



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

**THURSDAY 21 NOVEMBER 2024  
VIA THE COUNCIL HYBRID SYSTEM**

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**Committee Members Present:**

Councillor J Findlay  
Councillor A Forrest (Chair)  
Councillor N Gilbert  
Councillor S McIntosh

**Advisers to the Local Review Body:**

Ms F Haque, Legal Adviser to the LRB  
Mr M Mackowiak, Planning Adviser to the LRB

**Clerk:**

Ms F Currie, Committees Officer

**Other Officers Present:**

Ms E Barclay, Committees Assistant (meeting administrator)

**Apologies:**

N/A

**Declarations of Interest**

None

The Clerk advised that the meeting was being held as a hybrid meeting. It was being recorded and webcast live via the Council's website in order to allow the public access to the democratic process in East Lothian. East Lothian Council was the data controller under the Data Protection Act 2018. Data collected as part of the recording would be retained in accordance with the Council's policy on record retention, and a webcast of this meeting would be publicly available for up to six months.

The Legal Adviser outlined the procedure for the Local Review Body to reach a decision on the planning application before it and reminded them that further advice would be provided on procedure, should they conclude they did not have enough information to determine the application today.

On this occasion it was agreed that Councillor Forrest would chair the Local Review Body (LRB).

**1. PLANNING APPLICATION NO. 24/00456/P: EXTENSION TO HOUSE, ALTERATIONS AND EXTENSION TO OUTBUILDING TO FORM ANCILLARY ACCOMMODATION AND INSTALLATION OF AIR SOURCE HEAT PUMPS, 8 NEWMAINS HOLDING, ATHELSTANEFORD, NORTH BERWICK, EH39 5BL**

The Chair invited the Planning Adviser, who had not been involved in the original decision, to present a summary of the planning policy considerations in this case.

The Planning Adviser provided details of the application property and location and outlined details of the proposed work.

He reminded Members that the application must be determined in accordance with the development plan unless material considerations indicated otherwise. The development plan consisted of the East Lothian Local Development Plan (LDP) 2018, together with National Planning Framework 4 (NPF4).

He indicated that the following planning policies were relevant to the determination of the application: Policies 6 (Forestry, Woodland and Trees), 14 (Design, Quality and Place) and 16 (Quality Homes) of NPF4 and DP5 (Extensions and Alterations to Existing Buildings), T2 (General Transport Impact) and NH8 (Trees and Development) of the adopted LDP 2018.

The Planning Adviser confirmed that no public letters of objection had been received and there had been no objections raised by the Council's internal consultees. He summarised the case officer's original assessment of the application against planning policy and her consideration of whether there were any material planning considerations that would outweigh the fact that the proposed extension was contrary to the development plan.

The Planning Adviser outlined the submission made by the applicant in support of the appeal, highlighting its key arguments and assessment of the proposals against planning policy.

He concluded his presentation by reminding Members that they had the option of seeking further information, if necessary.

The Planning Adviser responded to questions from Members. He confirmed that a condition banning commerciality on the site could be included and was a fairly standard condition which had been used previously, on a number of occasions. He advised that a specific condition could also be included to that removed permitted development rights to prevent the open walkway between the main building and outbuilding being enclosed. However, he clarified that

such a condition would remove a specific set of permitted development rights for the building as a whole.

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

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

Councillor McIntosh complimented the design of the proposed extensions and took the view that considerations such as beauty of design were encompassed by policy 14 of NPF4 – qualities of a successful place. She disagreed with a number of points in the case officer's assessment, particularly that the proposals would be harmful to the character of area. She had viewed other properties in the areas and had noted that there were various types of extensions and developments, with no clear pattern or uniformity. She applauded the level of ambition in the proposals, particularly around sustainability, and observed that Policy 2 of NPF4 supported development that sought to retrofit existing buildings. Although she acknowledged some small concerns about the outbuilding, on balance, she believed that the proposals were in alignment with the policies of NPF4 and she would be supporting the appeal.

Councillor Gilbert agreed with the points made by Councillor McIntosh. He noted that there had been no objections to the development, there would be no impact on the surrounding trees and no loss of amenity for neighbours. He said that proposals would replace the existing building, which had been built in the first half of the last century and was no longer fully suitable for family life. He would also be supporting the appeal.

Councillor Findlay said he had reviewed the planning policies and felt that policy DP5 of the adopted LDP was the most relevant. He highlights three key points: that the property was adjacent to a very large agricultural structure, that the extension, while large, was still subservient to the original building, and was of a size and form that was appropriate to its surroundings. He pointed out that many properties in the area had been extended and some were larger than what was being proposed here. For these reasons, he would be supporting the appeal.

