

LOCAL REVIEW BODY

23 January 2025

Application No: 24/00837/P

**Cour Cottage, Congalton, North Berwick EH39 5JP**

Appointed Officer's Submission

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Cour Cottage, Congalton, North Berwick, EH39 5JP

Planning Application no. 24/00837/P: Side, front and first floor extensions to house and erection of garage.

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3. Stamped Refused Drawing.
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5. Schedule of conditions

\* no consultation responses received.

# OFFICER REPORT

**18th October 2024**

App No. **24/00837/P**

Application registered on **16th August 2024**

Target Date **15th October 2024**

Proposal	<b>Side, front and first floor extensions to house and erection of garage</b>	SDELL	/N
		CDEL	/N
Location	<b>Cour Cottage Congalton North Berwick EH39 5JP</b>	Bad Neighbour Development	N

APPLICANT: **Mr Kenny Erskine**

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

**c/o Scott Allan  
36 Wallace Avenue  
Wallyford  
East Lothian  
EH21 8BZ**

DECISION TYPE:

**Application Refused**

## PLANNING ASSESSMENT

The property to which this application relates is a single storey detached cottage, its detached garage, associated outbuildings and garden ground. The property is located within Congalton, some 4km south of North Berwick. The property is located within a countryside location as defined by Policy DC1 of the adopted East Lothian Local Development Plan 2018 ('ELLDP 2018'). The Congalton Local Garden and Designed Landscape is located to the north and northwest of the application site.

The property and its curtilage are bounded to the north-west by the road of the B1347 and to the south, south-west and north-east by agricultural land.

The existing house is a single storey, 2 bedrooomed house that has a lounge, kitchen, bathroom and dining room and entrance porch. It also has a greenhouse and store attached to its side (southeast) elevation. It has a detached garage and shed located in its garden ground. The original house has an internal floor area of some 74 sqm.

Planning permission is sought for the enlargement of the 2 bed roomed house to a one and a half storey 5 bed roomed house through the addition of 3 extensions - a side, front and first floor extension -and for the erection of a new detached garage.

The house as it would be enlarged would have 5 bedrooms. There would be 3 further bedrooms, one of which would have an ensuite shower room and a further shower room in its roof space and an open plan kitchen/dining room/lounge, bathroom and laundry/ drying room on its ground floor. The footprint of the house would increase to 156sqm.

Three extensions in total are proposed as part of this application. The first of the three extensions would form as a porch located on the front (north-east) elevation of the existing dwellinghouse. The porch would be one storey in height and would have a pitched roof. The porch would be some 2.4m in length by 1.3m in width. It would be some 2.2m in height from its eaves and some 3.5m in height from its ridge height.

A front door with windows on either side would be located on the front (north-east) elevation of the porch. There would be no other glazed openings on this porch. The porch roof would be clad in natural slates and the external walls would be clad in timber. Windows frames and doors would be of UPVC construction and black in colour.

The second extension is proposed to be located on the side (south-east) elevation of the existing house. It would be some 12m in length by some 6.4m in width. It would be 1.5 storeys in height and would have a pitched roof. The proposed ridge height would be some 7m in height inclusive of any and the eaves would be some 3.6m in height from ground level.

A set of 4 nos. bi-fold doors and a separate window opening would be positioned on the side (southeast) elevation of the proposed extension, 2x sets of floor to ceiling windows would be positioned on the front (north east) elevation of the proposed extension, 1x window opening would be positioned on the side (north west) elevation of the proposed extension and 1x window opening would be proposed on the rear (south west) elevation.

The third proposed extension would consist of a first-floor extension to the main body of the house. It would be some 13m in length at its widest part and some 7.6m in width. The ridge height would some 7 - 7.5m in height inclusive of any under build. The eaves would be some 4m at their tallest point inclusive of any under build. The extension would have a pitched roof and would attach onto the north-west roof slope of the proposed 1.5 storey side extension. The side and first floor extensions would form together in an 'L' shaped formation. Two dormer windows and 1x skylight would be formed on the north-east (front) roof slope and two additional dormer windows and 1x skylight would be formed on the south-west (rear) elevation.

The proposed 1.5 storey extension and the 1st floor extension would be finished in roughcast render. The roofs would be clad in pantiles and dormer roofs would be clad in slate. Window frames and doors would be black in colour and of upvc construction. Fascia boards, soffits and downpipes would also be of upvc construction.

The proposed garage would be positioned to the north-west of the site. It would be detached from the dwellinghouse and would be some 6m in length by 4m in width. It would have a total height of some 5.6m in height from the ridge and 2.5m from its eaves. It would have a

pitched roof clad in pantiles and the walls would be finished with roughcast render. The garage door would be black in colour.

Demolition works, several alterations to the existing dwellinghouse and the installation of an air source heat pump in this instance do not require the grant of planning permission and thus whilst detailed within the application drawings, they do not form as part of this application for planning permission and will not therefore be assessed as such.

Subsequent to the registration of this application, the word 'front' was added into the application description to include for the porch extension. As the footprint is some 3.12m in area, exceeding 3 metres squared, it would require the grant of planning permission in accordance with Class 1C of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended). Drawings did originally include for the porch extension prior to the validation of the application, there was however no mention of this within the application description. Further to a request by the case officer, proposed drawings were updated with correct scales on 18th October 2024.

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

The development plan is the adopted National Planning Framework 4 ('NPF4') and the adopted East Lothian Local Development Plan 2018 ('ELLDP 2018').

Policies 14 (Design, Quality and Place), 16 (Quality Homes) and 17 (Rural homes) of NPF4 and Policies DC3 (Replacement Dwellings in the Countryside), DC4 (New Build Housing in the Countryside), DP2 (Design) and DP5 (Extensions and Alterations to Existing Buildings) and T2 (General Transport Impact) of the adopted ELLDP 2018 are relevant to the determination of this application.

No public letters of objection have been received in relation to this application.

Due to the location of the house in relation to neighbouring residential properties the proposals would not harm the residential amenity of any neighbouring residential properties.

The Council's Road Services were consulted as part of this application and did not make any comment on proposals, being satisfied that proposals comply with Policy T2 of the ELLDP 2018.

Amongst other matters, Policy 14 of NPF4 states that development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.

Policy 16 of NPF4 states that householder development proposals will be supported where they do not have a detrimental impact on the character or environmental quality of the surrounding area in terms of size, design and materials and do not have a detrimental effect on neighbouring properties in terms of physical impact, overshadowing or overlooking.

Policy DP5 of the adopted ELLDP 2018 echoes Policies 14 and 16 of NPF4 and amongst other points, states that all alterations and extensions to either a house or a building must be

subservient and well-integrated into their surroundings, in addition to being in keeping with the original building. Accordingly, such development must be of a size, form, proportion and scale appropriate to its surroundings and, where the existing building has architectural merit, proposals must be in keeping with that building or complementary to the existing buildings in the locality as well as the original building.

Policy DP2 of the adopted ELLDP 2018, requires that all new development be well designed and integrated into its surroundings.

The property is situated within a countryside location in East Lothian, and is a single storey detached house with a detached garage, outbuildings and associated garden ground.

The proposed 1st floor extension would see the ridge height increased by some 1.8m in height, creating a 1.5 storey house, from an existing single storey cottage. In addition, the front and side extensions would see the footprint of the house increased in size from the original footprint of the house (excluding existing extensions to be demolished) of 74sqm to 156sqm. The number of bedrooms would also increase from 2 bedrooms to a total of 5 bedrooms.

The existing house occupies a fairly prominent, roadside position. However, by virtue of it being single storey in height and of a modest architectural style, it sits comfortably within its landscape setting and does not appear unduly intrusive or exposed. The proposals would radically alter the size, proportions and architectural form of the house changing it from a modest single storey, 2 bedroomed house into a much larger, one and a half storey, 5 bedroomed house. The proposed extensions would, by their size, massing and floor area, be a dominant and incompatible addition to the built form of the existing house. By being bigger than the existing footprint of the house, the proposed extensions would not appear as an integral part of the original cottage but instead would be an addition to it that would significantly overwhelm it. Consequently, the house as it is proposed to be enlarged would be fundamentally different from the architectural form, character and appearance of the existing house, causing it to have a much greater visual impact on its setting and the landscape of the area. Therefore, due to its much larger form, size, scale, massing and proportions, the proposed extensions would not be of a size, form, proportion and scale appropriate to the existing house, would not be subservient to it. Therefore, the proposed extensions would not be subservient to or in keeping with the existing house and would not be of size, form, proportion and scale appropriate to the existing house. Instead, they would have a detrimental impact on the character of the house and the surrounding area. The proposed extensions are therefore contrary to Policies 14 and 16 of NPF4 and Policy DP5 of the adopted ELLDP 2018.

