105.8m to the south is possible and although this does not meet the East Lothian Council standard of 2m x 120m for a 60mph speed limit road, the Councils Road Services are content that the bends to the north and south will act to keep actual vehicle speeds well below the advertised limit. Furthermore, the proposed access and parking arrangements are deemed to be acceptable and thus the proposal complies with Policy T1 of the adopted East Lothian Local Development Plan 2018.

Notwithstanding all of the above the application site is located in a countryside location within East Lothian that is characterised by a low density dispersed built form within an agricultural landscape. While there are both residential and commercial buildings within the vicinity of the application site it is not identified in the adopted East Lothian Local Plan 2018 as being within a settlement and the Local 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.

Policy 17 of NPF4 provides support for proposals for new homes in rural areas where the development is suitably scaled, sited and designed to be in keeping with the character of the area and subject to meeting other criteria. These are: the proposal is on a site allocated for housing within the LDP; it reuses brownfield land; reuses a redundant or unused building; is an appropriate use of a historic environment asset; is necessary to support the sustainable management of a viable rural business and there is an essential need for a worker to live permanently at or near their place of work; is for a single home for the retirement succession of a viable farm holding; is for the subdivision of an existing residential dwelling; and reinstates a former dwelling house. Development proposals are also required to consider how they will contribute towards local living and take account of identified local housing needs, economic considerations and transport needs. Additional criteria apply for proposals in remote rural areas, which will be supported where they support and sustain existing fragile communities; support identified local housing outcomes; and are suitable in terms of location, access and environmental impact.

The site is not allocated for housing development in the adopted East Lothian Local Development 2018, nor is it a brownfield, vacant or derelict site as it has been used as long-term established agricultural land. The proposed house does not reuse a redundant or unused building. 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. On those counts the proposed house is contrary to Policy 17 (a) of NPF4.

Policy DC1 of the ELLDP 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 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.

On the matter of Policy DC5, the principle of the erection of one house and associated works 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 and associated works on the application site promoted to fund the restoration of a listed building.

As noted above, the site is not allocated for housing within ELLDP and is for a new house on a greenfield site that is not adjacent to an existing settlement. It is not required in connection with a rural business or to provide for retirement succession of a farm holding. It is not for affordable housing and is not being promoted as enabling development. In the absence of any such direct operational requirement or justified supporting case for the erection of a house and associated works on the application site, the principle of such proposed development on the site is inconsistent with national, strategic and local planning policy and guidance concerning the control of development of new build houses in the countryside. Specifically, the proposal to erect a new build house and associated works on the application site is in principle contrary to Policy 17(a) of NPF4 and Policies DC1, DC4 and DC5 of the ELLDP.

NPF4 Policy 17(b) requires rural housing proposals to consider local living, local housing needs, economic considerations and transport needs. Policy 15 expects development to contribute to local living including, where relevant, 20 minute neighbourhoods. In this instance the site is located some 5.6m from North Berwick and some 7 miles from Dunbar. Whilst located close to Whitekirk, any future residents of the proposed house would inevitably need to travel some distance to meet the majority of their daily needs and would be likely to use private cars in order to do so. The proposal for the new house in this countryside location would therefore not be within a sustainable location or within a 20 minute neighbourhood and would therefore be contrary to these aspects of Policy 17(b) and to Policies 13 and 15 of NPF4.

NPF4 Policy 16(f) sets out the limited circumstances under which housing proposals may be supported on non-allocated sites, including consistency with other policies of the development plan including local living/ 20 minute neighbourhoods and consistency with policy on rural homes. These circumstances do not apply to this proposal and therefore the proposed house is contrary to Policy 16(f) of NPF4.

The application site is categorised as Prime Agricultural Land. NPF4 sets out the intent to minimise disturbance to soils from development while 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 in an area of Prime Agricultural Land to a residential land use which would not be consistent with Policy 5 of NPF4 or Policy NH7 of the adopted East Lothian Local Plan 2018.

NPF4 seeks to give significant weight to the global climate crisis. In this regard housing should be directed towards existing settlements where facilities and services including public transport are available and on allocated housing sites; this is a sustainable approach to spatial planning and is in line with the LDP and national planning policy. Housing in rural areas should only be supported in particular circumstances. The proposed scheme of development for a house on this rural site located within the East Lothian countryside does not meet these circumstances specified in Policy 17 of NPF4 or DC4 of the adopted East Lothian Local Development Plan 2018 and would effectively undermine the spatial strategy of the LDP and

result in an increased number of non-public transport journeys at a time when the Scottish Government is requiring a reduction in private car use to help combat climate change and reduce carbon emissions. As such the proposal is contrary to Policies 1, 13, 14 and 16 of NPF4 and T1 of the adopted East Lothian Local Development Plan 2018.

In conclusion the proposed scheme of development is not in accordance with the Development Plan and there are no material planning considerations that outweigh the fact that the proposed scheme of development is not in accordance with the Development Plan.

REASONS FOR REFUSAL:

- 1 The erection of a house with associated garage on the application site would be new build housing development in the countryside of East Lothian on land which is not allocated for housing development, is not brownfield land where a return to a natural state will not happen without intervention, does not reuse a redundant or unused building, and 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 16 and 17 of NPF4 and Policies DC1 and DC4 of the adopted East Lothian Local Development Plan 2018.
- 2 The erection of a house and associated garage 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; The proposal is therefore contrary to Policy DC5 of the adopted East Lothian Local Development Plan 2018.
- 3 The erection of a house and associated garage on the application site would be new build housing development in the countryside of East Lothian which would be sited on prime agricultural land and the erection of a house with associated garage is not development that is directly linked to a rural business, farm or croft or for essential workers of a rural business to live onsite and thus is not an appropriate development for the countryside which is supported by either Policy 5 of NPF4 or Policy NH7 of the adopted East Lothian Local Development Plan 2018. The proposal is therefore contrary to Policy 5 of NPF4 and Policy NH7 of the adopted East Lothian Local Development Plan 2018.

LETTERS FROM

29th August 2024