

## **REVIEW DECISION NOTICE**

Decision by East Lothian Local Review Body (the “**ELLRB**”)

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Application for Review by Reywood Construction Ltd, per Mr Steven Reynolds, Unit 1 Macmerry Industrial Estate, Tranent EH33 1RD of decision to refuse Planning Permission for extension to house at 14 Camptoun Holding Near Drem North Berwick.

Site Address: 14 Camptoun Holding, Near Drem, North Berwick

Application Ref: 24/01003/P

Application Drawing: Please refer to the Drawings/Plans detailed at 3.1 (i)

Date of Review Decision Notice: 7 March 2025

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### **Decision**

The ELLRB unanimously agreed to support the case officer's decision by rejecting the appeal and refuse planning permission for extension to house at 14 Camptoun Holding Nr Drem North Berwick for the reasons more particularly set out below.

This Notice constitutes the formal decision notice of the Local Review Body as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.

### **1. Introduction**

The above application for Planning Permission was considered by the ELLRB, at a meeting held on Thursday, 18 January 2024. The Review Body was constituted by Councillor N Hampshire (Chair), Councillor A Forrest, Councillor D Collins, and Councillor L Allan. All four members of the ELLRB had attended a site visit accompanied by the Planning Adviser in respect of this application prior to the meeting.

1.1. The following persons were also present at the meeting of the ELLRB:-

Mr P Zochowski, Planning Adviser to the LRB  
Mr C Grilli, Legal Adviser to the LRB  
Ms F Currie, Clerk

### **2. Proposal**

2.1. The planning application is for review of decision to refuse Planning Permission

2.2. The planning application was registered on 18 September 2024 and the Decision Notice refusing the application is dated 15 November 2024.

2.3. The condition and the reason for the condition is more particularly set out in full in the said Decision Notice dated 15 November 2024. The reasons for refusal are set out as follows:

- 1 *The proposed extension would, by its size, massing and floor area, be a dominant 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 house, but instead would significantly overwhelm it. Consequently, the house as it is proposed to be enlarged would be of a fundamentally different character to the character and appearance of the existing house. Due to this and of its much larger form, size, scale, massing and proportions, the proposed extension would not be of a size, form, proportion and scale appropriate to the existing house and would not be subservient to it contrary to Policies 14 and 16 of NPF4 and Policy DP5 of the adopted ELLDP 2018.*
- 2 *Due to the size and scale of the proposed extension the effect of it 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 that a new house is a direct operational requirement of a viable agricultural, horticultural, forestry, countryside recreation or other business, leisure or tourism use that currently exists in this countryside location contrary to Policy 17 of NPF4 and Policies DC3 and DC4 of the adopted East Lothian Local Development Plan 2018.*