Due to the size and scale of the proposed extensions the effect of them would be tantamount to the creation of a new house in the countryside. That new house would not be a like for like replacement for the existing house and no case has been made for a new house to meet an agriculture, horticulture or forestry need. No other operational need has been submitted which justifies the transformation of the existing house by the addition to it of the proposed extensions. Assessed on the basis that through the resultant radical transformation of the size, form, character and appearance of the existing house the proposed extensions are tantamount to the creation of a new house in the countryside the proposals are also contrary to Policy 17 of NPF4 and Policies DC3 and DC4 of the ELLDP 2018.

Furthermore, whilst the proposed detached replacement garage would be smaller in terms of its overall footprint than the existing garage on-site, it would have a steeper pitched roof and would be greater in height than the existing garage and the existing house. Moreover, it would be situated forward of the side (north-west) elevation of the house. Therefore, owing to its size and position the proposed garage would be harmful to the setting of the house and harmful to the character and appearance of the surrounding area contrary to Policies 14 and 16 of NPF4 and Policy DP2 of the adopted ELLDP 2018.

Overall and based on the whole scheme of development as proposed, proposals would be inappropriate in terms of their size, scale and proportion and would therefore be contrary to Policies 14, 16 and 17 of NPF4 and Policies DC3, DC4, DP2 and DP5 of the adopted ELLDP 2018. No material considerations outweigh this conflict with the development plan.

## REASONS FOR REFUSAL

- 1 The proposed extensions would, by their size, massing and floor area, be a dominant and incompatible addition to the built form of the existing house. By being bigger than the existing footprint of the house, the proposed extensions would not appear as an integral part of the original cottage but instead would be an addition to it that would significantly overwhelm it. Therefore due to its much larger form, size, scale, massing and proportions, the proposed extensions would not be of a size, form, proportion and scale appropriate to the existing house, would not be subservient to it and therefore would not be either in keeping with or complementary to it contrary to Policies 14 and 16 of NPF4 and Policy DP5 (Extensions and Alterations to Existing Buildings) of the adopted East Lothian Local Development Plan 2018.
- 2 Due to the size and scale of the proposed extensions the effect of them would be tantamount to the creation of a new house in the countryside. That new house would not be a like for like replacement for the existing house and no case has been made for a new house to meet an agriculture, horticulture or forestry need. No other operational need has been submitted which justifies the transformation of the existing house by the addition to it of the proposed extensions. Assessed on the basis that through the resultant radical transformation of the size, form, character and appearance of the existing house the proposed extensions are tantamount to the creation of a new house in the countryside the proposals are also contrary to Policy 17 of NPF4 and Policies DC3 and DC4 of the ELLDP 2018.
- 3 Owing to its size and position the proposed garage would be harmful to the setting of the house and harmful to the character and appearance of the surrounding area contrary to Policies 14 and 16 of NPF4 and Policy DP2 of the adopted ELLDP 2018.

## LETTERS FROM

18th October 2024



App No. 24/00837/P

**EAST LoTHIAN COUNCIL  
DECISION NOTICE**

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

**Mr Kenny Erskine  
c/o Scott Allan  
36 Wallace Avenue  
Wallyford  
East Lothian  
EH21 8BZ**

**APPLICANT: Mr Kenny Erskine**

With reference to your application registered on 16th August 2024 for planning permission under the above mentioned Acts and Regulations for the following development, viz:-

**Side, front and first floor extensions to house and erection of garage  
at  
Cour Cottage  
Congalton  
North Berwick  
EH39 5JP**

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 proposed extensions would, by their size, massing and floor area, be a dominant and incompatible addition to the built form of the existing house. By being bigger than the existing footprint of the house, the proposed extensions would not appear as an integral part of the original cottage but instead would be an addition to it that would significantly overwhelm it. Therefore due to its much larger form, size, scale, massing and proportions, the proposed extensions would not be of a size, form, proportion and scale appropriate to

the existing house, would not be subservient to it and therefore would not be either in keeping with or complementary to it contrary to Policies 14 and 16 of NPF4 and Policy DP5 (Extensions and Alterations to Existing Buildings) of the adopted East Lothian Local Development Plan 2018.

- 2 Due to the size and scale of the proposed extensions the effect of them would be tantamount to the creation of a new house in the countryside. That new house would not be a like for like replacement for the existing house and no case has been made for a new house to meet an agriculture, horticulture or forestry need. No other operational need has been submitted which justifies the transformation of the existing house by the addition to it of the proposed extensions. Assessed on the basis that through the resultant radical transformation of the size, form, character and appearance of the existing house the proposed extensions are tantamount to the creation of a new house in the countryside the proposals are also contrary to Policy 17 of NPF4 and Policies DC3 and DC4 of the ELLDP 2018.
- 3 Owing to its size and position the proposed garage would be harmful to the setting of the house and harmful to the character and appearance of the surrounding area contrary to Policies 14 and 16 of NPF4 and Policy DP2 of the adopted ELLDP 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>
2024-59-000	-	08.08.2024
2024-59-002B	-	16.08.2024
2024-59-001A	-	18.10.2024
2024-59-003B	-	18.10.2024

**21st October 2024**

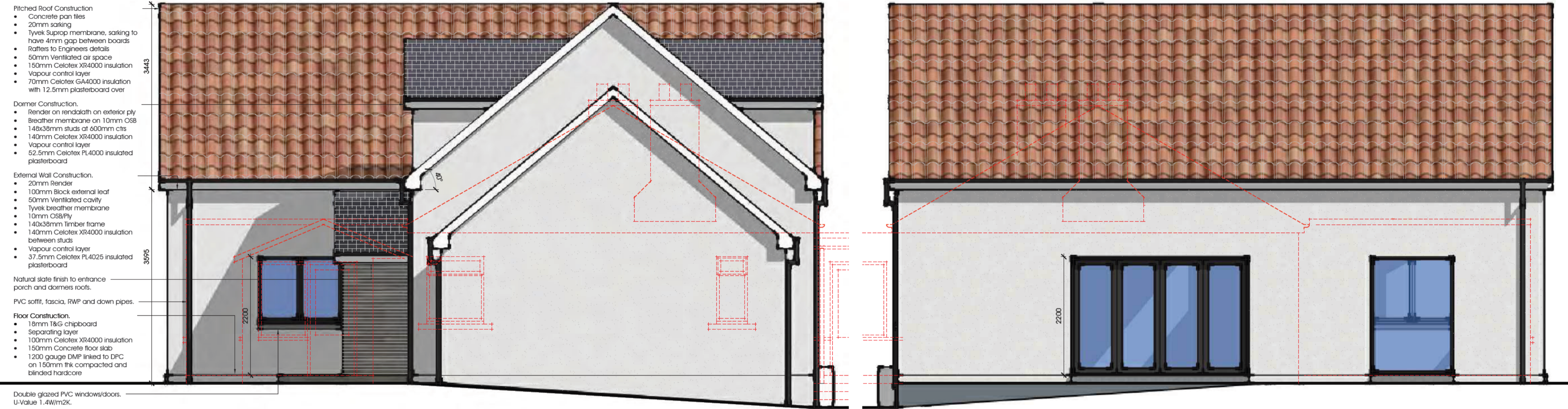


Keith Dingwall  
Service Manager - Planning  
(Chief Planning Officer)

