

LOCAL REVIEW BODY

31 October 2024

Application No: 24/00741/P

**Land at Newmains, Whitekirk, North Berwick, East  
Lothian**

Appointed Officer's Submission

## **24/00741/P– REVIEW AGAINST DECISION – PLANNING OFFICER’S SUBMISISON**

Planning application review against decision (refusal): Erection of 1 house, garage and associated works

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Please note there are no schedule of conditions submitted or letters from interested parties.

# OFFICER REPORT

**29th August 2024**

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

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

Proposal	<b>Erection of 1 house, garage and associated works</b>	SDELL	N
		CDEL	N
Location	<b>Land At Newmains Whitekirk North Berwick East Lothian</b>	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 Council's 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.

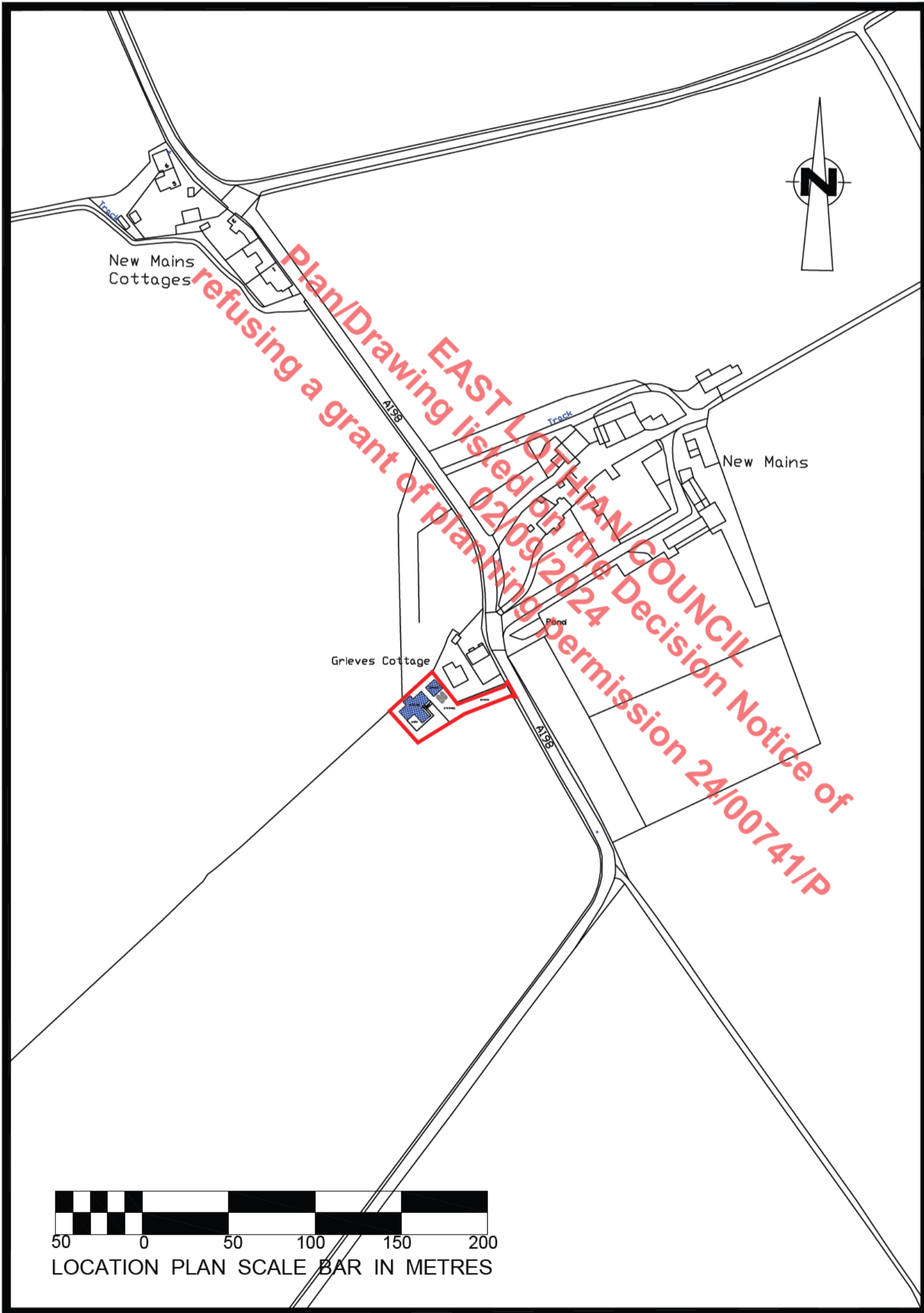
In conclusion the proposed scheme of development is not in accordance with the Development Plan and there are no material planning considerations that outweigh the fact that the proposed scheme of development is not in accordance with the Development Plan.

#### 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.

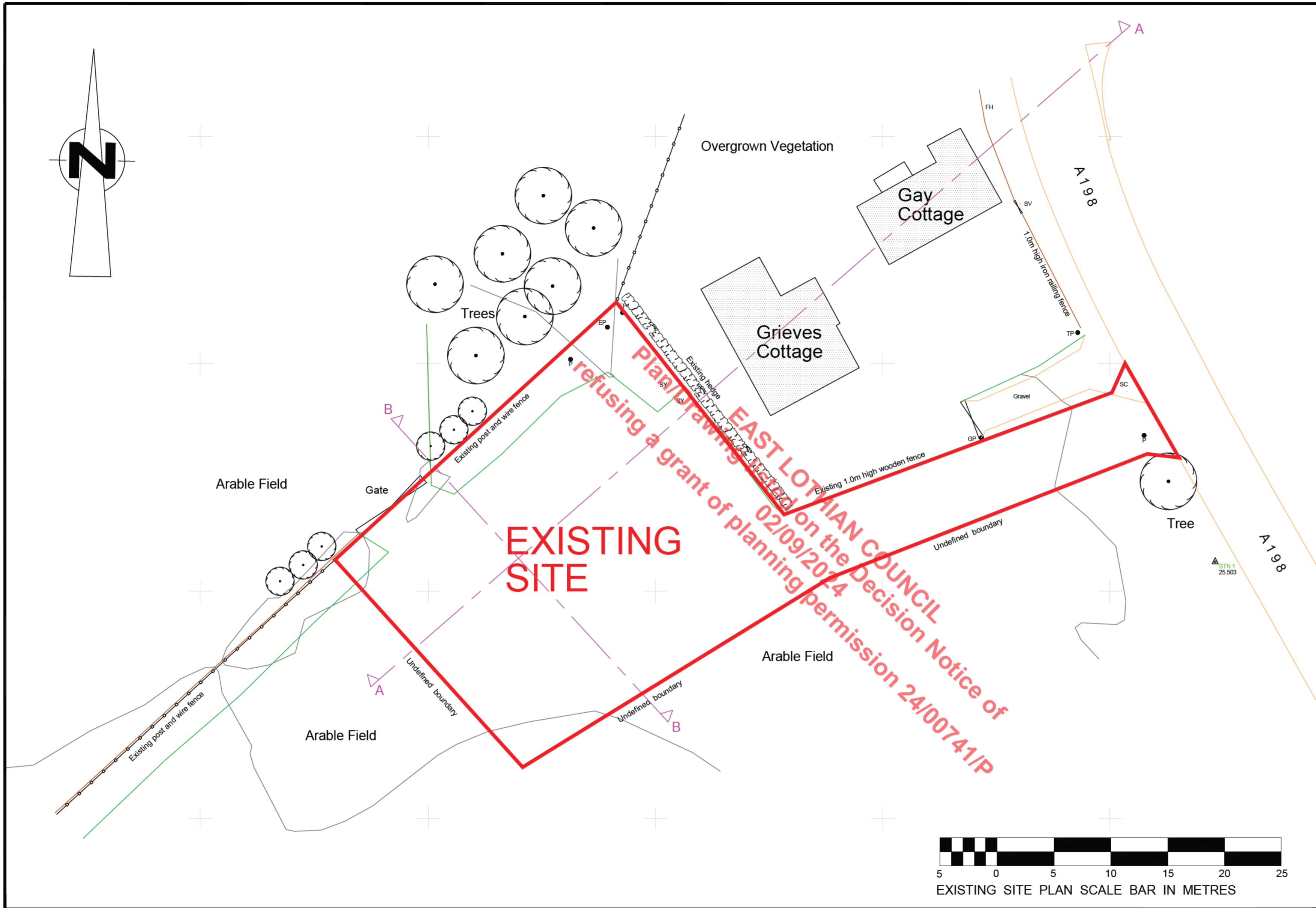
#### LETTERS FROM

29th August 2024



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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



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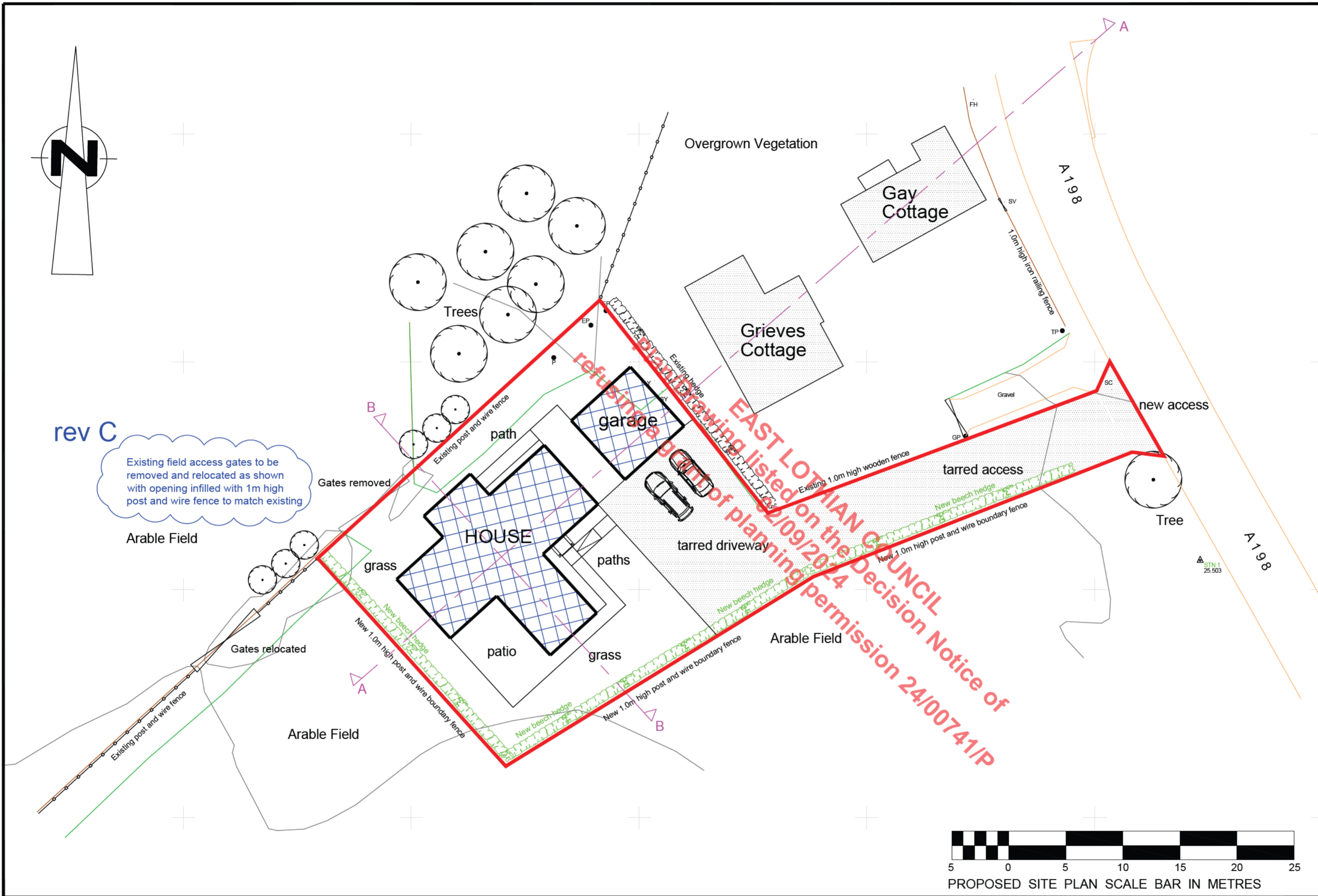
Client  
**Miss Anna Smith**