The Chair said he had also taken the opportunity to view the site and other properties in the area. He said that if the extension had been restricted to the curtilage of the house he would have supported the application. However, extending to link to the outbuilding meant that, in his view, the proposals were too large. He would therefore be supporting the case officer's decision.

The LRB members confirmed their decision via roll call vote:

In support of the officer decision: Councillor Forrest  
In support of the appeal: Councillors Findlay, Gilbert and McIntosh

They agreed, by a majority, to uphold the appeal and grant planning permission.

The Planning Adviser confirmed that the conditions proposed by the planning case officer include a condition prohibiting a change of use to commercial. The conditions were approved unanimously by the LRB members.

## **Decision**

The ELLRB agreed by a majority, to uphold the appeal and grant planning permission, subject to conditions.

## **2. PLANNING APPLICATION NO. 24/00229/P: CHANGE OF USE OF FLAT TO SHORT-TERM HOLIDAY LET (RETROSPECTIVE), 78C HIGH STREET, DUNBAR, EH42 1JH**

The Chair invited the Planning Adviser, who had not been involved in the original decision, to present a summary of the planning policy considerations in this case.

The Planning Adviser provided details of the application, property and location, and outlined the operating arrangements for the short term let business.

He reminded Members that the application must be determined in accordance with the development plan unless material considerations indicated otherwise. The development plan consisted of the East Lothian Local Development Plan (LDP) 2018, together with National Planning Framework 4 (NPF4).

He indicated that the following planning policies were relevant to the determination of the application: Policies 7 (Historic assets and places) and 30 (Tourism) of NPF4 are relevant to the determination of this application. Policies TC2 (Town and Local Centres), CH1 (Listed Buildings), CH2 (Development Affecting Conservation Areas), T1 (Development Location and Accessibility) and T2 (General Transport Impact) of the adopted LDP 2018.

The Planning Adviser summarised the case officer's original assessment of the application against planning policy and considering the comments received from internal and external consultees. The case officer had also noted that no public representations had been received.

The Planning Adviser outlined the submission made by the applicant in support of the appeal, highlighting its key arguments.

The Planning Adviser concluded his presentation by reminding Members that it was open to them to seek additional information.

The Planning Adviser responded to questions from Members. He confirmed that a certificate of lawful use could be applied for where a property had been in use as a short term let for a period of time. Councillors Findlay and Forrest said that it was their understanding that a certificate of lawful use could be applied for after the STL had been operating for 10 years. The Legal Adviser confirmed that this was the case.

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

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

Councillor Gilbert observed that this application was similar to some presented to previous LRB meetings. He said that a key factor was that there were other permanent residents in the building, and their interests may "clash" with those of the short term let. He aligned himself with the general policy not to approve planning permission for an STL if it was in a shared stair. He would not be supporting the application.

Councillor Findlay highlighted that the majority of the Council's consultees had not objected to the application and therefore it came down to the effect on amenity. He commented that in his view, this was a predominantly commercial area, there had been no complaints and there was no evidence of extra noise. He said that there would be no loss in housing as the property had been a short term let for several years. He also noted recent correspondence from Dunbar

Community Council complaining that the reduction in the number of short term lets was having an impact on the local community, and he added that this issue was not restricted to Dunbar. He would be supporting the appeal.

Councillor McIntosh was generally supportive an approach that considered the amenity of other residents in the shared stair. She did not think that amenity related only to the noise level or the number of visitors coming and going. She felt that there was an amenity that came from knowing one's neighbours. Councillor McIntosh voted to support the case officer's original decision.

The Chair stated that each case should be considered on an individual basis. He noted that it was a concrete stair and a narrow stairwell. He commented on the installation of a Ring doorbell at the premises to monitor those going in and out, and wondered why this had been put in. He also questioned whether there would be any point in reporting difficulties with those in the property, as they would only be there for a short period. He was concerned about the loss of amenity, especially from the continuous comings and goings. He would be supporting the case officer's original decision.

The LRB members confirmed their decision via roll call vote:

In support of the officer decision: Councillors Forrest, Gilbert and McIntosh  
In support of the appeal: Councillor Findlay

They agreed, by a majority, to confirm the original decision of the planning case officer to refuse planning permission for the reasons set out in the original decision notice.

### **Decision**

The ELLRB agreed by a majority, to confirm the original decision of the planning case officer to refuse planning permission for the reasons set out in the original decision notice.

Signed .....

Councillor Andrew Forrest  
Chair of Local Review Body (Planning)