## 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.



Proposed North West Elevation | 1:50

Proposed South East Elevation | 1:50



Proposed North East Elevation | 1:50



Proposed South West Elevation | 1:50



Architectural Illustration 01 | NTS



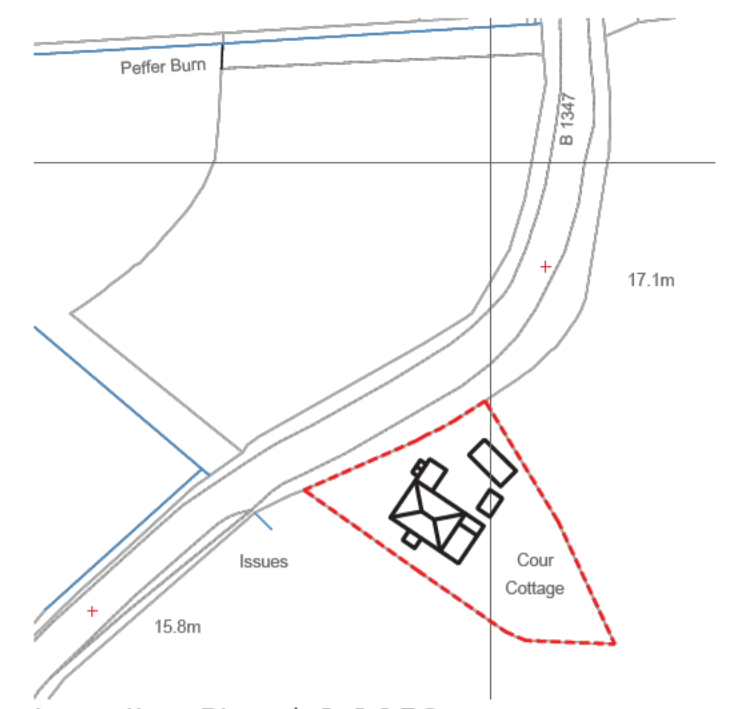
Architectural Illustration 02 | NTS



Architectural Illustration 03 | NTS



Architectural Illustration 04 | NTS



Location Plan | 1:1250

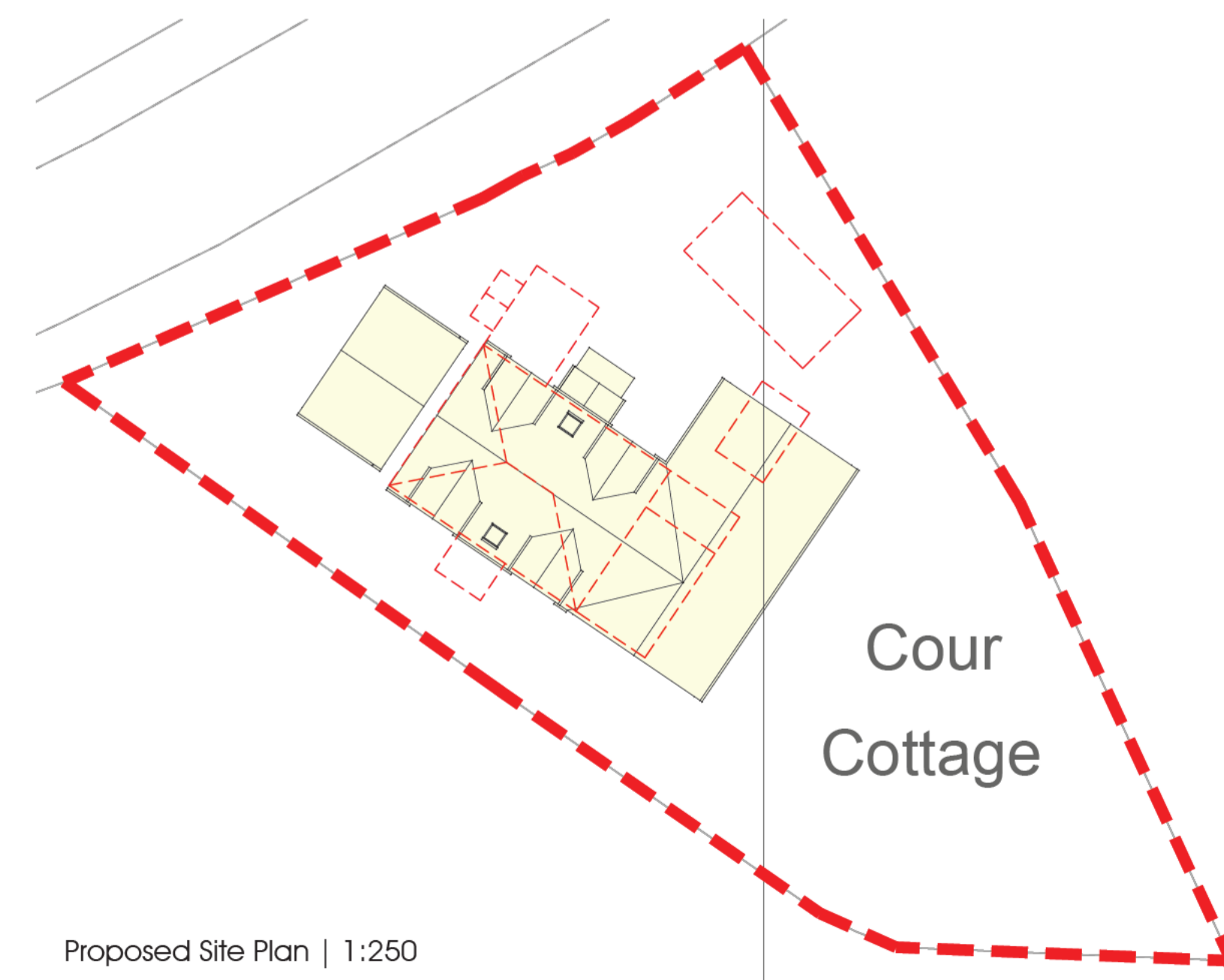


AI Render 01 | NTS

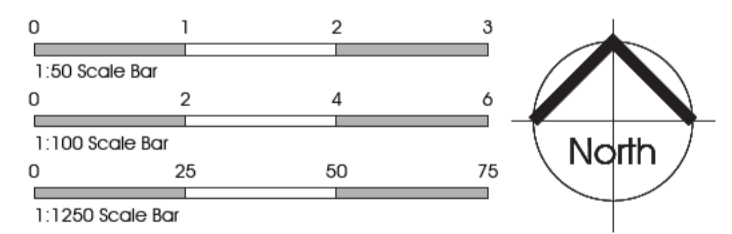


AI Render 02 | NTS

- Material Specification:**
- External Walls**
    - Roughcast on Existing Masonry Walls (White)
    - Roughcast on New Timber Frame/Block Walls (White)
  - Roof**
    - Concrete Pan Tiles (Red)
    - Natural Slate (Grey)
  - Windows and Doors**
    - Double Glazed PVC Window (Grey)
    - Double Glazed Bi-Folding Doors (Grey)
    - Natural Timber Entrance Door
  - Gutters and Down Pipes**
    - PVC Gutters and Down Pipes (Black)
    - PVC Soffit and Fascia (White)
- Total Site Area:**  
Area: 96.0sqm
- Existing House including Porch and Dining Room Extensions:**  
Area: 96.0sqm
- Existing Green House and Store:**  
Area: 28.0sqm
- Proposed Ground Floor Extension:**  
Area: 79.0sqm
- Proposed First Floor Extension:**  
Area: 74.0sqm
- Proposed Garage:**  
Area: 27.0sqm



Proposed Site Plan | 1:250



Rev | A | Updated for Planning | 17/10/2024  
 Rev | A | Updated for Planning | 09/08/2024  
 Revision: Description: Date

*Scott Francis Allan*  
 Architectural Design

36 Wallace Avenue | Wallyford | East Lothian | EH21 8BZ  
 Mobile: 07790 846 990 | Email: scott@ego3d.co.uk  
 Facebook.com/scottfrancisallan