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

Description  
Existing Site Plan

Project No <b>Smith</b>	Drawing No <b>PL/001</b>	Amendment <b>B</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

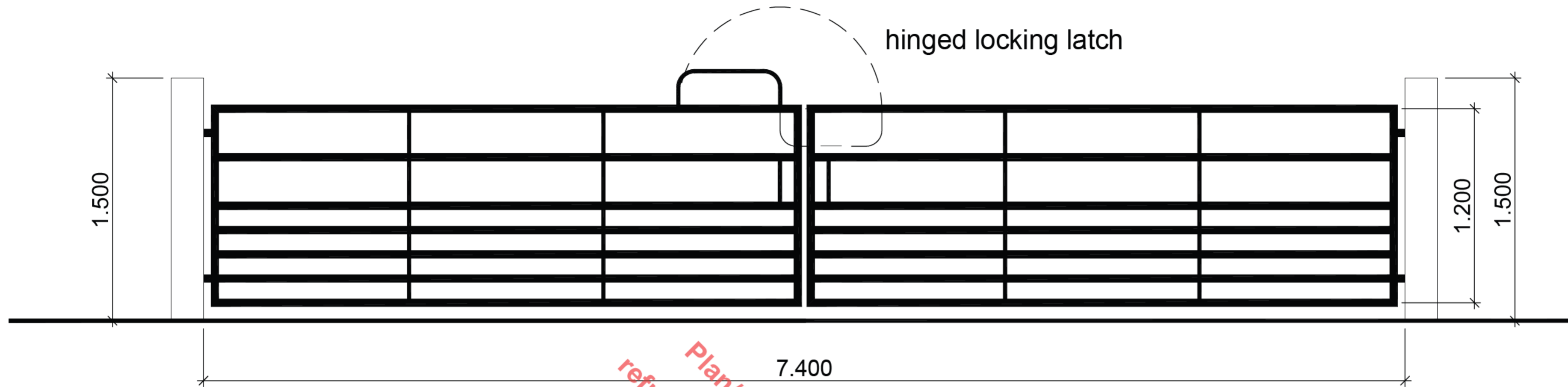
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Client  
**Miss Anna Smith**

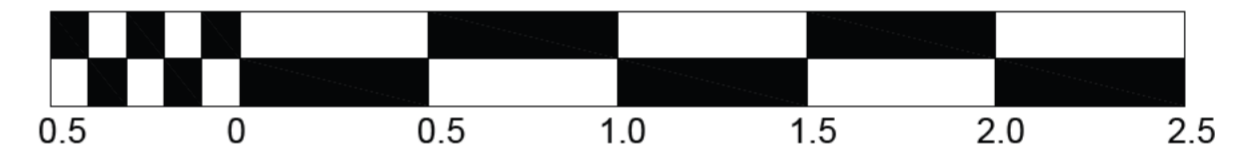
Project  
Proposed new house & garage on vacant site next to 'Grieves Cottage'. Whitekirk. East Lothian.

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)**

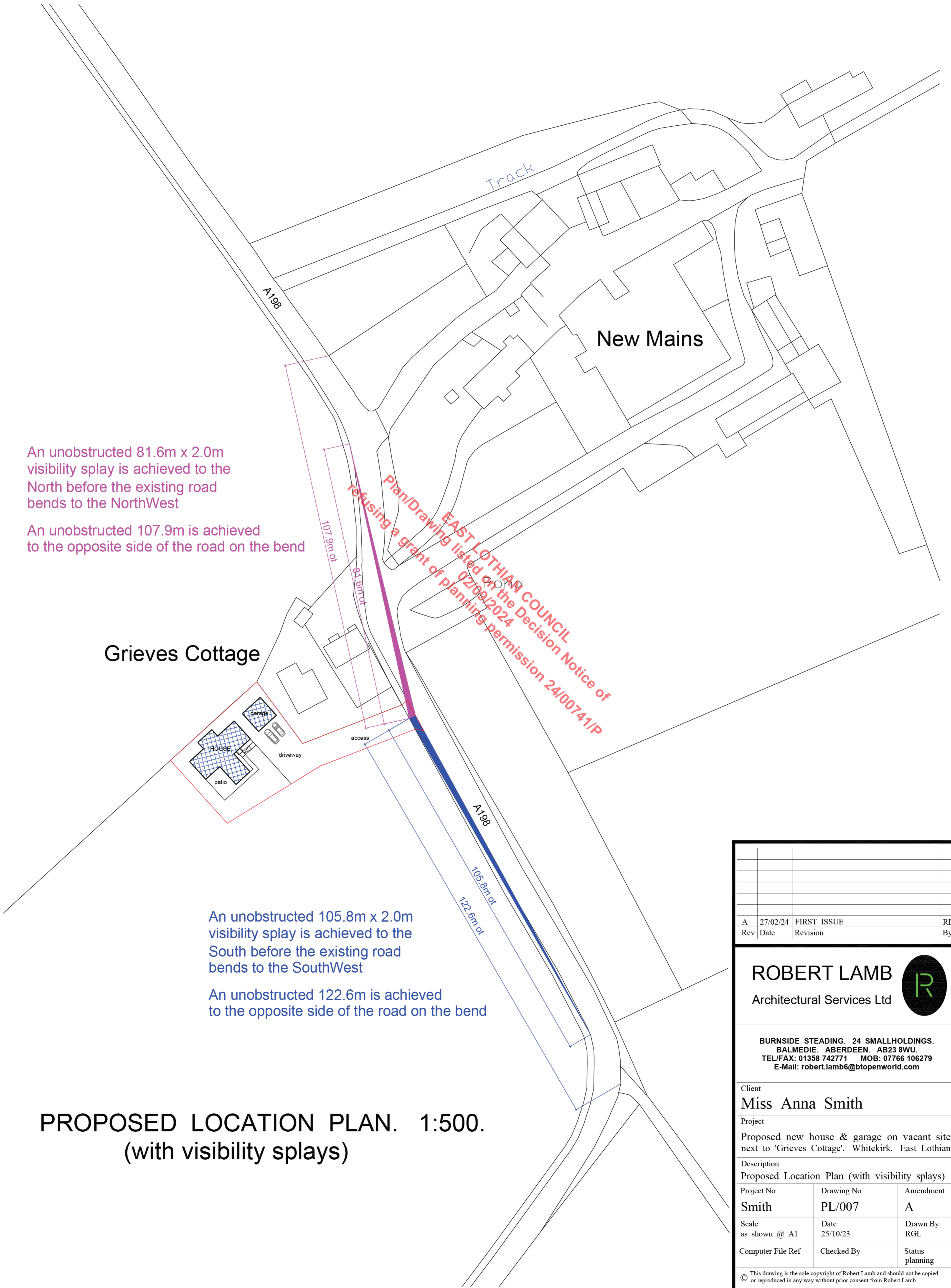
**Gates : Galvanised tubular steel : (light grey)**

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
<b>ROBERT LAMB</b>  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 '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



An unobstructed 81.6m x 2.0m visibility splay is achieved to the North before the existing road bends to the NorthWest

An unobstructed 107.9m is achieved to the opposite side of the road on the bend

Grieves Cottage



An unobstructed 105.8m x 2.0m visibility splay is achieved to the South before the existing road bends to the SouthWest

An unobstructed 122.6m is achieved to the opposite side of the road on the bend

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

EAST Lothian Council  
 Refusing a grant of planning permission 24/00741/P  
 02/09/2024

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

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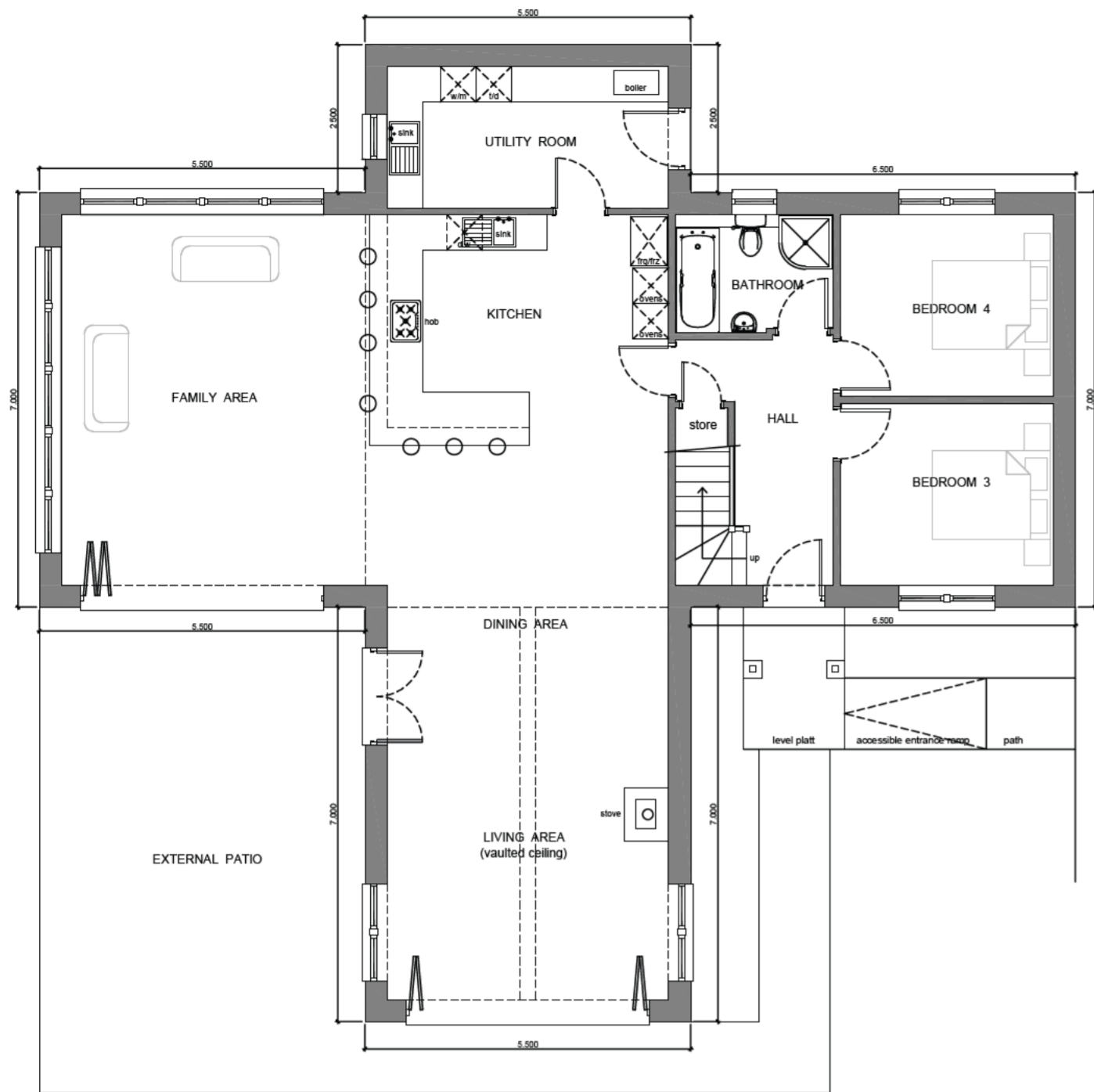
Client  
**Miss Anna Smith**