2.4. The notice of review is dated 13 December 2024.

### 3. Preliminaries

3.1. The ELLRB members were provided with copies of the following:-

| i.                 | <p>The drawings accompanying this application are referenced and numbered as follows:</p> <table border="1"> <thead> <tr> <th data-bbox="384 1167 544 1200"><u>Drawing No.</u></th> <th data-bbox="683 1167 836 1200"><u>Revision No.</u></th> <th data-bbox="1027 1167 1203 1200"><u>Date Received</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="384 1227 663 1256">MANU LITERATURE 01</td> <td data-bbox="740 1227 751 1256">-</td> <td data-bbox="1027 1227 1166 1256">18.09.2024</td> </tr> <tr> <td data-bbox="384 1256 663 1285">MANU LITERATURE 02</td> <td data-bbox="740 1256 751 1285">-</td> <td data-bbox="1027 1256 1166 1285">18.09.2024</td> </tr> <tr> <td data-bbox="384 1285 501 1314">PP_D_01</td> <td data-bbox="740 1285 751 1314">-</td> <td data-bbox="1027 1285 1166 1314">18.09.2024</td> </tr> <tr> <td data-bbox="384 1314 501 1344">PP_D_03</td> <td data-bbox="740 1314 751 1344">-</td> <td data-bbox="1027 1314 1166 1344">18.09.2024</td> </tr> <tr> <td data-bbox="384 1344 501 1373">PP_D_04</td> <td data-bbox="740 1344 751 1373">-</td> <td data-bbox="1027 1344 1166 1373">18.09.2024</td> </tr> <tr> <td data-bbox="384 1373 501 1402">PP_D_05</td> <td data-bbox="740 1373 751 1402">-</td> <td data-bbox="1027 1373 1166 1402">18.09.2024</td> </tr> <tr> <td data-bbox="384 1402 501 1431">PP_D_06</td> <td data-bbox="740 1402 751 1431">-</td> <td data-bbox="1027 1402 1166 1431">18.09.2024</td> </tr> <tr> <td data-bbox="384 1431 501 1460">PP_D_07</td> <td data-bbox="740 1431 751 1460">-</td> <td data-bbox="1027 1431 1166 1460">18.09.2024</td> </tr> <tr> <td data-bbox="384 1460 501 1489">PP_D_08</td> <td data-bbox="740 1460 751 1489">-</td> <td data-bbox="1027 1460 1166 1489">18.09.2024</td> </tr> <tr> <td data-bbox="384 1489 501 1518">PP_D_09</td> <td data-bbox="740 1489 751 1518">-</td> <td data-bbox="1027 1489 1166 1518">18.09.2024</td> </tr> </tbody> </table> | <u>Drawing No.</u>   | <u>Revision No.</u> | <u>Date Received</u> | MANU LITERATURE 01 | - | 18.09.2024 | MANU LITERATURE 02 | - | 18.09.2024 | PP_D_01 | - | 18.09.2024 | PP_D_03 | - | 18.09.2024 | PP_D_04 | - | 18.09.2024 | PP_D_05 | - | 18.09.2024 | PP_D_06 | - | 18.09.2024 | PP_D_07 | - | 18.09.2024 | PP_D_08 | - | 18.09.2024 | PP_D_09 | - | 18.09.2024 |
|--------------------|---|----------------------|---------------------|----------------------|--------------------|---|------------|--------------------|---|------------|---------|---|------------|---------|---|------------|---------|---|------------|---------|---|------------|---------|---|------------|---------|---|------------|---------|---|------------|---------|---|------------|
| <u>Drawing No.</u> | <u>Revision No.</u>   | <u>Date Received</u> |                     |                      |                    |   |            |                    |   |            |         |   |            |         |   |            |         |   |            |         |   |            |         |   |            |         |   |            |         |   |            |         |   |            |
| MANU LITERATURE 01 | -   | 18.09.2024           |                     |                      |                    |   |            |                    |   |            |         |   |            |         |   |            |         |   |            |         |   |            |         |   |            |         |   |            |         |   |            |         |   |            |
| MANU LITERATURE 02 | -   | 18.09.2024           |                     |                      |                    |   |            |                    |   |            |         |   |            |         |   |            |         |   |            |         |   |            |         |   |            |         |   |            |         |   |            |         |   |            |
| PP_D_01            | -   | 18.09.2024           |                     |                      |                    |   |            |                    |   |            |         |   |            |         |   |            |         |   |            |         |   |            |         |   |            |         |   |            |         |   |            |         |   |            |
| PP_D_03            | -   | 18.09.2024           |                     |                      |                    |   |            |                    |   |            |         |   |            |         |   |            |         |   |            |         |   |            |         |   |            |         |   |            |         |   |            |         |   |            |
| PP_D_04            | -   | 18.09.2024           |                     |                      |                    |   |            |                    |   |            |         |   |            |         |   |            |         |   |            |         |   |            |         |   |            |         |   |            |         |   |            |         |   |            |
| PP_D_05            | -   | 18.09.2024           |                     |                      |                    |   |            |                    |   |            |         |   |            |         |   |            |         |   |            |         |   |            |         |   |            |         |   |            |         |   |            |         |   |            |
| PP_D_06            | -   | 18.09.2024           |                     |                      |                    |   |            |                    |   |            |         |   |            |         |   |            |         |   |            |         |   |            |         |   |            |         |   |            |         |   |            |         |   |            |
| PP_D_07            | -   | 18.09.2024           |                     |                      |                    |   |            |                    |   |            |         |   |            |         |   |            |         |   |            |         |   |            |         |   |            |         |   |            |         |   |            |         |   |            |
| PP_D_08            | -   | 18.09.2024           |                     |                      |                    |   |            |                    |   |            |         |   |            |         |   |            |         |   |            |         |   |            |         |   |            |         |   |            |         |   |            |         |   |            |
| PP_D_09            | -   | 18.09.2024           |                     |                      |                    |   |            |                    |   |            |         |   |            |         |   |            |         |   |            |         |   |            |         |   |            |         |   |            |         |   |            |         |   |            |
| ii.                | The Application for planning permission registered on 18 September 2024   |                      |                     |                      |                    |   |            |                    |   |            |         |   |            |         |   |            |         |   |            |         |   |            |         |   |            |         |   |            |         |   |            |         |   |            |
| iii.               | The Appointed Officer's Submission  |                      |                     |                      |                    |   |            |                    |   |            |         |   |            |         |   |            |         |   |            |         |   |            |         |   |            |         |   |            |         |   |            |         |   |            |
| iv.                | <p>Policies relevant to the determination of the application:</p> <p>Policies 14 (Design, quality and place), 16 (Quality Homes) and 17 (Rural Homes) of NPF4; and</p> <p>Policies DC3 (Replacement Dwellings in the Countryside), DC4 (New Build Housing in the Countryside), DP5 (Extensions and Alterations to Existing Buildings) and T2 (General Transport Impact) of the adopted East Lothian Local Development Plan 2018.</p>  |                      |                     |                      |                    |   |            |                    |   |            |         |   |            |         |   |            |         |   |            |         |   |            |         |   |            |         |   |            |         |   |            |         |   |            |