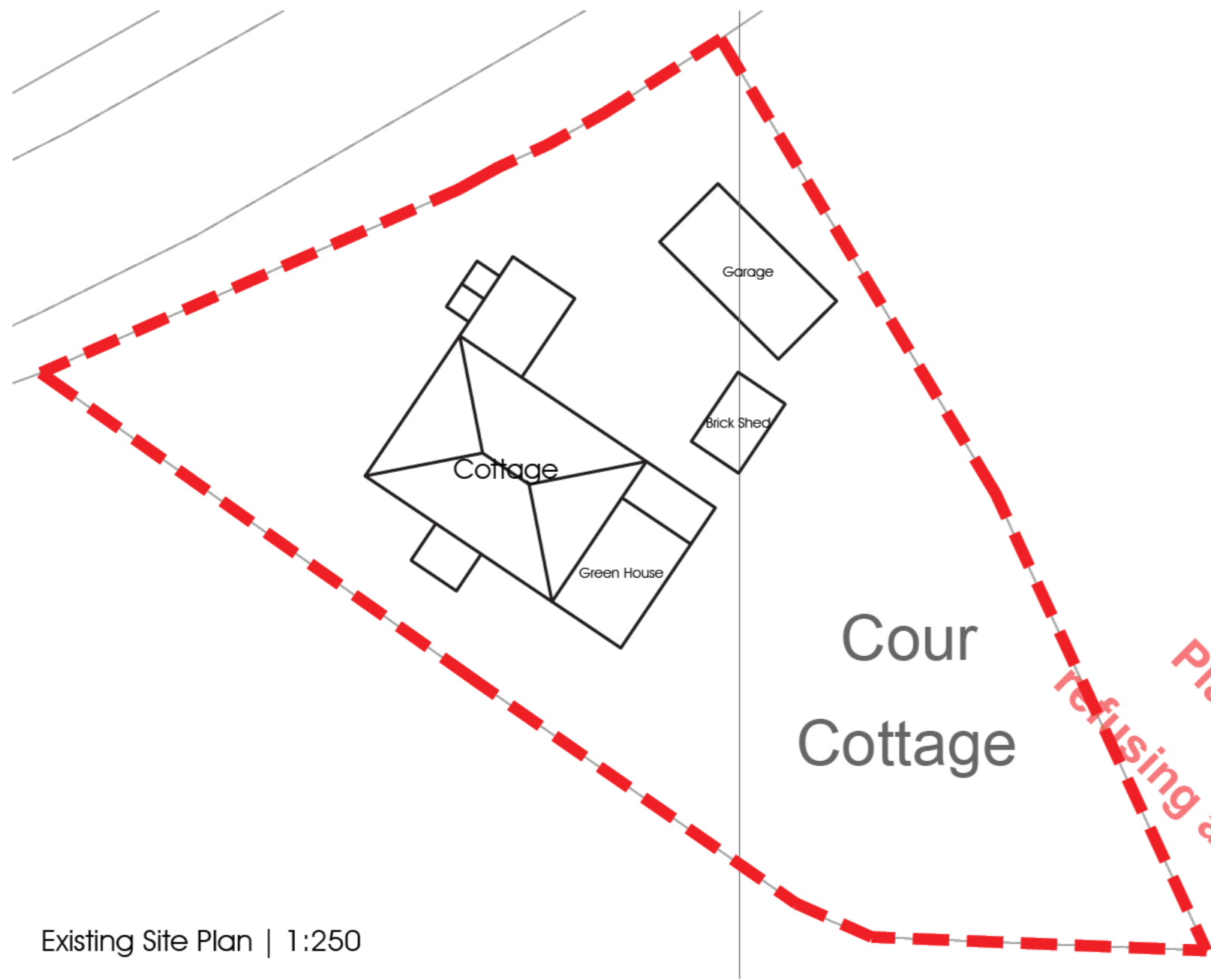
**Planning & Building Warrant**

Project:  
**Proposed Redevelopment of Existing Cottage to form  
 5 Bedroom Family Home with Detached Garage  
 Cour Cottage, Congallon Gardens, North Berwick, EH39 5JP**

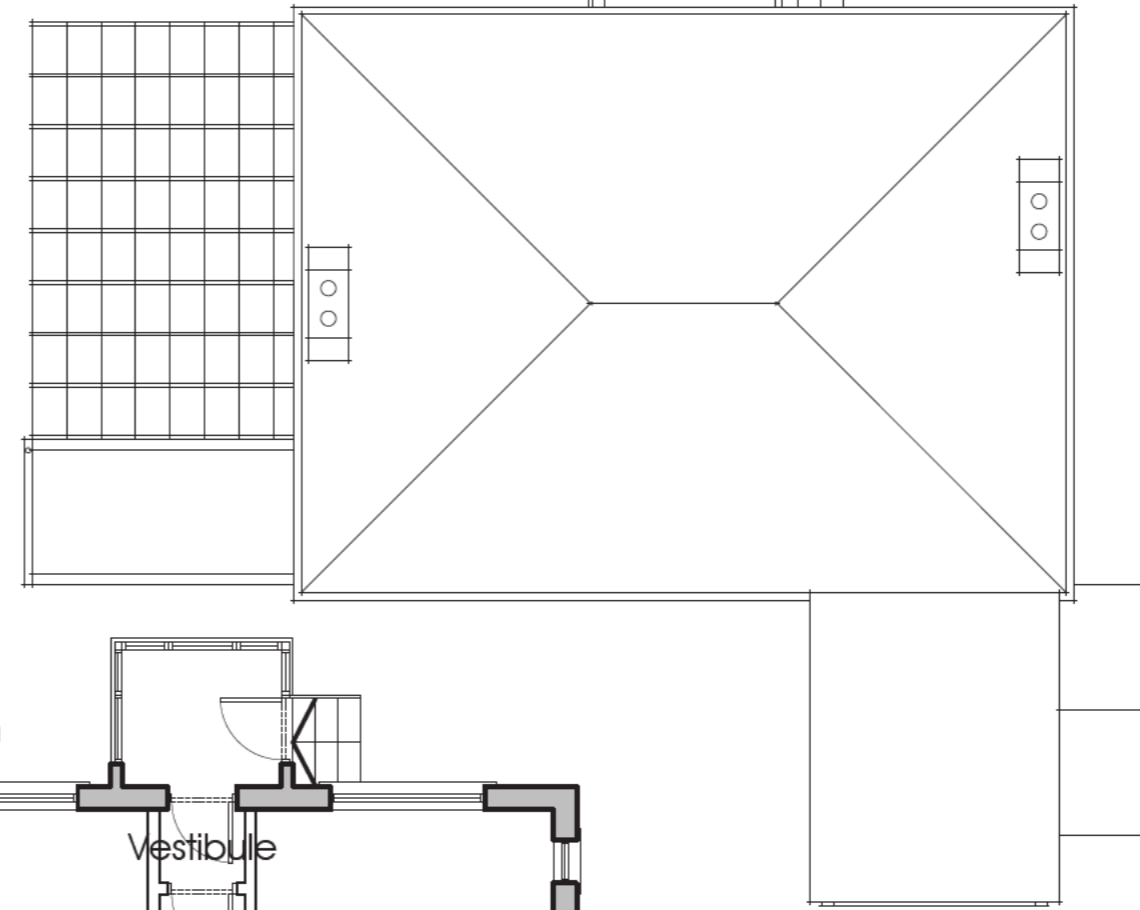
Client:  
**Kenny Erskine**

Drawing:  
**Proposed Elevation, Site Plan and Illustrations**

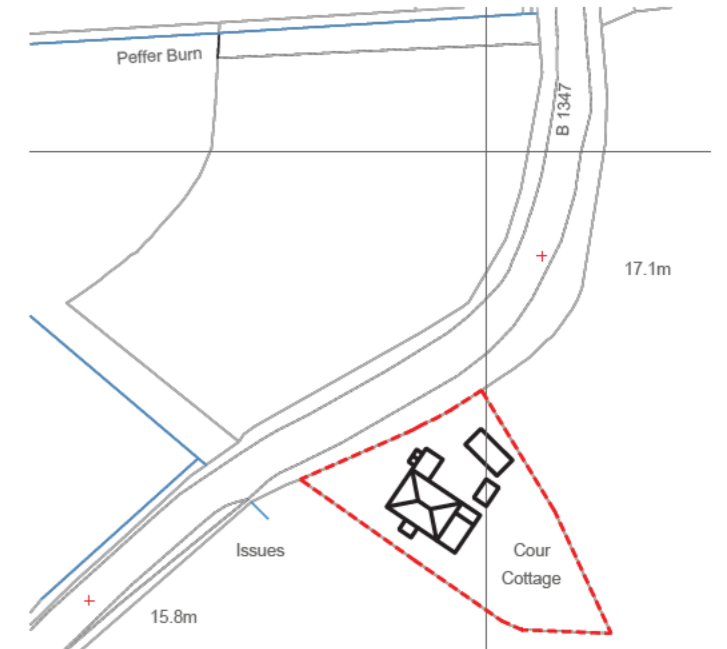
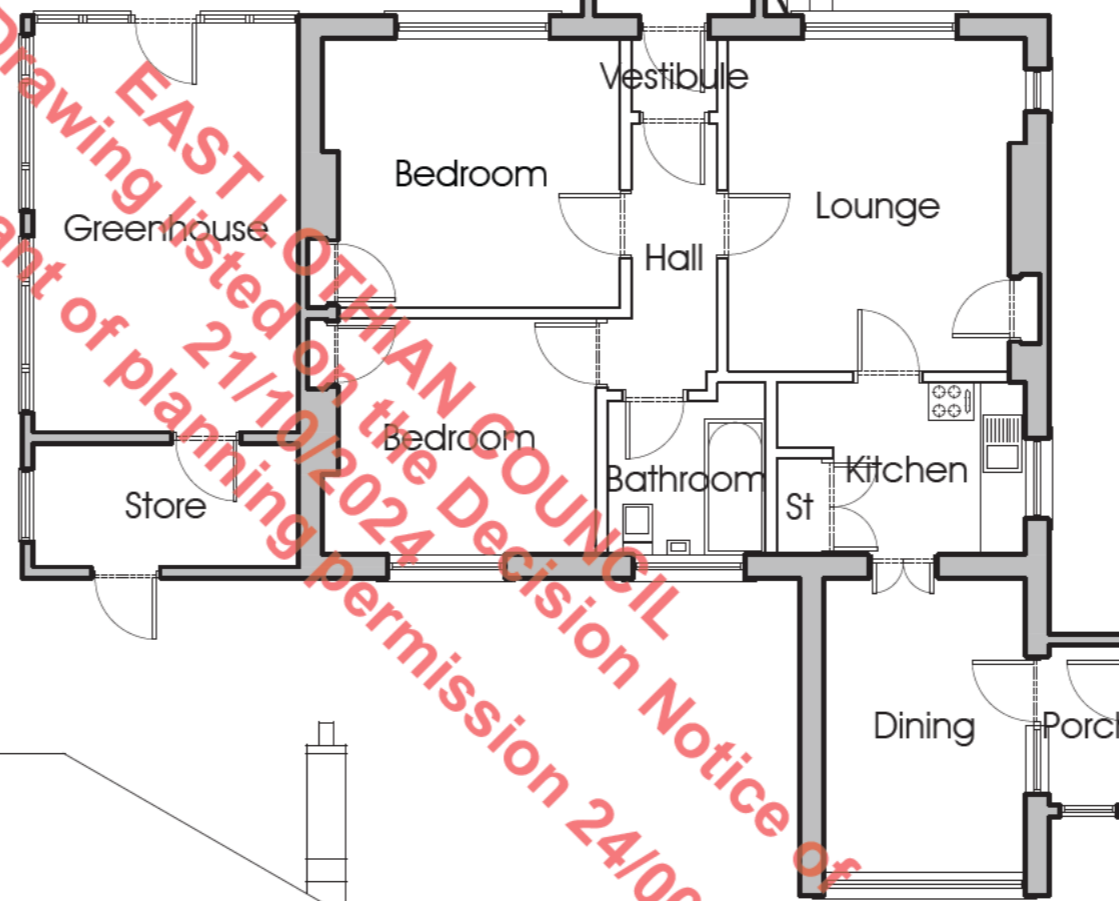
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Existing Roof Plan | 1:100