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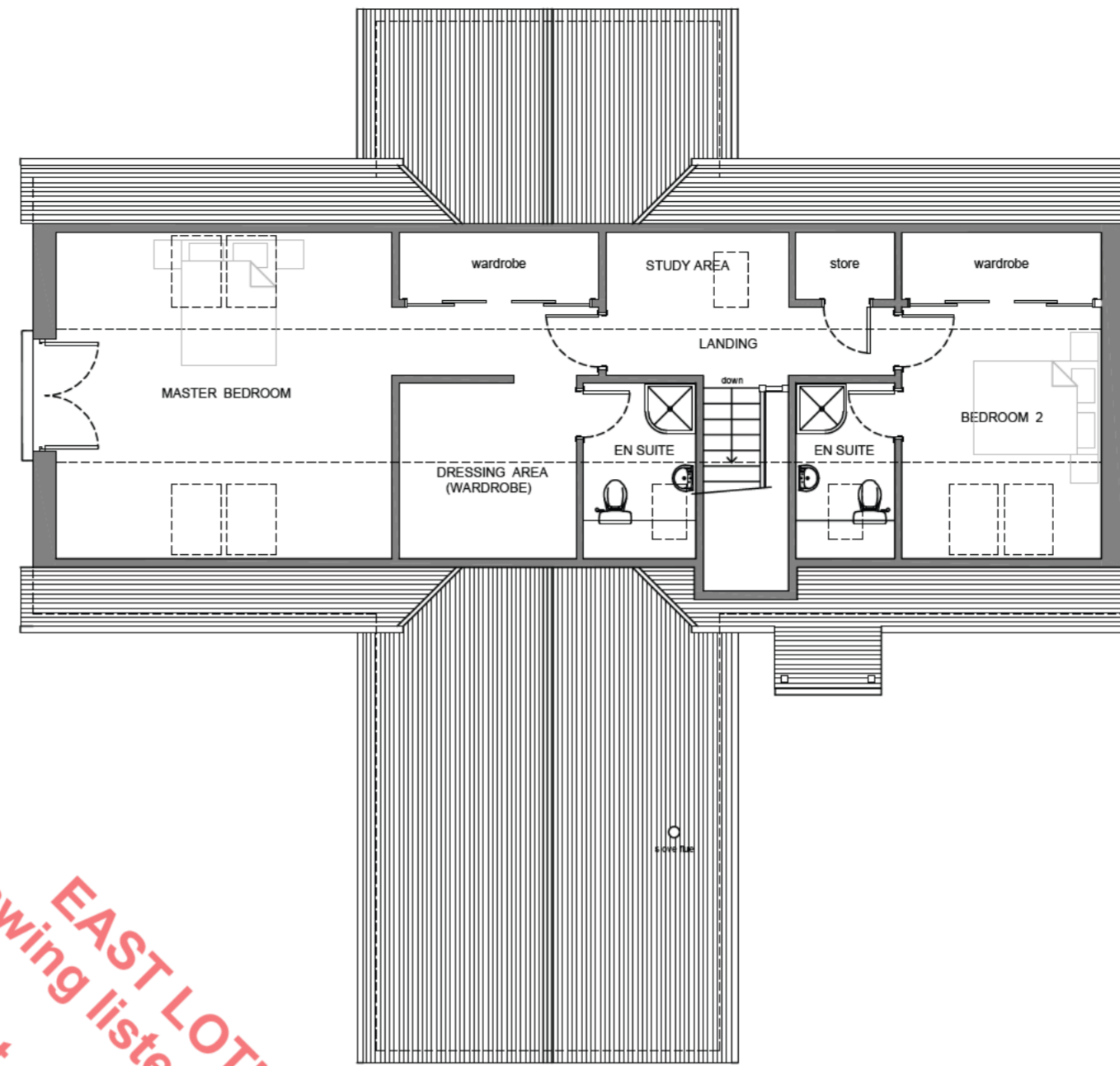
Description  
Proposed Location Plan (with visibility splays)

Project No	Drawing No	Amendment
Smith	PL/007	A
Scale as shown @ A1	Date	Drawn By
	25/10/23	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 Doors : Aluminium (Anthracite Grey)
- Juliet Balcony : Stainless Steel with Glazed Panels.
- Gutters & Rwp's: PVC (Black)

**SCHEDULE OF HOUSE FLOOR & GROUND LEVELS :**

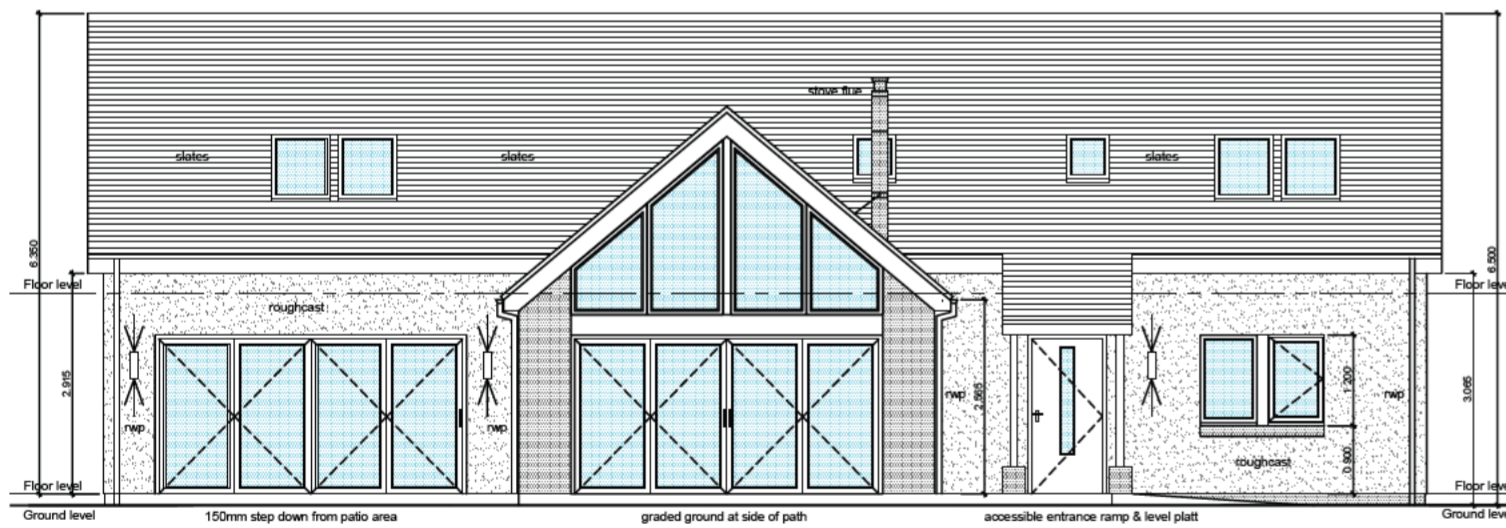
- Existing ground level : varies from 25.560m to 26.010m
- Proposed ground floor level : 25.900m
- Proposed first floor level : 28.550m
- Existing ground levels around building : varies from 25.560m to 26.010.
- Proposed ground levels around building : reduced to 25.560m 25.750m

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.

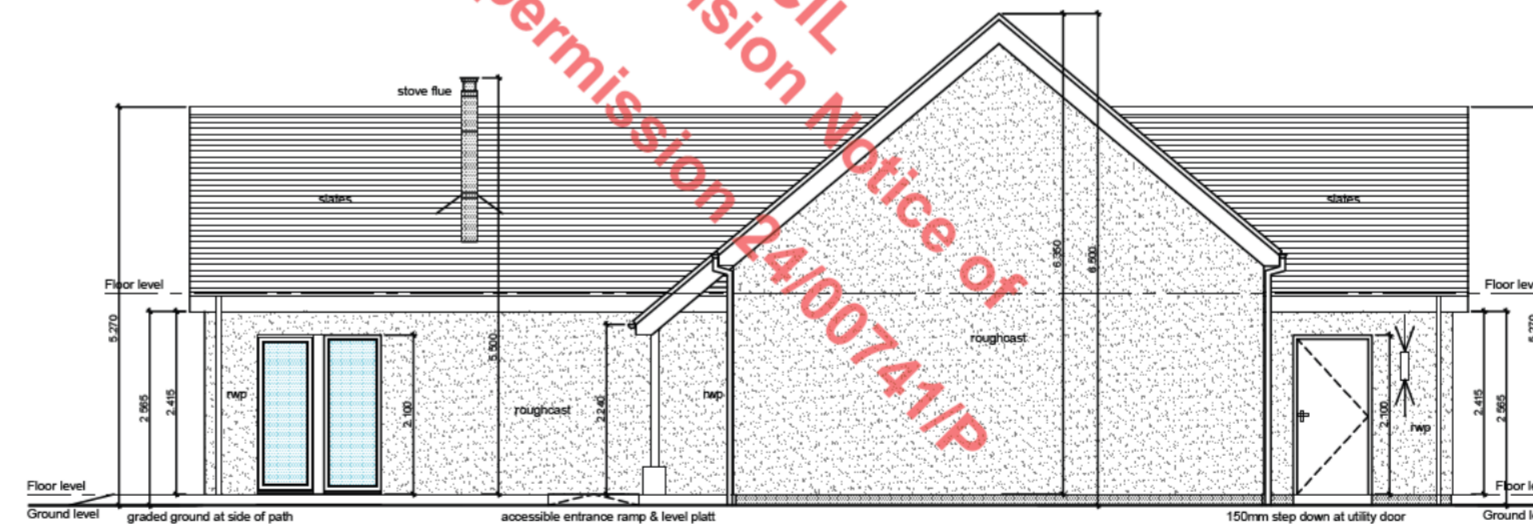
EAST Lothian Council  
refusing a grant of planning permission 24/00741/P  
Plan/Drawing listed on the Decision Notice of 02/09/2024



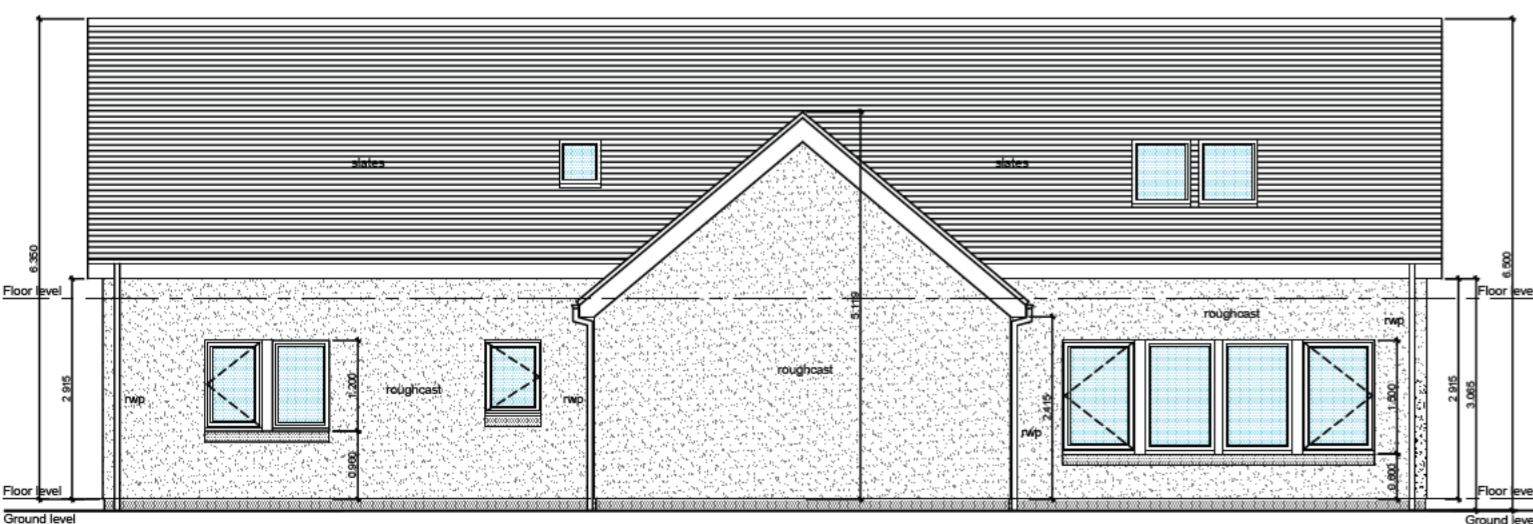
FLOOR PLANS & ELEVATIONS SCALE BAR IN METRES



PROPOSED FRONT (SOUTHEAST) ELEVATION. 1:100.



PROPOSED SIDE (NORTHEAST) ELEVATION. 1:100.



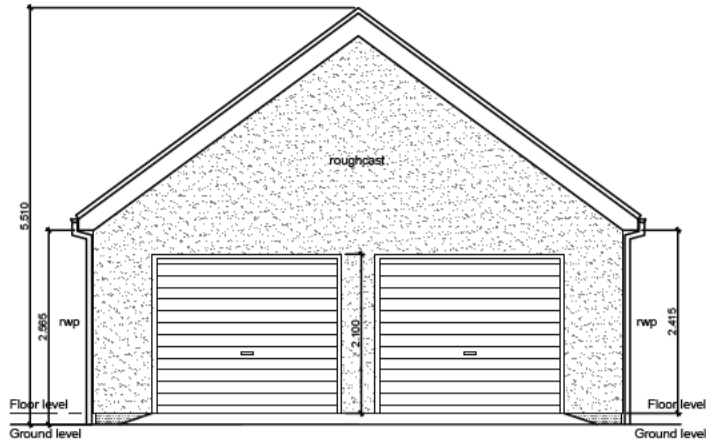
PROPOSED REAR (NORTHWEST) ELEVATION. 1:100.