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| v. | Notice of Review dated 13 December 2024 together with Applicant's Submission with supporting statement and associated documents. |
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#### **4. Findings and Conclusions**

- 4.1. The ELLRB confirmed that the application for a review of the planning application permitted them to consider the application afresh and it was open to them to grant it in its entirety, grant it subject to conditions or to refuse it. They confirmed that they had access to the planning file in respect of this matter and to all the information that the Appointed Officer had available when reaching the original decision to refuse planning permission, including all drawings and copies of all representations and objections received in respect of the original application. They also confirmed they had received and reviewed the Applicant's Submission and further representations made in connection within this appeal before the ELLRB today.
- 4.2. The Members then asked the Planning Adviser to summarise the planning policy position in respect of this matter. The Planning Adviser advised that the planning application relates to full review of an extension to a house at 14 Camptoun Holdings which is a location within an area of agricultural holdings. These lie in the countryside, as defined by the Local Development Plan. The Planning Adviser confirmed that there are a number of buildings in the Camptoun holdings including houses, associated workshops and historical buildings converted to housing. The application site is a former smallholding building subsequently converted to a house which is now proposed to be significantly enlarged and extended.

The Planning Adviser confirmed that the application site has a history of refusals of planning permission at Local Review Body for a new build house based on longstanding Local Development Plan policy which encourages the conversion of vernacular buildings in the countryside rather than new build given that East Lothian is a pressured area close to Edinburgh. However, following a change by Scottish Government to Permitted Development Rights the principle of conversion of a rural building to a house became permitted development, subject to prior notification to allow the Planning Authority to assess the suitability of changes proposed. The extension or enlargement of the agricultural building is not permitted development.

The small house we saw on site was converted from the old dairy shed in 2023 and the application before you today is for its proposed enlargement and extension. Details of the proposal are contained in the planning pack and described in the case officers report of handling. The existing house is single storey detached with a height of 5.1m and a floor area of 36.96 square metres. If extended as proposed, the extension would be some 11m long, 15.5m wide and would reach 7.3m high at its apex. It would have a floor area of 101.69 square metres.

The Planning Adviser noted that one objection was received and was summarised in the case officers report as; concern over the roof height of the proposed extension being substantially higher than existing which would be detrimental to the light received at the neighbouring property; light pollution affecting the rural feel of the area and overlooking issues. The case officer assessed the distance from garden boundaries with the neighbouring properties and directly facing windows and concluded that there would be no harmful overlooking or harmful loss of sunlight or daylight to neighbouring residential properties.

Of the consultee responses Environmental Protection and Road Services raised matters which can be covered by condition if required.

The Planning Adviser confirmed that the planning application must be determined in accordance with the development plan unless material considerations indicate otherwise and set out the relevant policies, which are set out in 3(iv) of this Decision Notice. The Development Plan consists of the East Lothian Local Development Plan 2018 together with National Planning Framework 4 read and applied together.

NPF policies 14 and 16 seek to ensure that all new development is consistent with the six qualities of successful places. The NPF has to be read as a whole understanding its overall objective of sustainable development in the right places and policy 16 part (g) refers to householder development proposal support as long as there is no detrimental impact on the environmental quality of the home or the character of the surrounding area in terms of size, design and materials and it does not have a detrimental impact on neighbouring properties.

Policy 17 is about promoting sustainable rural communities and facilitating high quality affordable and sustainable rural homes in the right locations across Scotland. This policy allows a LDP to reflect local circumstances in how it plans for homes in rural areas. Part (a) outlines the circumstances when a home in the rural area can be considered acceptable starting with whether it is allocated for housing development in an LDP and including whether it is suitably scaled, sited and designed to be in keeping with the character of the area.