Existing Floor Plan | 1:100



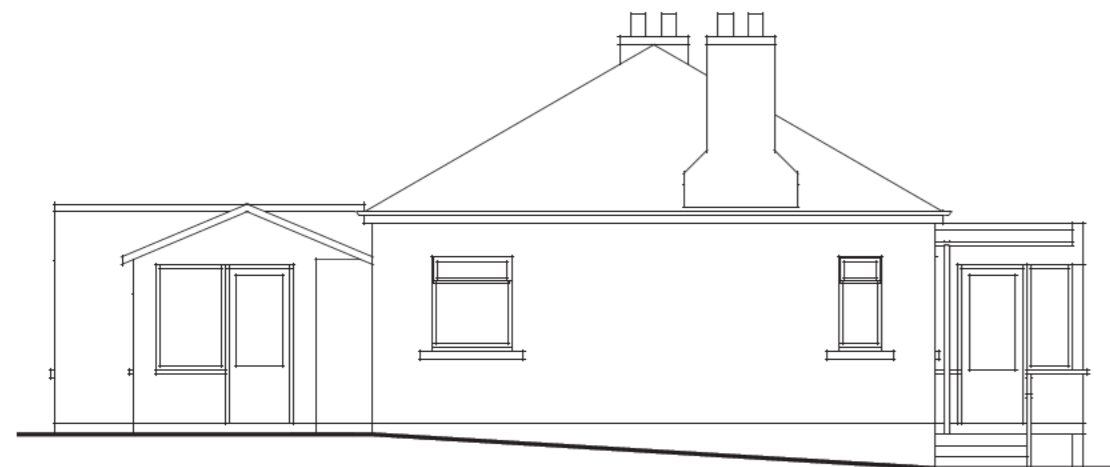
Location Plan | 1:1250



Architectural Illustration 01 | NTS



Architectural Illustration 02 | NTS



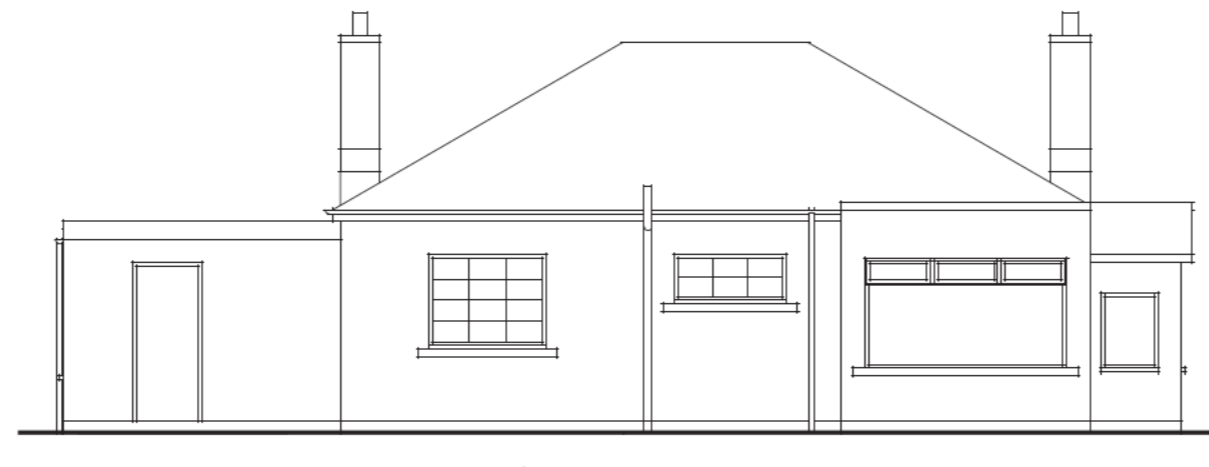
Existing North West Elevation | 1:100



Existing South West Elevation | 1:100



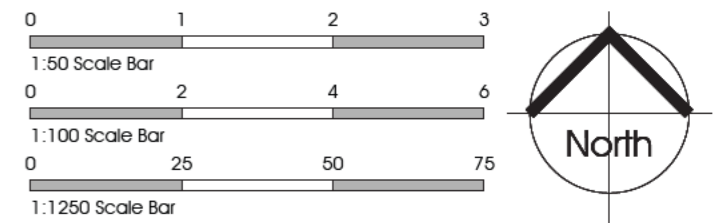
Existing South East Elevation | 1:100



Existing North East Elevation | 1:100

Use figured dimensions only | Discrepancies to be reported

EAST Lothian Council  
 Refusing a grant of planning permission 24/00837/P  
 Plan/Drawing listed on the Decision Notice of 21/10/2024



Rev   A	Updated for Planning	17/10/2024
Revision:	Description:	Date:

*Scott Francis Allan*  
 Architectural Design  
 36 Wallace Avenue | Wallyford | East Lothian | EH21 8BZ  
 Mobile: 07790 846 990 | Email: scott@ego3d.co.uk  
 Facebook.com/scottfrancisallan

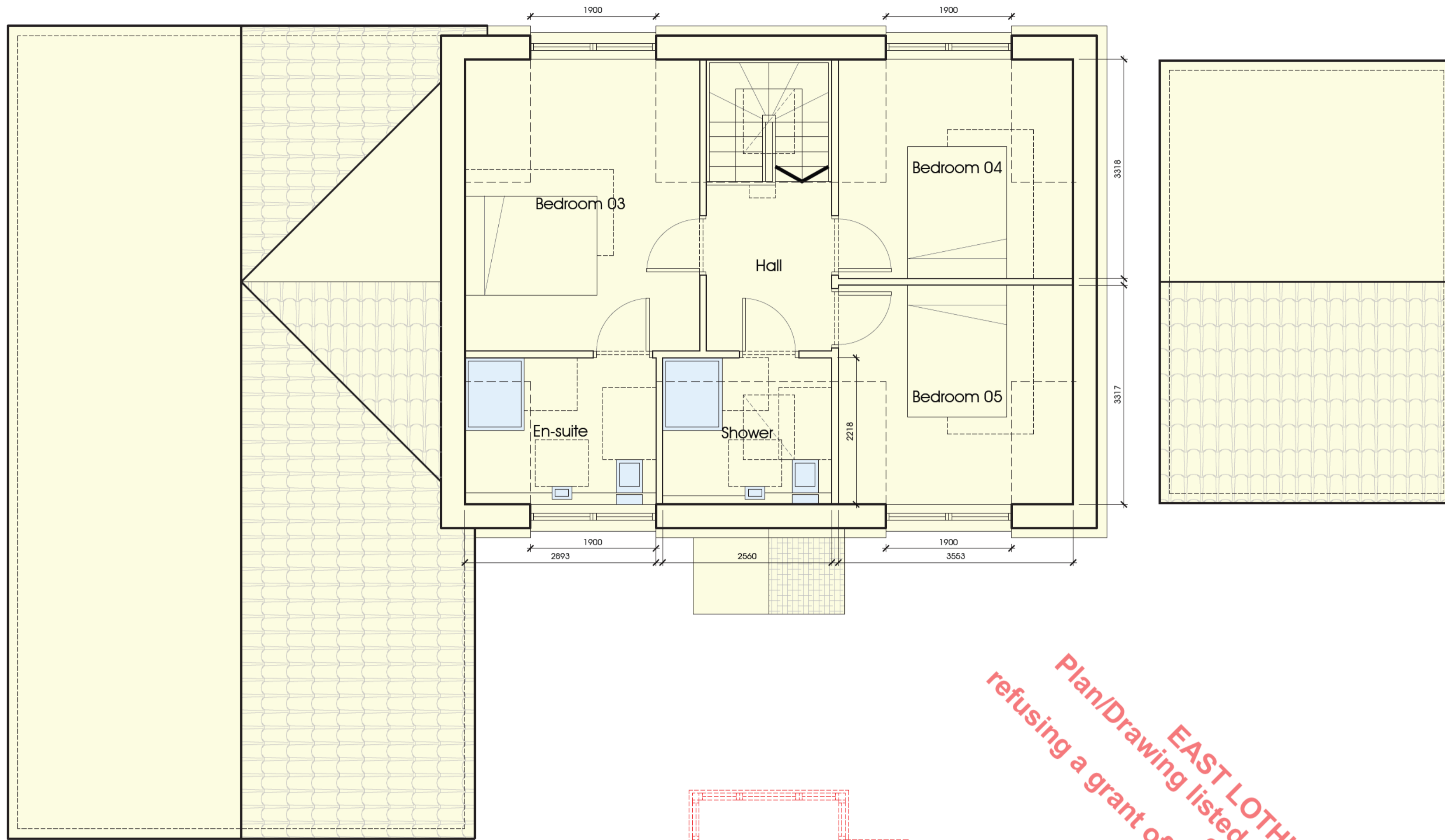
**Planning & Building Warrant**

Project:  
 Proposed Redevelopment of Existing Cottage to form  
 5 Bedroom Family Home with Detached Garage  
 Cour Cottage, Congalton Gardens, North Berwick, EH39 5JP