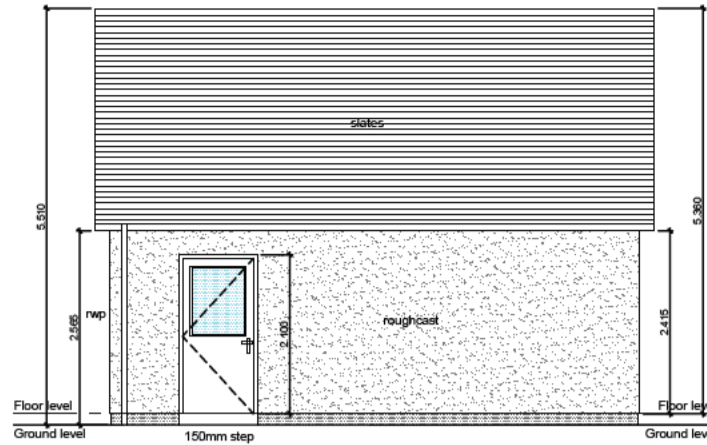
PROPOSED SIDE (SOUTHWEST) ELEVATION. 1:100.

A	01/11/23	ISSUED FOR CLIENT COMMENTS	RL				
Rev	Date	Revision	By				
<b>ROBERT LAMB</b> 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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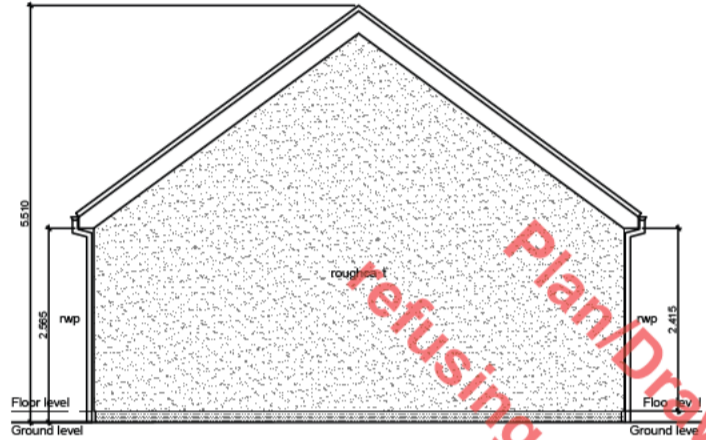




PROPOSED FRONT (SOUTHEAST) ELEVATION OF GARAGE. 1:100.



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



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

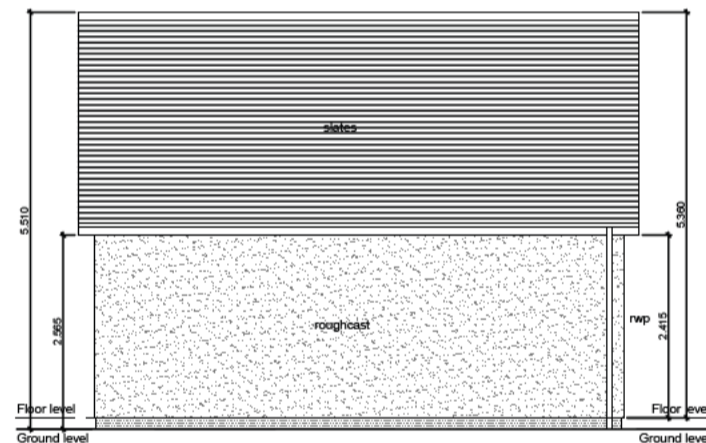
**SCHEDULE OF GARAGE FINISHES :**

- 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.

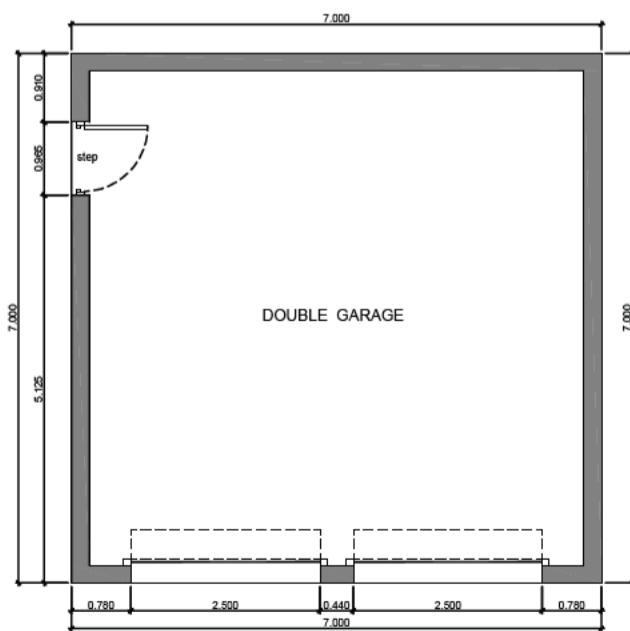
The existing and proposed ground levels around the proposed house are unaffected with only minor level raising / lowering of around 100mm to 150mm where proposed doors, paving and tarmac areas are formed.



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

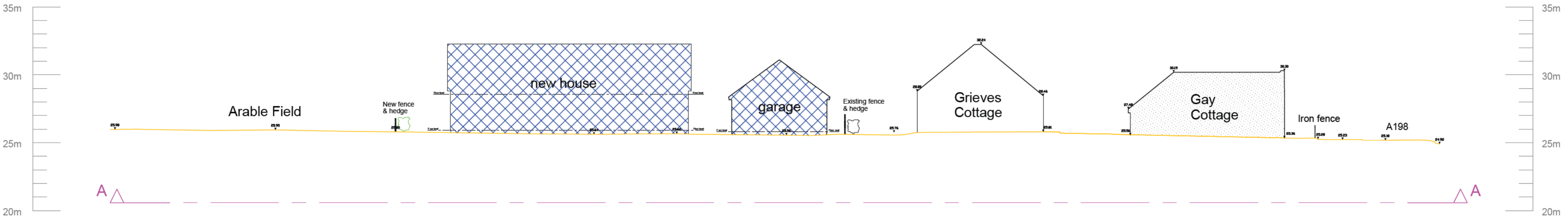


FLOOR PLANS & ELEVATIONS SCALE BAR IN METRES

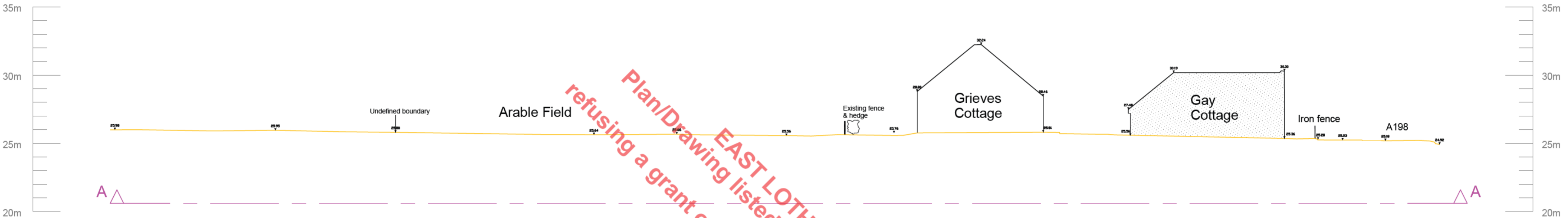


PROPOSED FLOOR PLAN OF GARAGE. 1:100.

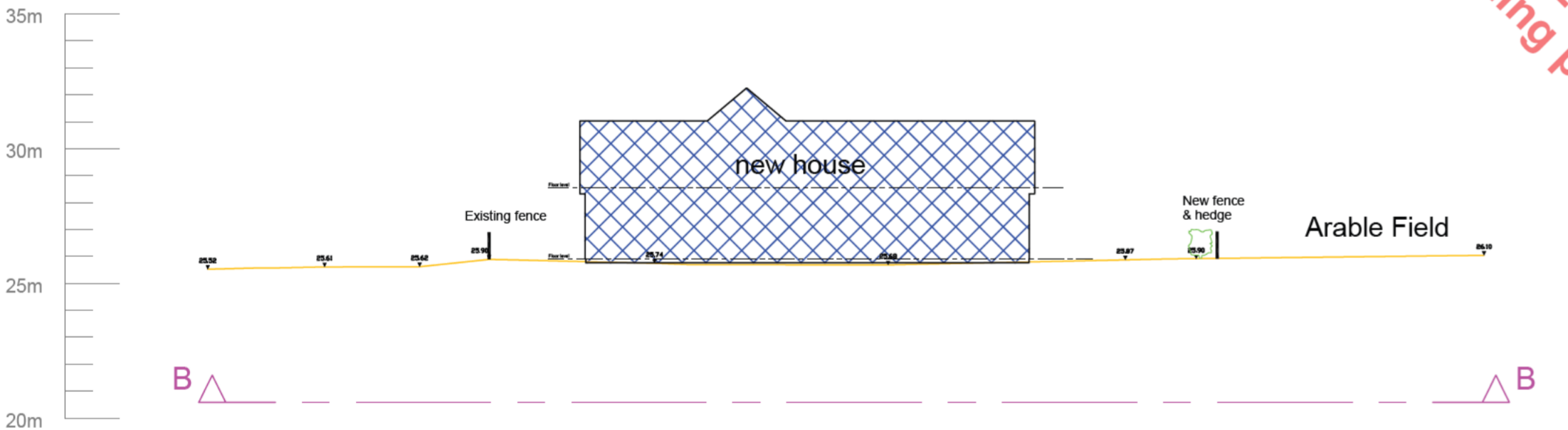
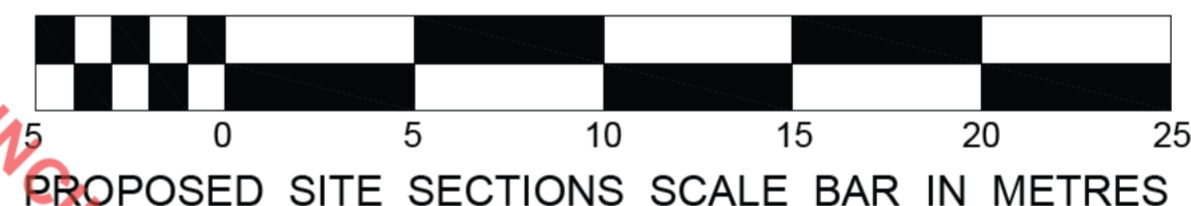
A	01/11/23	ISSUED FOR CLIENT COMMENTS	RL
Rev	Date	Revision	By
<b>ROBERT LAMB</b>  Architectural Services Ltd			
BURNSIDE STEADING. 24 SMALLHOLDINGS. BALMEDIE. ABERDEEN. AB23 8WU. TEL/FAX: 01358 742771 MOB: 07766 106279 E-Mail: robert.lamb6@btopenworld.com			
Client			
Miss Anna Smith			
Project			
Proposed 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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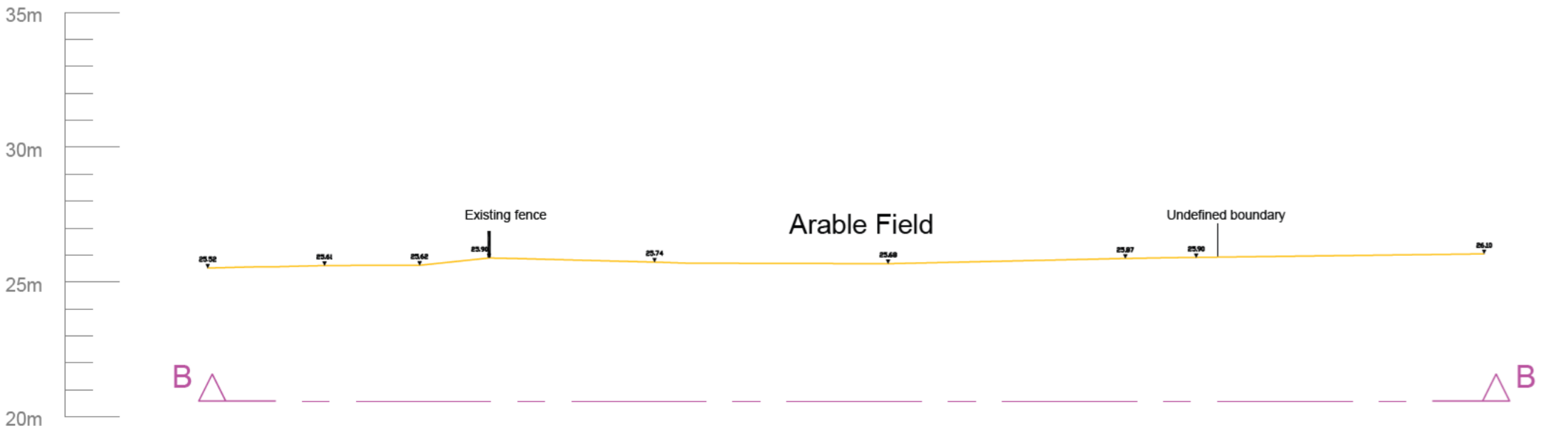
PROPOSED SITE SECTION A-A. 1:200.