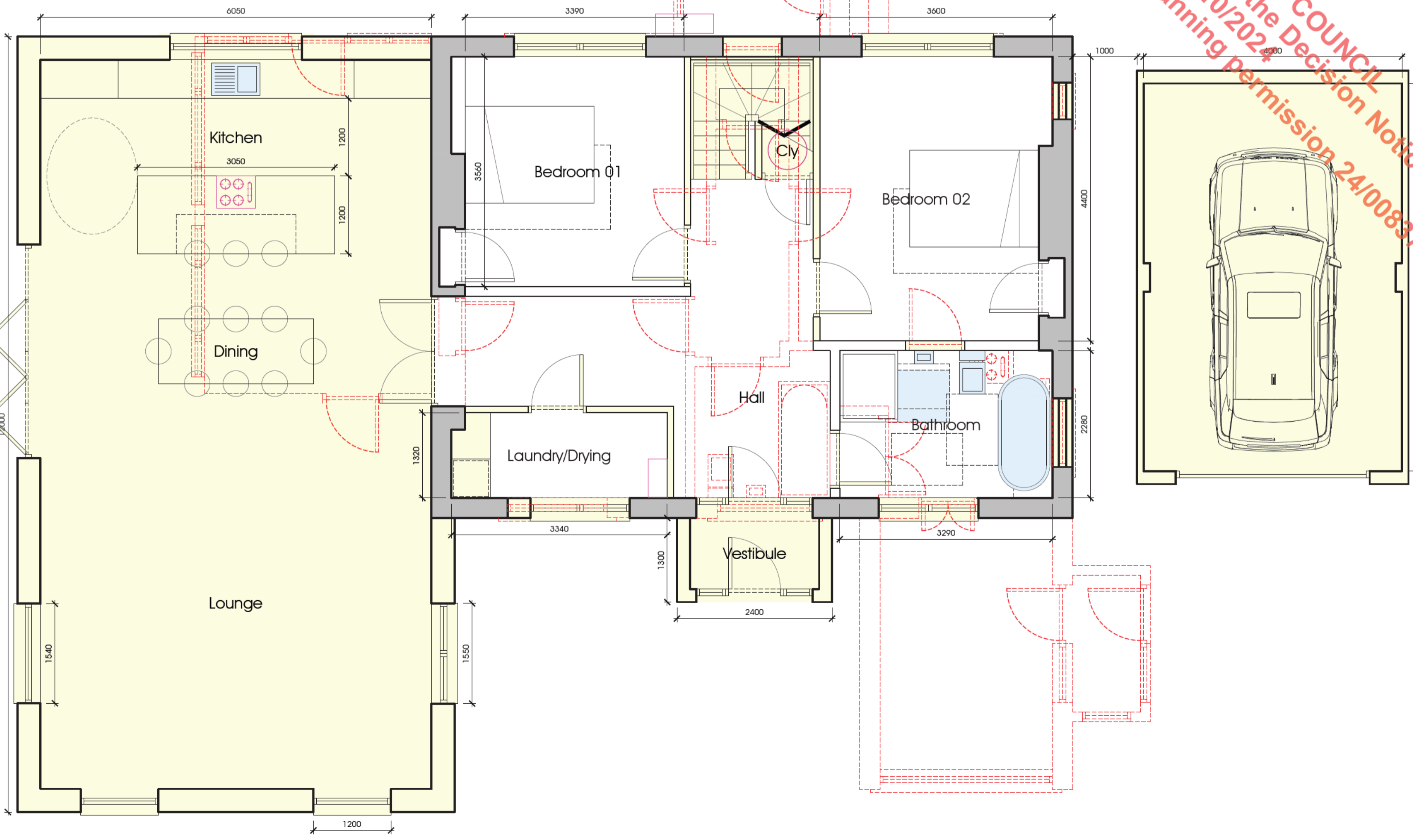
Client:  
**Kenny Erskine**

Drawing:  
 Existing Floor Plan, Elevation, Site Plan and Illustrations

Drawing No. 2024-59-001A	Scale: As Noted	Date: Aug 2024	Name: SAllan	Sheet Size: A2
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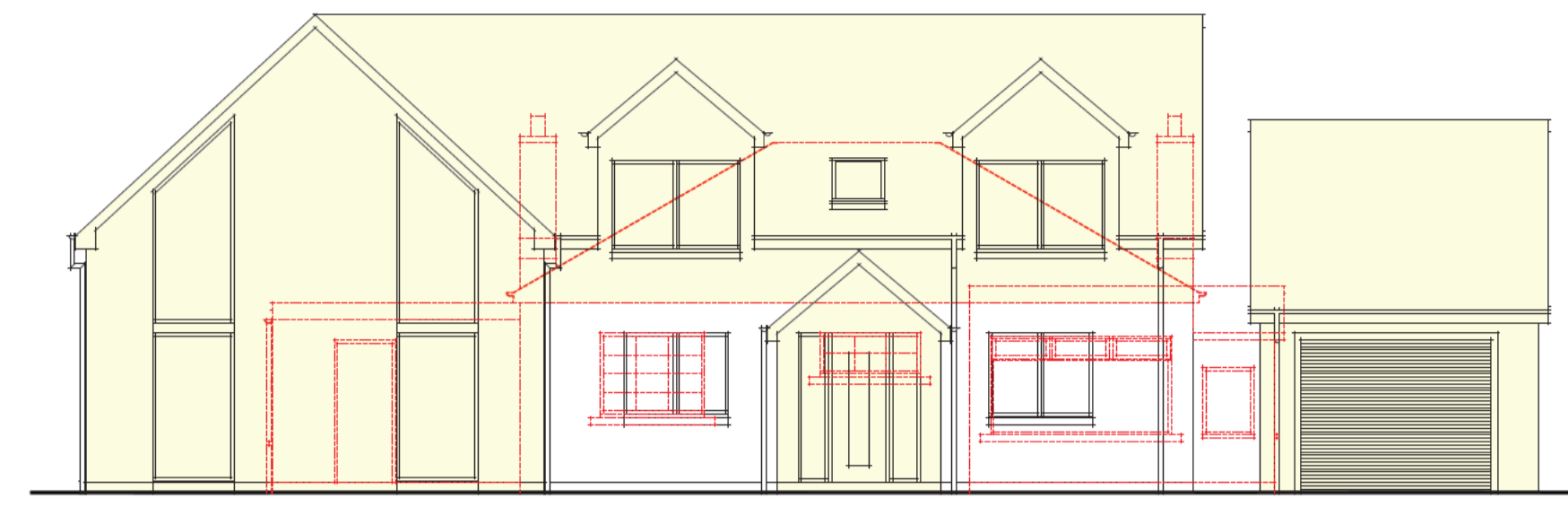


Proposed First Floor Plan | 1:50

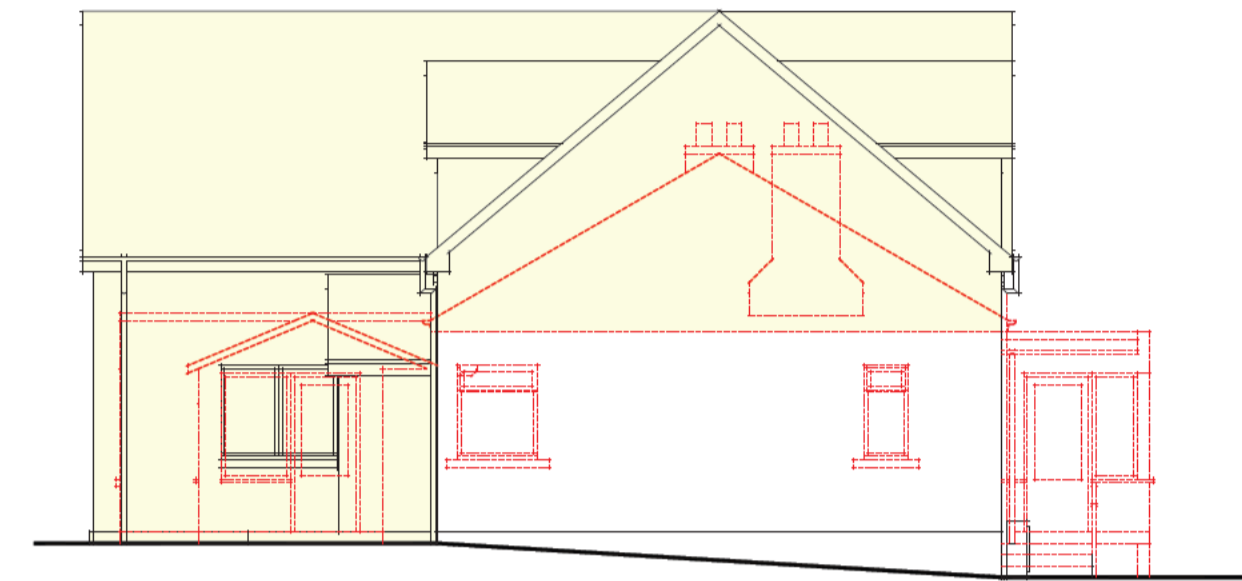


Proposed Ground Floor Plan | 1:50

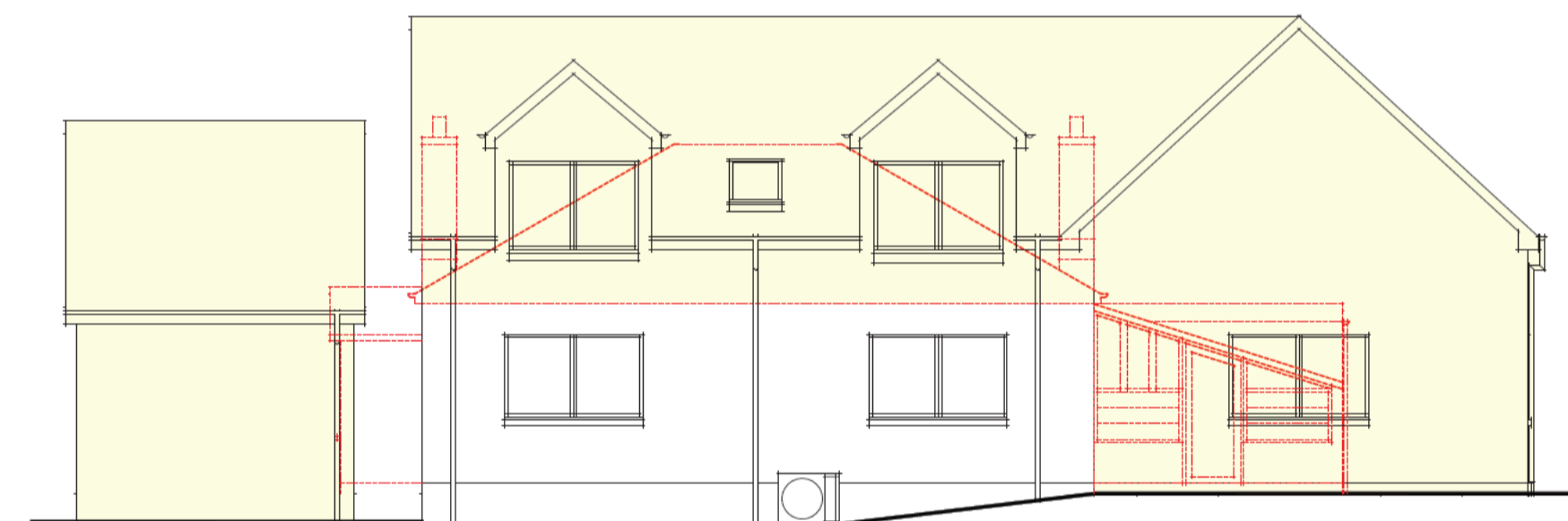
Use figured dimensions only | Discrepancies to be reported



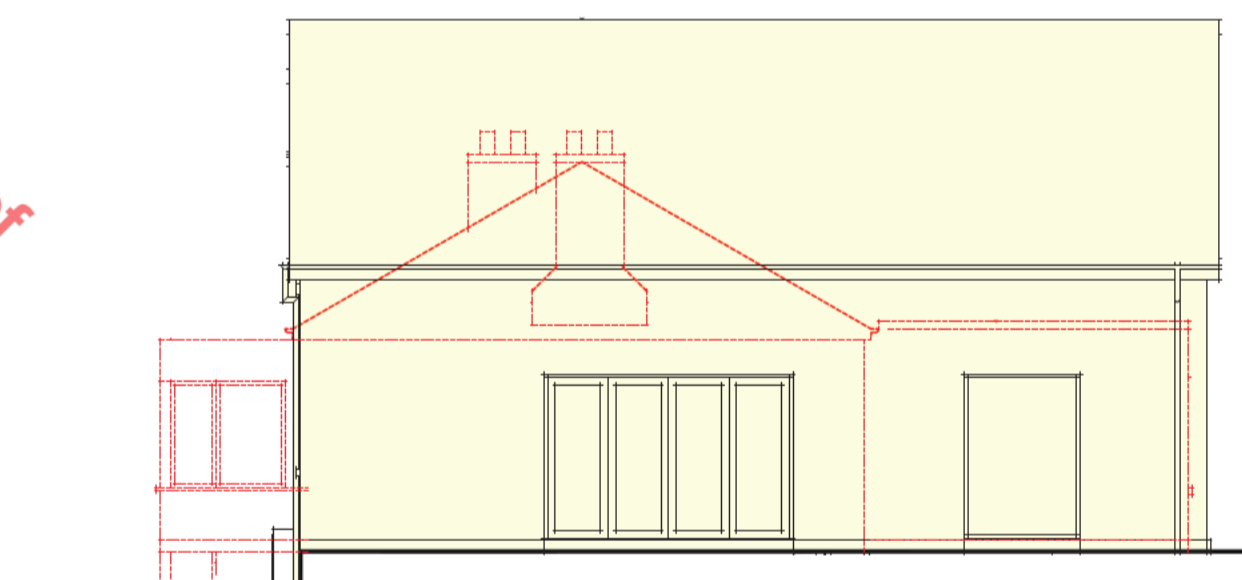
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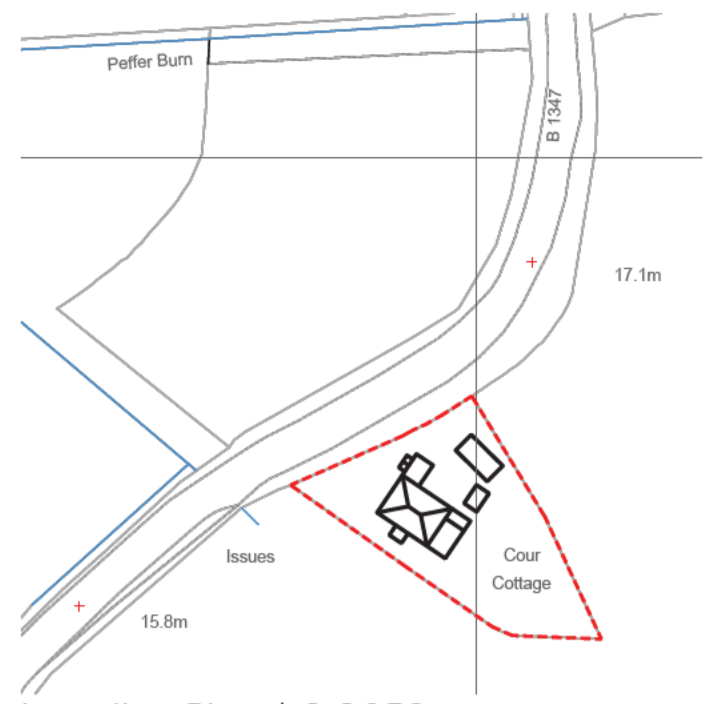
Proposed North West Elevation | 1:100



Proposed South West Elevation | 1:100



Proposed South East Elevation | 1:100



Location Plan | 1:1250



AI Render 01 | NTS



AI Render 02 | NTS

Material Specification:

- External Walls
  - Roughcast on Existing Masonry Walls (White)
  - Roughcast on New Timber Frame/Block Walls (White)
- Roof
  - Concrete Pan Tiles (Red)
  - Natural Slate (Grey)
- Windows and Doors
  - Double Glazed PVC Window (Grey)
  - Double Glazed Bi-Folding Doors (Grey)
  - Natural Timber Entrance Door
- Gutters and Down Pipes
  - PVC Gutters and Down Pipes (Black)
  - PVC Soffit and Fascia (White)