EXISTING SITE SECTION A-A. 1:200.



PROPOSED SITE SECTION B-B. 1:200.



EXISTING SITE SECTION B-B. 1:200.

**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.

**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.

Rev	Date	Revision	By
A	01/11/23	ISSUED FOR CLIENT COMMENTS	RL

**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

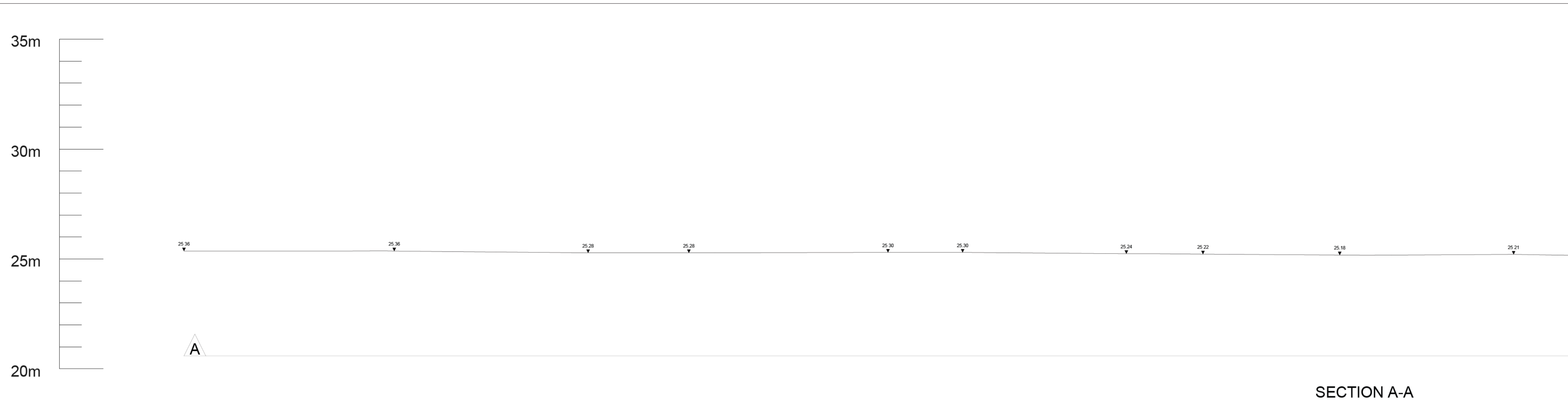
Client  
**Miss Anna Smith**

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

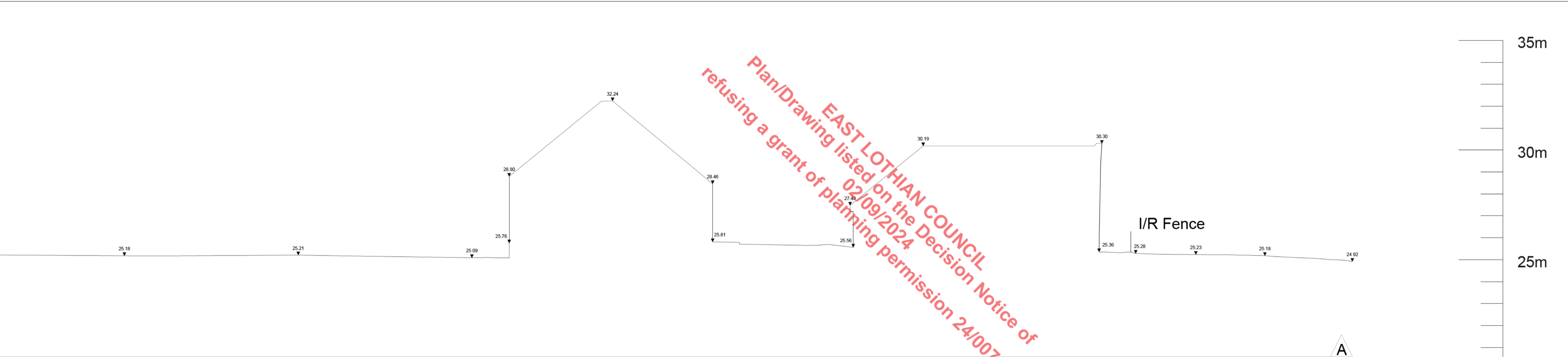
Description  
 Existing & Proposed Site Sections

Project No	Drawing No	Amendment
Smith	PL/005	A
Scale as shown @ A2	Date	Drawn By
	25/10/23	RGL
Computer File Ref	Checked By	Status
		planning

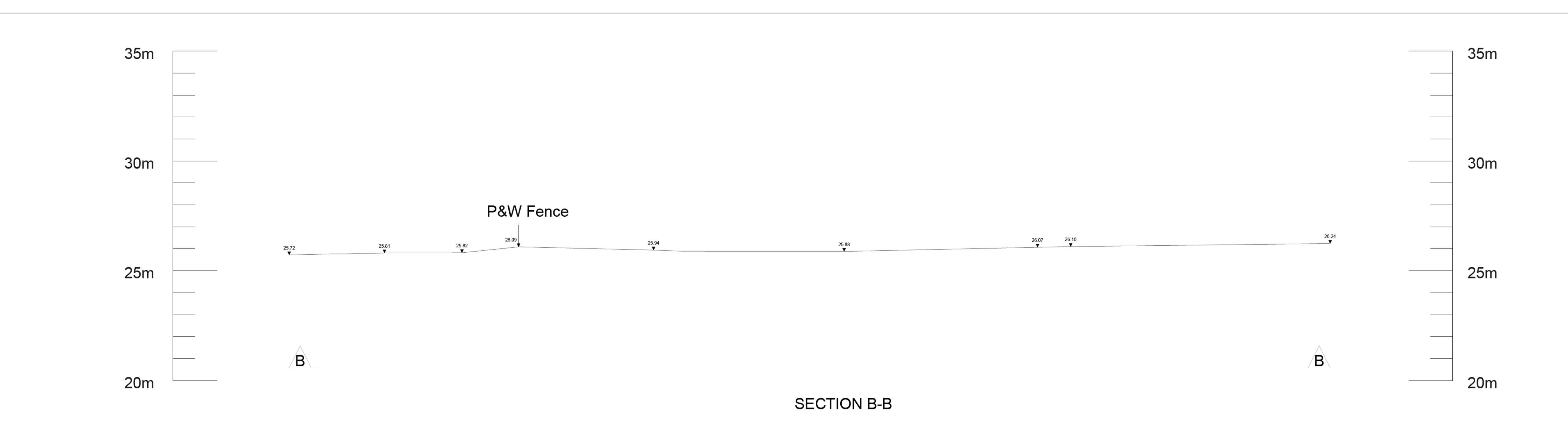
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SECTION A-A



SECTION A-A



SECTION B-B

PAVILION 2  
 BUCHANAN BUSINESS PARK  
 GLASGOW  
 G3 3 6HZ  
 TEL: 0141 778 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

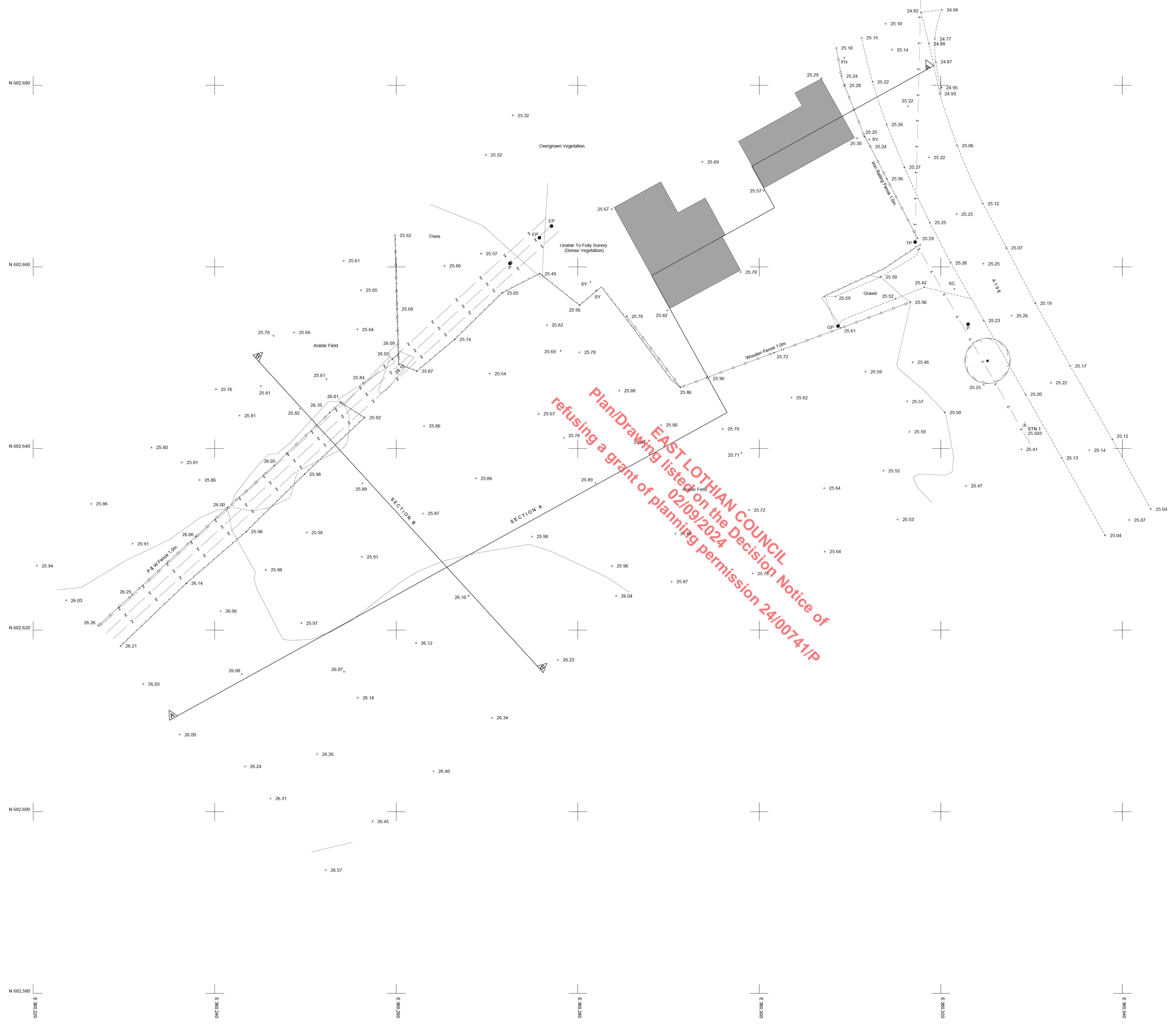
SITE AT A198, WHITEKIRK, EAST LOTHIAN

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.