Total Site Area:  
Area: 960.0sqm

Existing House including Porch and Dining Room Extensions  
Area: 96.0sqm

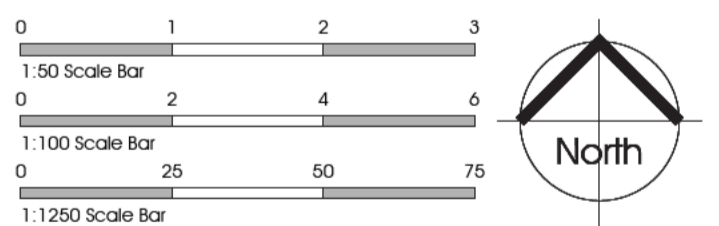
Existing Green House and Store  
Area: 28.0sqm

Proposed Ground Floor Extension  
Area: 79.0sqm

Proposed First Floor Extension  
Area: 74.0sqm

Proposed Garage:  
Area 27sqm

EAST LoTHIAN COUNCIL  
refusing a grant of planning permission 24/00837/P  
Plan/Drawing listed on the Decision Notice of 21/10/2024



Rev   B	Updated for Planning	15/08/2024
Rev   A	Updated for Planning	08/08/2024
Revision:	Description:	Date:

*Scott Francis Allan*  
Architectural Design

36 Wallace Avenue | Wallyford | East Lothian | EH21 8BZ  
Mobile: 07790 846 990 | Email: scott@ego3d.co.uk  
Facebook.com/scottfrancisallan

Planning & Building Warrant

Project:  
Proposed Redevelopment of Existing Cottage to form  
5 Bedroom Family Home with Detached Garage  
Cour Cottage, Congallon Gardens, North Berwick, EH39 5JP

Client:  
Kenny Erskine

Drawing:  
Proposed Floor Plans, Elevations and Illustrations

Drawing No. 2024-59-002B Scale: As Noted Date: Aug 2024 Name: SAllan Sheet Size: A1



Architectural Illustration 01 | NTS



Architectural Illustration 02 | NTS



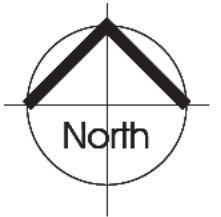
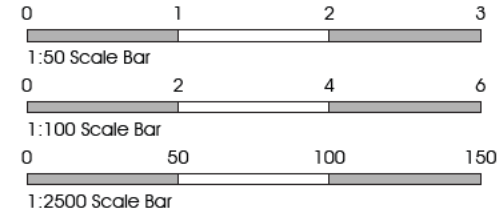
Architectural Illustration 03 | NTS



Architectural Illustration 04 | NTS



Location Plan | 1:2500



Revision: Description: Date:

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### Planning & Building Warrant

Project:  
**Proposed Redevelopment of Existing Cottage to form  
5 Bedroom Family Home with Detached Garage  
Cour Cottage, Congalton Gardens, North Berwick, EH39 5JP**

Client:  
**Kenny Erskine**

Drawing:  
**Location Plan**

Drawing No. <b>2024-59-000</b>	Scale: <b>As Noted</b>	Date: <b>Aug 2024</b>	Name: <b>SFAllan</b>	Sheet Size: <b>A4</b>
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#### **4. Development Plan Policies:**

Policies 14 (Design, Quality and Place), 16 (Quality Homes) and 17 (Rural Development) of NPF4 and Policies DC3 (Replacement Dwellings in the Countryside), DC4 (New Build Housing in the Countryside), DP2 (Design) and DP5 (Extensions and Alterations to Existing Buildings) and T2 (General Transport Impact) of the adopted ELLDP 2018 are relevant to the determination of this application.

NPF4

Policies 14 (Design, Quality and Place)

##### 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.

##### 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

- 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 Part 2 – National Planning Policy Framework 4.66 iii. is suitable in terms of location, access, and environmental impact. d) Development proposals for new homes that support the resettlement of previously inhabited areas will be supported where the proposal: i. is in an area identified in the LDP as suitable for resettlement; ii. is designed to a high standard; iii. responds to its rural location; and iv. is designed to minimise greenhouse gas emissions as far as possible.

East Lothian Local Development Plan (ELLDP 2018)

Policy DC3: Replacement Dwellings in the Countryside Proposals for replacement dwellings in the countryside will be supported in principle where they would: (i) be a like for like replacement of a dwelling recently rendered uninhabitable by unforeseen circumstances, such as a demonstrable and accidental fire, provided there is compelling evidence that the loss of the original habitable dwelling was recent and that it benefited from lawful use as a dwelling immediately prior to the loss; or (ii) replace an existing dwelling with lawful use rights as such (not the plot of a previous, now demolished house) that the Council accepts that due to the construction of the building it is incapable of retention for habitation and that all reasonable efforts have been made to maintain the building. Applicants must submit credible evidence at the time of the planning application to demonstrate compliance with this policy as relevant. Any replacement dwelling must be similar in size, scale and massing to the original and would be of an appropriate character for its location.

Policy DC4: New Build Housing in the Countryside New build housing development will only be supported in the countryside outwith the constrained coast where there is no existing house or no appropriate existing building suitable for conversion to a house is available in the locality and: (i) In the case of a single house, the Council is satisfied that it is a direct operational requirement of a viable agricultural, horticultural, forestry, countryside recreation or other business, leisure or tourism use supported in principle by Policy DC1. The Council will obtain independent advice from an Agricultural and Rural Advisor on whether there is a direct operational requirement for an associated house; or (ii) In the case of other small scale housing proposals, it is for affordable housing and evidence of need is provided, and the registered affordable housing provider will ensure that the dwellings will remain affordable for the longer term. Proposals should be very small scale and form a logical addition to an existing small-scale rural settlement identified by this plan. (iii) The proposal satisfies the terms of Policy NH1.

Policy DP5: Extensions and Alterations to Existing Buildings All alterations and extensions to existing buildings must be well integrated into their surroundings, and must be in keeping with the original building or complementary to its character and appearance.

Accordingly such development must satisfy all of the following criteria:

1. It must not result in a loss of amenity with neighbouring uses or be harmful to existing residential amenity through loss of privacy from overlooking, or from loss of sunlight or daylight;
2. For an extension or alteration to a house, it must be of a size, form, proportion and scale appropriate to the existing house, and must be subservient to and either in keeping with or complementary to the existing house;
3. For an extension or alteration to all other buildings, it must be of a size, form, proportion and scale appropriate to its surroundings and, where the existing building has architectural merit be in keeping with or complement that existing building; Development that does not comply with any of the above

criteria will only be permitted where other positive planning and design benefits can be demonstrated.

Policy DP2: Design The design of all new development, with the exception of changes of use and alterations and extensions to existing buildings, must: 1. Be appropriate to its location in terms of its positioning, size, form, massing, proportion and scale and use of a limited palette of materials and colours that complement its surroundings; 2. By its siting, density and design create a coherent structure of streets, public spaces and buildings that respect and complement the site's context, and create a sense of identity within the development; 3. Position and orientate buildings to articulate, overlook, properly enclose and provide active frontages to public spaces or, where this is not possible, have appropriate high quality architectural or landscape treatment to create a sense of welcome, safety and security; 4. Provide a well-connected network of paths and roads within the site that are direct and will connect with existing networks, including green networks, in the wider area ensuring access for all in the community, favouring, where appropriate, active travel and public transport then cars as forms of movement; 5. Clearly distinguish public space from private space using appropriate boundary treatments; 6. Ensure privacy and amenity, with particular regard to levels of sunlight, daylight and overlooking, including for the occupants of neighbouring properties; 7. Retain physical or natural features that are important to the amenity of the area or provide adequate replacements where appropriate; 8. Be able to be suitably serviced and accessed with no significant traffic or other environmental impacts.

Policy T2 (General Transport Impact) New development must have no significant adverse impact on: Road safety; The convenience, safety and attractiveness of walking and cycling in the surrounding area; Public transport operations in the surrounding area, both existing and planned, including convenience of access to these and their travel times; The capacity of the surrounding road network to deal with traffic unrelated to the proposed development; and Residential amenity as a consequence of an increase in motorised traffic. Where the impact of development on the transport network requires mitigation, this will be provided by the developer and secured by the Council by planning condition and / or legal agreement where appropriate.

## **5. Schedule of Conditions**

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

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

ii. The outbuilding hereby approved shall only be used for purposes incidental to the residential use and enjoyment of the dwellinghouse of Cour Cottage and shall at no time be used for any business, trade or other commercial use.

Reason: To enable the Planning Authority to control the use of the development in the interests of safeguarding the character and residential amenity of the area and that of the dwellinghouse of Cour Cottage.