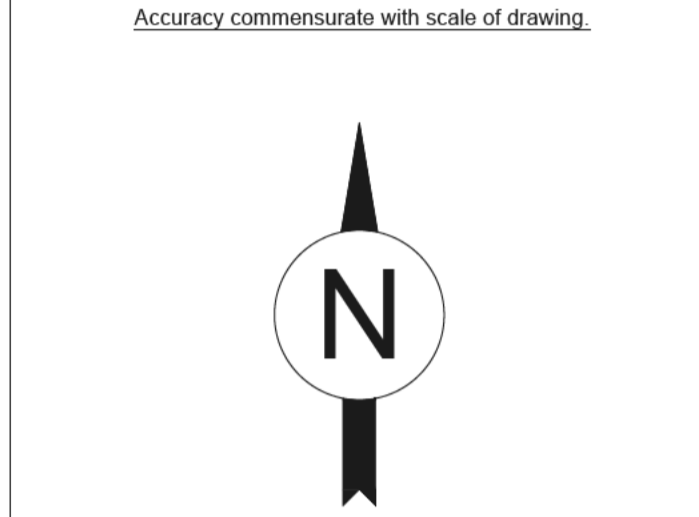


**LEGEND**

TOP OF EMBANKMENT	ROAD CHANNEL
BOTTOM OF EMBANKMENT	FENCE
FOLIAGE & HEDGES	CRASH BARRIER
TREE	WALL
BUSH	OVERHEAD TELECOMMS
NOTE: SPINCHES 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	BLP	MANHOLE	MH
BOLLARD	BS	MARKER POST	MP
SOBRIE	BSM	MILE STONE	MS
BRITISH TELECOM	BT	MOORING RING	MR
BUGHAN 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	RODDING EYE	RE
FIRE HYDRANT	FH	RETAINING WALL	RTW
FLAG POLE	FL	SOON	SN
FLAG POST	FP	STOP VALVE	SV
GAS VALVE	GV	TRIP STOP	TS
GATE POST	GP	TELEGRAPH POLE	TP
GULLY	G	THRESHOLD LEVEL	TL
HALO PILLAR	HP	TRAFFIC CONTROL BOX	TCB
INSPECTION COVER	IC	TRIAL PIT	TP
INVERT LEVEL	IL	UNABLE TO LOCATE	UTL
JUNCTION BOX	JB	UNABLE TO RAISE	UTR
KERB OUTLET	KO	VERT PIPE	VP
LAMP POST	LP	WATER METER	WM
LITTER BIN	LB	WATER LEVEL	WL
LIGHT	Light		



**CONTROL STATIONS**

Point	Easting	Northing	Elevation	Description
1	360329.261	662642.581	25.503	Peep

**SIGMA SURVEYS**

PAVILION 2  
BUCHANAN BUSINESS PARK  
GLASGOW  
G3 3 6HZ  
TEL: 01 41 776 7971  
WWW.SIGMA-SURVEYS.COM

10 LUCHSIDE PLACE  
EDINBURGH PARK  
EDINBURGH  
EH 12 9RB  
TEL: 01 31 202 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

**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.



**From:** [Clark, Colin - FHO](#)  
**To:** [Environment Reception](#)  
**Cc:** [Allan, James](#)  
**Subject:** RE: 24/00741/P-James Allan - Planning Consultation  
**Date:** 19 July 2024 15:01:32

---

No comment to make re this proposal

Regards

Colin Clark | Environmental Health Officer, Public Health & Environmental Protection |  
Protective Services | East Lothian Council | John Muir House | Haddington | EH41 3HA |  
Tel. 01620 827443 [REDACTED] | Email. [cclark1@eastlothian.gov.uk](mailto:cclark1@eastlothian.gov.uk) | Visit our website at  
[www.eastlothian.gov.uk](http://www.eastlothian.gov.uk)

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

From: Environmental Health/Trading Standards <[ehts@eastlothian.gov.uk](mailto:ehts@eastlothian.gov.uk)>  
Sent: Tuesday, July 16, 2024 2:46 PM  
To: [REDACTED]

Subject: FW: 24/00741/P-James Allan - Planning Consultation

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

From: [environment@eastlothian.gov.uk](mailto:environment@eastlothian.gov.uk) <[environment@eastlothian.gov.uk](mailto:environment@eastlothian.gov.uk)>  
Sent: Tuesday, July 16, 2024 2:40 PM  
To: Environmental Health/Trading Standards <[ehts@eastlothian.gov.uk](mailto:ehts@eastlothian.gov.uk)>  
Subject: 24/00741/P-James Allan - Planning Consultation

Please see attached document in relation to the following application: Erection of 1 house,  
garage and associated works at Land At Newmains Whitekirk North Berwick East Lothian  
[[https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.eastlothian.gov.uk%2Fimages%2FELC\\_Be\\_Nice\\_EMAIL\\_FOOTER\\_\\_zerotolerance\\_1.png&data=05%7C02%7Ccclark1%40eastlothian.gov.uk%7C936207205f80446f15f608dca59daafa%7C85e771afe90a4487b4071322ba02cc82%7C0%7C0%7C638567343797988892%7CUnknown%7CTWFpbGZsb3d8eyJWIjojMC4wLjAwMDAiLCJQIjojV2luMzIiLCJBTiI6Ik1haWwiLCJXVCi6Mn0%3D%7C0%7C%7C%7C&sdata=WFFV6sqcnsS8myJtRpYB0sB5tJSQ4Qp%2BTJpKbBPizn4%3D&reserved=0](https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.eastlothian.gov.uk%2Fimages%2FELC_Be_Nice_EMAIL_FOOTER__zerotolerance_1.png&data=05%7C02%7Ccclark1%40eastlothian.gov.uk%7C936207205f80446f15f608dca59daafa%7C85e771afe90a4487b4071322ba02cc82%7C0%7C0%7C638567343797988892%7CUnknown%7CTWFpbGZsb3d8eyJWIjojMC4wLjAwMDAiLCJQIjojV2luMzIiLCJBTiI6Ik1haWwiLCJXVCi6Mn0%3D%7C0%7C%7C%7C&sdata=WFFV6sqcnsS8myJtRpYB0sB5tJSQ4Qp%2BTJpKbBPizn4%3D&reserved=0)]

**From:** [Callow, Scott](#)  
**To:** [Allan, James](#)  
**Cc:** [Environment Reception](#); [Clark, Colin - EHO](#)  
**Subject:** Planning Application : 24/00741/P (Land At Newmains, Whitekirk)  
**Date:** 23 July 2024 15:02:08

---

Hi James,

I have reviewed the various historical maps for the site as well as looking at the potential contamination issues that may impact on the development and would comment as follows:

- There is no direct evidence to suggest any previous contaminative use of the site issues (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 to <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), 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). In light of this I would recommend that the following conditions be attached to any grant of consent:

***Land Contamination Condition (Investigation, Risk Assessment, Remediation and Validation) -***

***Part 1***

Prior to any site development works a suitable Geo-Environmental Assessment must be carried out, with the Report(s) being made available to the Planning Authority for approval. It should include details of the following:

- *A Preliminary Investigation incorporating a Phase I Desk Study (including site reconnaissance, development of a conceptual model and an initial risk assessment);*
- *A Phase II Ground Investigation (only if the Desk Study has determined that further assessment is required), comprising the following:*
  - *A survey of the extent, scale and nature of contamination, and reporting on the appropriate risk assessment(s) carried out with regards to Human Health, the Water Environment and Gas Characteristic Situation as well as an updated conceptual model of the site;*
  - *An appraisal of the remediation methods available and proposal of the preferred option(s).*

*The Desk Study and Ground Investigation must be undertaken by suitably qualified, experienced and competent persons and must be conducted in accordance with the relevant guidance and procedures.*

If it is concluded by the Reporting that remediation of the site is not required, then Parts 2 and 3 of this Condition can be disregarded.

## **Part 2**

*Prior to any works beginning on site (and where risks have been identified), a detailed Remediation Statement should be produced that shows the site is to be brought to a condition suitable for the intended use by the removal of unacceptable risks to all relevant and statutory receptors. The Statement should detail all works to be undertaken, proposed remediation objectives and remediation criteria as well as details of the procedures to be followed for the verification of the remedial works. It should also ensure that the site will not qualify as contaminated land under Part2A of the Environmental Protection Act 1990 in relation to the intended use of the land following development. The Statement must be submitted to the Planning Authority for approval.*

## **Part 3**

*The approved Remediation Statement must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out the agreed remediation. Following completion of the measures identified in the approved Remediation Statement, a Validation Report should be submitted that demonstrates the effectiveness of the remediation carried out. It must be approved by the Planning Authority prior to occupation of the new development.*

## **Part 4**

*In the event that 'unexpected' ground conditions (contamination) are encountered at any time when carrying out the permitted development, work on site shall cease and the issue shall be reported to the Planning Authority immediately. At this stage a Site Investigation and subsequent Risk Assessment may have to be carried out, if requested by the Planning Authority. It may also be necessary to submit a Remediation Strategy should the reporting determine that remedial measures are required. It should also be noted that a Verification Report would also need to be submitted confirming the satisfactory completion of these remedial works.*

*If no 'unexpected' ground conditions are encountered during the development works, then this should be confirmed to the Planning Authority prior to the use of the new development.*

Regards,

Scott

Cheers,

Scott

**Scott Callow | Senior Environmental Compliance Officer | Environmental Protection |  
Protective Services | East Lothian Council | John Muir House | Haddington | EH41 3HA**

Tel. 01620 827256

Email. [scallow@eastlothian.gov.uk](mailto:scallow@eastlothian.gov.uk)  
Visit our website at [www.eastlothian.gov.uk](http://www.eastlothian.gov.uk)



**From:** [Hunter, Liz](#)  
**To:** [Environment Reception](#)  
**Cc:** [REDACTED]  
**Date:** TRANSPORT PLANNING RESPONSE: 24/00741/P - James Allan - Planning Consultation  
19 August 2024 11:15:54

---

## EAST LoTHIAN COUNCIL ROAD SERVICES

From: Asset & Regulatory Manager

To: Service Manager, Planning

Proposal: Erection of 1 house, garage and associated works at Land at Newmains Whitekirk North Berwick East Lothian

The main Roads considerations with respect to this application are whether the property access could be exited safely and whether sufficient off-street parking is proposed.

The previous application for this site (23/01422/P) included Drawing No PL/007 Rev A showing the achievable visibility splay from the proposed access. While the achievable visibility splay of 2m x 81.6m to the north and 2m x 105.8m to the south did not meet the ELC standard of 2m x 120m for a 60mph speed limit road, I indicated that I was content that the bends to the north and south will act to keep actual vehicle speeds well below the advertised limit.

With this in mind, I can confirm that the proposed access arrangements are acceptable. The proposed parking area meets ELC requirements. I can therefore confirm that I have no objection to the proposals but would request that conditions requiring the following are attached to any grant of planning consent:

Driveway:

- should be permeable to reduce water run-off, and any run-off should be directed away from the road;
- the first 2m of the driveway should be hard-formed; loose gravel within a honeycomb system (e.g. Cedadrive) is not acceptable.
- any gates to open into the property and be set back by at least 6 metres so that cars entering or leaving do not require to stand on the carriageway while the gates are opened and closed.
- as the driveway connects directly to the carriageway, the first two metres will remain part of the adopted road and should be constructed to footway standard in asphalt
- the gradient of the driveway should be a maximum of 10%, and there should be an accessible path (maximum gradient 5%), from the driveway to an external door to the house.

EV Charging

- In line with current Building Standards, one Type 2 charger must be installed, either socketed or tethered with 7kW preferred to 3kW.

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

Send on behalf of IAN KING

ROADS SERVICES, ASSET & REGULATORY MANAGER

If telephoning, please ask for:

[Liz Hunter](#)

Senior Roads Officer

East Lothian Council, Penston House, Macmerry Industrial Estate, Macmerry, East Lothian EH33 1EX

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# National Planning Framework 4

## Policy 1



## Sustainable Places

### Tackling the climate and nature crises

#### Policy Principles

**Policy Intent:**

To encourage, promote and facilitate development that addresses the global climate emergency and nature crisis.

**Policy Outcomes:**

- Zero carbon, nature positive places.

**Local Development Plans:**

LDPs must address the global climate emergency and nature crisis by ensuring the spatial strategy will reduce emissions and adapt to current and future risks of climate change by promoting nature recovery and restoration in the area.

#### Policy 1

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

**Policy impact:**

- ✔ Just Transition
- ✔ Conserving and recycling assets
- ✔ Local living
- ✔ Compact urban growth
- ✔ Rebalanced development
- ✔ Rural revitalisation

**Key policy connections:**

All other policies.

## Policy 3

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### Biodiversity

#### Policy Principles

**Policy Intent:**

To protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks.

**Policy Outcomes:**

- Biodiversity is enhanced and better connected including through strengthened nature networks and nature-based solutions.

**Local Development Plans:**

LDPs should protect, conserve, restore and enhance biodiversity in line with the mitigation hierarchy. They should also promote nature recovery and nature restoration across the development plan area, including by: facilitating the creation of nature networks and strengthening connections between them to support improved ecological connectivity; restoring degraded habitats or creating new habitats; and incorporating measures to increase biodiversity, including populations of priority species.

### Policy 3

- a) Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.
- b) Development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all of the following criteria:
  - i. the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;
  - ii. wherever feasible, nature-based solutions have been integrated and made best use of;
  - iii. an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;
  - iv. significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long-term retention and monitoring should be included, wherever appropriate; and
  - v. local community benefits of the biodiversity and/or nature networks have been considered.
- c) Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. Applications for individual householder development, or which fall within scope of (b) above, are excluded from this requirement.
- d) Any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration.



## Policy 5

### Soils

#### Policy Principles

**Policy Intent:**

To protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development.

**Policy Outcomes:**

- Valued soils are protected and restored.
- Soils, including carbon-rich soils, are sequestering and storing carbon.
- Soils are healthy and provide essential ecosystem services for nature, people and our economy.

**Local Development Plans:**

LDPs should protect locally, regionally, nationally and internationally valued soils, including land of lesser quality that is culturally or locally important for primary use.

#### Policy 5

- a) Development proposals will only be supported if they are designed and constructed:
- i. In accordance with the mitigation hierarchy by first avoiding and then minimising the amount of disturbance to soils on undeveloped land; and
  - ii. In a manner that protects soil from damage including from compaction and erosion, and that minimises soil sealing.
- b) Development proposals on prime agricultural land, or land of lesser quality that is culturally or locally important for primary use, as identified by the LDP, will only be supported where it is for:
- i. Essential infrastructure and there is a specific locational need and no other suitable site;
  - ii. Small-scale development directly linked to a rural business, farm or croft or for essential workers for the rural business to be able to live onsite;
- iii. The development of production and processing facilities associated with the land produce where no other local site is suitable;
  - iv. The generation of energy from renewable sources or the extraction of minerals and there is secure provision for restoration; and
- In all of the above exceptions, the layout and design of the proposal minimises the amount of protected land that is required.
- c) Development proposals on peatland, carbon-rich soils and priority peatland habitat will only be supported for:
- i. Essential infrastructure and there is a specific locational need and no other suitable site;
  - ii. The generation of energy from renewable sources that optimises the contribution of the area to greenhouse gas emissions reductions targets;
  - iii. Small-scale development directly linked to a rural business, farm or croft;
  - iv. Supporting a fragile community in a rural or island area; or
  - v. Restoration of peatland habitats.
- d) Where development on peatland, carbon-rich soils or priority peatland habitat is proposed, a detailed site specific assessment will be required to identify:
- i. the baseline depth, habitat condition, quality and stability of carbon rich soils;
  - ii. the likely effects of the development on peatland, including on soil disturbance; and
  - iii. the likely net effects of the development on climate emissions and loss of carbon.

This assessment should inform careful project design and ensure, in accordance with relevant guidance and the mitigation hierarchy, that adverse impacts are first avoided and then minimised through best practice. A peat management plan will be required to demonstrate that this approach has been followed, alongside other appropriate plans required for restoring and/ or enhancing the site into a functioning peatland system capable of achieving carbon sequestration.

- e) Development proposals for new commercial peat extraction, including extensions to existing sites, will only be supported where:
- i. the extracted peat is supporting the Scottish whisky industry;
  - ii. there is no reasonable substitute;
  - iii. the area of extraction is the minimum necessary and the proposal retains an in-situ residual depth of peat of at least 1 metre across the whole site, including drainage features;
  - iv. the time period for extraction is the minimum necessary; and
  - v. there is an agreed comprehensive site restoration plan which will progressively restore, over a reasonable timescale, the area of extraction to a functioning peatland system capable of achieving carbon sequestration.

**Policy impact:**

- ✔ Just Transition
- ✔ Conserving and recycling assets
- ✔ Rebalanced development
- ✔ Rural revitalisation

**Key policy connections:**

[Tackling the climate and nature crises](#)

[Climate mitigation and adaptation](#)

[Biodiversity](#)

[Natural places](#)

[Forestry, woodland and trees](#)

[Historic assets and places](#)

[Energy](#)

[Blue and green infrastructure](#)

[Rural development](#)

## Forestry, woodland and trees

### Policy Principles

#### Policy Intent:

To protect and expand forests, woodland and trees.

#### Policy Outcomes:

- Existing woodlands and trees are protected, and cover is expanded.
- Woodland and trees on development sites are sustainably managed.

#### Local Development Plans:

LDPs should identify and protect existing woodland and the potential for its enhancement or expansion to avoid habitat fragmentation and improve ecological connectivity, helping to support and expand nature networks. The spatial strategy should identify and set out proposals for forestry, woodlands and trees in the area, including their development, protection and enhancement, resilience to climate change, and the expansion of a range of types to provide multiple benefits. This will be supported and informed by an up to date Forestry and Woodland Strategy.

### Policy 6

- Development proposals that enhance, expand and improve woodland and tree cover will be supported.
- Development proposals will not be supported where they will result in:
  - Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition;
  - Adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy;
  - Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy;
  - Conflict with Restocking Direction, Remedial Notice or Registered Notice to Comply issued by Scottish Forestry.

- Development proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal. Where woodland is removed, compensatory planting will most likely be expected to be delivered.
- Development proposals on sites which include an area of existing woodland or land identified in the Forestry and Woodland Strategy as being suitable for woodland creation will only be supported where the enhancement and improvement of woodlands and the planting of new trees on the site (in accordance with the Forestry and Woodland Strategy) are integrated into the design.

#### Policy impact:

- ✔ Just Transition
- ✔ Conserving and recycling assets
- ✔ Rebalanced development
- ✔ Rural revitalisation

#### Key policy connections:

- [Tackling the climate and nature crises](#)
- [Climate mitigation and adaptation](#)
- [Biodiversity](#)
- [Natural places](#)
- [Soils](#)
- [Historic assets and places](#)
- [Green belts](#)
- [Energy](#)
- [Design, quality and place](#)
- [Local Living and 20 minute neighbourhoods](#)
- [Heat and cooling](#)
- [Blue and green infrastructure](#)
- [Play, recreation and sport](#)
- [Flood risk and water management](#)
- [Health and safety](#)
- [Tourism](#)

- f) Demolition of buildings in a conservation area which make a positive contribution to its character will only be supported where it has been demonstrated that:
  - i. reasonable efforts have been made to retain, repair and reuse the building;
  - ii. the building is of little townscape value;
  - iii. the structural condition of the building prevents its retention at a reasonable cost; or
  - iv. the form or location of the building makes its reuse extremely difficult.
- g) Where demolition within a conservation area is to be followed by redevelopment, consent to demolish will only be supported when an acceptable design, layout and materials are being used for the replacement development.
- h) Development proposals affecting scheduled monuments will only be supported where:
  - i. direct impacts on the scheduled monument are avoided;
  - ii. significant adverse impacts on the integrity of the setting of a scheduled monument are avoided; or
  - iii. exceptional circumstances have been demonstrated to justify the impact on a scheduled monument and its setting and impacts on the monument or its setting have been minimised.
- i) Development proposals affecting nationally important Gardens and Designed Landscapes will be supported where they protect, preserve or enhance their cultural significance, character and integrity and where proposals will not significantly impact on important views to, from and within the site, or its setting.
- j) Development proposals affecting nationally important Historic Battlefields will only be supported where they protect and, where appropriate, enhance their cultural significance, key landscape characteristics, physical remains and special qualities.
- k) Development proposals at the coast edge or that extend offshore will only be supported where proposals do not significantly hinder the preservation objectives of Historic Marine Protected Areas.
- l) Development proposals affecting a World Heritage Site or its setting will only be supported where their Outstanding Universal Value is protected and preserved.
- m) Development proposals which sensitively repair, enhance and bring historic buildings, as identified as being at risk locally or on the national Buildings at Risk Register, back into beneficial use will be supported.
- n) Enabling development for historic environment assets or places that would otherwise be unacceptable in planning terms, will only be supported when it has been demonstrated that the enabling development proposed is:
  - i. essential to secure the future of an historic environment asset or place which is at risk of serious deterioration or loss; and
  - ii. the minimum necessary to secure the restoration, adaptation and long-term future of the historic environment asset or place.

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

Where impacts cannot be avoided they should be minimised. Where it has been demonstrated that avoidance or retention is not possible, excavation, recording, analysis, archiving, publication and activities to provide public benefit may be required through the use of conditions or legal/planning obligations.

When new archaeological discoveries are made during the course of development works, they must be reported to the planning authority to enable agreement on appropriate inspection, recording and mitigation measures.

**Key policy connections:**

- [Tackling the climate and nature crises](#)
- [Climate mitigation and adaptation](#)
- [Natural places](#)
- [Forestry, woodland and trees](#)
- [Green belts](#)
- [Brownfield, vacant and derelict land and empty buildings](#)
- [Coastal development](#)

## Policy 13

### Sustainable transport

#### Policy Principles

**Policy Intent:**

To encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.

**Policy Outcomes:**

- Investment in transport infrastructure supports connectivity and reflects place-based approaches and local living.
- More, better, safer and more inclusive active and sustainable travel opportunities.
- Developments are in locations which support sustainable travel.

**Local Development Plans:**

LDPs should prioritise locations for future development that can be accessed by sustainable modes. The spatial strategy should reflect the sustainable travel hierarchy and sustainable investment hierarchy by making best use of existing infrastructure and services.

LDPs should promote a place-based approach to consider how to reduce car-dominance. This could include low traffic schemes, shared transport options, designing-in speed controls, bus/cycle priority, pedestrianisation and minimising space dedicated to car parking. Consideration should be given to the type, mix and use of development; local living and 20 minute neighbourhoods; car ownership levels; the accessibility of proposals and allocations by sustainable modes; and the accessibility for users of all abilities.

LDPs should be informed by an appropriate and effective transport appraisal undertaken in line with relevant transport appraisal guidance. Plans should be informed by evidence of the area's transport infrastructure capacity, and an appraisal of the spatial strategy on the transport network. This should identify any potential cumulative transport impacts and deliverable

mitigation proposed to inform the plan's infrastructure first approach. Where there is likely to be an impact on the trunk road or rail network, early engagement with Transport Scotland is required.

**Policy 13**

- a) Proposals to improve, enhance or provide active travel infrastructure, public transport infrastructure or multi-modal hubs will be supported. This includes proposals:
- i. for electric vehicle charging infrastructure and electric vehicle forecourts, especially where fuelled by renewable energy.
  - ii. which support a mode shift of freight from road to more sustainable modes, including last-mile delivery.
  - iii. that build in resilience to the effects of climate change and where appropriate incorporate blue and green infrastructure and nature rich habitats (such as natural planting or water systems).
- b) Development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:
- i. Provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;
  - ii. Will be accessible by public transport, ideally supporting the use of existing services;
  - iii. Integrate transport modes;
  - iv. Provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards;
  - v. Supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking;
  - vi. Are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles;

- vii. Have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and
  - viii. Adequately mitigate any impact on local public access routes.
- c) Where a development proposal will generate a significant increase in the number of person trips, a transport assessment will be required to be undertaken in accordance with the relevant guidance.
- d) Development proposals for significant travel generating uses will not be supported in locations which would increase reliance on the private car, taking into account the specific characteristics of the area.
- e) Development proposals which are ambitious in terms of low/no car parking will be supported, particularly in urban locations that are well-served by sustainable transport modes and where they do not create barriers to access by disabled people.
- f) Development proposals for significant travel generating uses, or smaller-scale developments where it is important to monitor travel patterns resulting from the development, will only be supported if they are accompanied by a Travel Plan with supporting planning conditions/obligations. Travel plans should set out clear arrangements for delivering against targets, as well as monitoring and evaluation.
- g) Development proposals that have the potential to affect the operation and safety of the Strategic Transport Network will be fully assessed to determine their impact. Where it has been demonstrated that existing infrastructure does not have the capacity to accommodate a development without adverse impacts on safety or unacceptable impacts on operational performance, the cost of the mitigation measures required to ensure the continued safe and effective operation of the network should be met by the developer.

While new junctions on trunk roads are not normally acceptable, the case for a new junction will be considered by Transport Scotland where significant economic or regeneration benefits can be demonstrated. New junctions will only be considered if they are designed in accordance with relevant guidance and where there will be no adverse impact on road safety or operational performance.

**Policy impact:**

- ✔ Just Transition
- ✔ Conserving and recycling assets
- ✔ Local living
- ✔ Compact urban growth
- ✔ Rebalanced development
- ✔ Rural revitalisation

**Key policy connections:**

- [Tackling the climate and nature crises](#)
- [Climate mitigation and adaptation](#)
- [Design, quality and place](#)
- [Local Living and 20 minute neighbourhoods](#)
- [Infrastructure first](#)
- [Quality homes](#)
- [Rural homes](#)
- [Blue and green infrastructure](#)
- [Business and industry](#)
- [City, town, local and commercial centres](#)
- [Retail](#)
- [Rural development](#)
- [Tourism](#)



## Liveable Places

### Design, quality and place

#### Policy Principles

**Policy Intent:**

To encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle.

**Policy Outcomes:**

- Quality places, spaces and environments.
- Places that consistently deliver healthy, pleasant, distinctive, connected, sustainable and adaptable qualities.

**Local Development Plans:**

LDPs should be place-based and created in line with the Place Principle. The spatial strategy should be underpinned by the [six qualities of successful places](#). LDPs should provide clear expectations for design, quality and place taking account of the local context, characteristics and connectivity of the area. They should also identify where more detailed design guidance is expected, for example, by way of design frameworks, briefs, masterplans and design codes.

Planning authorities should use the Place Standard tool in the preparation of LDPs and design guidance to engage with communities and other stakeholders. They should also where relevant promote its use in early design discussions on planning applications.

**Policy 14**

- a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.
- b) Development proposals will be supported where they are consistent with the six qualities of successful places:

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

**Pleasant:** Supporting attractive natural and built spaces.

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

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

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

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

Further details on delivering the [six qualities of successful places](#) are set out in Annex D.

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

## Quality homes

### Policy Principles

#### Policy Intent:

To encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland.

#### Policy Outcomes:

- Good quality homes are at the heart of great places and contribute to strengthening the health and wellbeing of communities.
- Provision of land in the right locations to accommodate future need and demand for new homes, supported by the appropriate infrastructure.
- More energy efficient, net zero emissions homes, supporting a greener, fairer and more inclusive wellbeing economy and community wealth building, tackling both fuel and child poverty.

#### Local Development Plans:

LDPs are expected to identify a Local Housing Land Requirement for the area they cover. This is to meet the duty for a housing target and to represent how much land is required. To promote an ambitious and plan-led approach, the Local Housing Land Requirement is expected to exceed the 10 year [Minimum All-Tenure Housing Land Requirement \(MATHLR\)](#) set out in Annex E.

Deliverable land should be allocated to meet the 10 year Local Housing Land Requirement in locations that create quality places for people to live. Areas that may be suitable for new homes beyond 10 years are also to be identified. The location of where new homes are allocated should be consistent with local living including, where relevant, 20 minute neighbourhoods and an infrastructure first approach. In rural and island areas, authorities are encouraged to set out tailored approaches to housing which

reflect locally specific market circumstances and delivery approaches. Diverse needs and delivery models should be taken into account across all areas, as well as allocating land to ensure provision of accommodation for Gypsy/Travellers and Travelling Showpeople where need is identified.

The LDP delivery programme is expected to establish a deliverable housing land pipeline for the Local Housing Land Requirement. The purpose of the pipeline is to provide a transparent view of the phasing of housing allocations so that interventions, including infrastructure, that enable delivery can be planned: it is not to stage permissions. Representing when land will be brought forward, phasing is expected across the short (1-3 years), medium (4-6 years) and long-term (7-10 years). Where sites earlier in the deliverable housing land pipeline are not delivering as programmed, and alternative delivery mechanisms identified in the delivery programme are not practical, measures should be considered to enable earlier delivery of long-term deliverable sites (7-10 years) or areas identified for new homes beyond 10 years. De-allocations should be considered where sites are no longer deliverable. The annual Housing Land Audit will monitor the delivery of housing land to inform the pipeline and the actions to be taken in the delivery programme.

### Policy 16

- a) Development proposals for new homes on land allocated for housing in LDPs will be supported.
- b) Development proposals that include 50 or more homes, and smaller developments if required by local policy or guidance, should be accompanied by a Statement of Community Benefit. The statement will explain the contribution of the proposed development to:
  - i. meeting local housing requirements, including affordable homes;
  - ii. providing or enhancing local infrastructure, facilities and services; and
  - iii. improving the residential amenity of the surrounding area.



- c) Development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported. This could include:
- i. self-provided homes;
  - ii. accessible, adaptable and wheelchair accessible homes;
  - iii. build to rent;
  - iv. affordable homes;
  - v. a range of size of homes such as those for larger families;
  - vi. homes for older people, including supported accommodation, care homes and sheltered housing;
  - vii. homes for people undertaking further and higher education; and
  - viii. homes for other specialist groups such as service personnel.
- d) Development proposals for public or private, permanent or temporary, Gypsy/Travellers sites and family yards and Travelling Showpeople yards, including on land not specifically allocated for this use in the LDP, should be supported where a need is identified and the proposal is otherwise consistent with the plan spatial strategy and other relevant policies, including human rights and equality.
- e) Development proposals for new homes will be supported where they make provision for affordable homes to meet an identified need. Proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes, unless the LDP sets out locations or circumstances where:
- i. a higher contribution is justified by evidence of need, or
  - ii. a lower contribution is justified, for example, by evidence of impact on viability, where proposals are small in scale, or to incentivise particular types of homes that are needed to diversify the supply, such as self-build or wheelchair accessible homes.
- The contribution is to be provided in accordance with local policy or guidance.
- f) Development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where:
- i. the proposal is supported by an agreed timescale for build-out; and
  - ii. the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods;
  - iii. and either:
    - delivery of sites is happening earlier than identified in the deliverable housing land pipeline. This will be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained; or
    - the proposal is consistent with policy on rural homes; or
    - the proposal is for smaller scale opportunities within an existing settlement boundary; or
    - the proposal is for the delivery of less than 50 affordable homes as part of a local authority supported affordable housing plan.
- g) Householder development proposals will be supported where they:
- i. do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and
  - ii. do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.
- h) Householder development proposals that provide adaptations in response to risks from a changing climate, or relating to people with health conditions that lead to particular accommodation needs will be supported.

## Policy 17

### Rural homes

#### Policy Principles

**Policy Intent:**

To encourage, promote and facilitate the delivery of more high quality, affordable and sustainable rural homes in the right locations.

**Policy Outcomes:**

- Improved choice of homes across tenures so that identified local needs of people and communities in rural and island areas are met.
- Homes are provided that support sustainable rural communities and are linked with service provision.
- The distinctive character, sense of place and natural and cultural assets of rural areas are safeguarded and enhanced.

**Local Development Plans:**

LDPs should be informed by an understanding of population change over time, locally specific needs and market circumstances in rural and island areas.

LDPs should set out tailored approaches to rural housing and where relevant include proposals for future population growth – including provision for small-scale housing such as crofts and woodland crofts and the appropriate resettlement of previously inhabited areas. The Scottish Government's 6 fold Urban Rural Classification 2020 should be used to identify remote rural areas. Plans should reflect locally appropriate delivery approaches. Previously inhabited areas that are suitable for resettlement should be identified in the spatial strategy.

#### Policy 17

- a) Development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area and the development:
- i. is on a site allocated for housing within the LDP;
  - ii. reuses brownfield land where a return to a natural state has not or will not happen without intervention;
  - iii. reuses a redundant or unused building;
  - iv. is an appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;
  - v. is demonstrated to be necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work;
  - vi. is for a single home for the retirement succession of a viable farm holding;
  - vii. is for the subdivision of an existing residential dwelling; the scale of which is in keeping with the character and infrastructure provision in the area; or
  - viii. reinstates a former dwelling house or is a one-for-one replacement of an existing permanent house.
- b) Development proposals for new homes in rural areas will consider how the development will contribute towards local living and take into account identified local housing needs (including affordable housing), economic considerations and the transport needs of the development as appropriate for the rural location.
- c) Development proposals for new homes in remote rural areas will be supported where the proposal:
- i. supports and sustains existing fragile communities;
  - ii. supports identified local housing outcomes; and

- iii. is suitable in terms of location, access, and environmental impact.
- d) Development proposals for new homes that support the resettlement of previously inhabited areas will be supported where the proposal:
- is in an area identified in the LDP as suitable for resettlement;
  - is designed to a high standard;
  - responds to its rural location; and
  - is designed to minimise greenhouse gas emissions as far as possible.

**Policy impact:**

- ✔ Just Transition
- ✔ Conserving and recycling assets
- ✔ Local living
- ✔ Compact urban growth
- ✔ Rebalanced development
- ✔ Rural revitalisation

**Key policy connections:**

- [Tackling the climate and nature crises](#)
- [Climate mitigation and adaptation](#)
- [Natural places](#)
- [Historic assets and places](#)
- [Green belts](#)
- [Brownfield, vacant and derelict land and empty buildings](#)
- [Coastal development](#)
- [Sustainable transport](#)
- [Design, quality and place](#)
- [Local Living and 20 minute neighbourhoods](#)
- [Infrastructure first](#)
- [Quality homes](#)
- [City, town, local and commercial centres](#)
- [Rural development](#)
- [Tourism](#)

## Policy 29

### Rural development

#### Policy Principles

##### Policy Intent:

To encourage rural economic activity, innovation and diversification whilst ensuring that the distinctive character of the rural area and the service function of small towns, natural assets and cultural heritage are safeguarded and enhanced.

##### Policy Outcomes:

- Rural places are vibrant and sustainable and rural communities and businesses are supported.
- A balanced and sustainable rural population.

#### Local Development Plans:

LDPs should identify the characteristics of rural areas within the plan area, including the existing pattern of development, pressures, environmental assets, community priorities and economic needs of each area. The spatial strategy should set out an appropriate approach to development in rural areas which reflects the identified characteristics. The Scottish Government's 6 fold Urban Rural Classification 2020 should be used to identify remote rural areas. Spatial strategies should support the sustainability and prosperity of rural communities and economies. Previously inhabited areas which are suitable for resettlement should be identified in the spatial strategy.

#### Policy 29

- a) Development proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy will be supported, including:
- i. farms, crofts, woodland crofts or other land use businesses, where use of good quality land for development is minimised and business viability is not adversely affected;
  - ii. diversification of existing businesses;
  - iii. production and processing facilities for local produce and materials, for example sawmills, or local food production;
  - iv. essential community services;
  - v. essential infrastructure;
  - vi. reuse of a redundant or unused building;
  - vii. appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;
  - viii. reuse of brownfield land where a return to a natural state has not or will not happen without intervention;
  - ix. small scale developments that support new ways of working such as remote working, homeworking and community hubs; or
  - x. improvement or restoration of the natural environment.
- b) Development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area. They should also consider how the development will contribute towards local living and take into account the transport needs of the development as appropriate for the rural location.
- c) Development proposals in remote rural areas, where new development can often help to sustain fragile communities, will be supported where the proposal:
- i. will support local employment;
  - ii. supports and sustains existing communities, for example through provision of digital infrastructure; and
  - iii. is suitable in terms of location, access, siting, design and environmental impact.
- d) Development proposals that support the resettlement of previously inhabited areas will be supported where the proposal:
- i. is in an area identified in the LDP as suitable for resettlement;
  - ii. is designed to a high standard;
  - iii. responds to their rural location; and
  - iv. is designed to minimise greenhouse gas emissions as far as possible.

## East Lothian Local Development Plan 2018

### Policy DC1

#### Policy DC1: Rural Diversification

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

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

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

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

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

### Policy DC4

#### Policy DC4: New Build Housing in the Countryside

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

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

## Policy DC5

### Policy DC5: Housing as Enabling Development

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

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

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

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

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

## Policy DP2

## Policy DP2: Design

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

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

## Policy NH7

### Policy NH7: Protecting Soils

Development on prime quality agricultural land or rare or carbon rich soils, such as peat, will not be permitted unless:

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

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

In the case of carbon rich soils, in order that the Council may assess the merits of the proposal, applicants must demonstrate the effect it would have on CO<sub>2</sub> emissions as a result of its construction and where relevant operation.

## Policy NH8

### Policy NH8: Trees and Development

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

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

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

## Policy T1

### Policy T1: Development Location and Accessibility

New developments shall be located on sites that are capable of being conveniently and safely accessed on foot and by cycle, by public transport as well as by private vehicle, including adequate car parking provision in accordance with the Council's standards. The submission of Travel Plans may also be required in support of certain proposals.

## Policy T2

### Policy T2 : General Transport Impact

New development must have no significant adverse impact on:

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

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