LDP policy DC3 is for a replacement dwelling in the countryside. This application is not for a replacement dwelling but the case officer considered it was tantamount to a new dwelling because of its size and scale relative to the existing dwelling hence its inclusion. Similarly, DC4 which is also for new dwellings outlines the situations where a new dwelling would be acceptable. The applicant was not required to provide any agricultural justification for the extension although you will have noted that plans for the smallholding in the future have been outlined.

Policy DP5 is the relevant policy for extensions and alterations to existing buildings. For houses extensions it must satisfy all the criteria in the policy including that it must be of a size, form, proportion and scale appropriate for the existing house and must be subservient to and either in keeping with or complimentary to the existing house as well as being well integrated with its surroundings. Or as the preamble to the policy explains the existing building should not be subservient to the extension.

Policy T2 requires there to be no significant adverse impact on matters of road safety, walking and cycling and the capacity of the road network.

The case officer assessed the size of the proposed extension, which he considered was tantamount to a new dwelling, against all of these policies and concluded that the application be refused as contrary to policies 14,16 and 17 of NPF4 and policies DC3 DC4 and DP5 of LDP1 explained in the reasons for refusal.

The case officer also considered the applicant's submitted statement that explained the reason for the enlarged house which was to provide additional space for the applicants family; that a family member is undertaking a local apprenticeship and working on the

smallholding, that it would provide an office associated with the management of the glamping pod business on site and help ensure any issues arising from the glamping pod or smallholding activities would be dealt with on site. However, these were not considered to be material considerations such that would justify the transformation of a small house into a much larger house nor do they outweigh that the proposed extension is contrary to the development plan.

The Planning Adviser advised that the main determining issue for this application is not the principle of the house because that was permitted development and a house created, but the size, scale and form of the extension to the existing building and the effects this might have on the countryside location and on the existing house. To be approved it must accord with the development plan unless material considerations indicate otherwise

The Planning Adviser then turned to the applicants supporting statements from the original application dated September 2024 and the additional statements in the applicant's Local Review Body submission. These submissions were summarised as:

- The house exists but is very small (arguably out of character with others in the immediate neighbourhood) and it requires to be larger to accommodate their family needs.
- It is similar to other Local Review Body decision situations elsewhere in East Lothian which should be taken account.
- The house would be fully in character with its surroundings which is considered to be more important than whether it is an extension subservient to the original.
- An outbuilding is being removed which could be considered in the balance of the overall mass of old buildings versus new buildings.
- Policy 14 part a refers to development proposals requiring to improve the quality of an area regardless of scale.
- The applicant has plans to diversify the smallholding and keep livestock, grow vegetables and flowers and to establish a small garlic enterprise.
- The house would not be fundamentally different from immediate neighbours several of which have also been enlarged and the applicant has submitted images of some of these.

The Planning Adviser then finalised his statement by confirming that it is now open to the members to review the case and either agree with the decision taken by the case officer for the reasons given or to come to a different determination.

- 4.3. Members then asked questions of the Planning Adviser including that the member noted that the conversion has been carried out by permitted development rights although is there a particular size that rooms require to meet to enable this conversion to be classified as a house. The Planning Adviser Responded confirming that this was in Class 18B part (3) (c) and (d) of the General Permitted Development Order (Scotland). The relevant section is produced below:

*Development is not permitted by this class if;-*

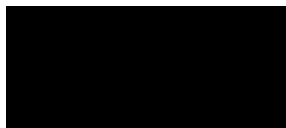
*C) the floorspace of any residential unit developed by virtue of this class would exceed 150 square metres;*

*D) the development would result in the external dimensions of this building (excluding guttering and pipes required for drainage or sewerage, flues and aerials) extending beyond the external dimensions of the existing building at any given point.*

- 4.4. The Chair asked his colleagues if they had sufficient information to proceed to determine the application today and they unanimously agreed to proceed. Comments on the application followed.
- 4.5. Councillor Forrest stated that the site visit was helpful along with considering the planning file. He noted this was currently a small house and the proposed extension would look like a new house with the old part fed onto it. The other properties within the area have been extended but in his opinion had been extended in a more sympathetic nature. He was therefore minded to support the case officer's decision and refuse planning permission.
- 4.6. Councillor Collins commented that this application would see an extension to the property which was around three times the size of the building currently on the site. She then commented that the other properties within the area had been extended bit by bit. Therefore, she was minded on this occasion to support the case officer's decision and refuse planning permission.
- 4.7. Councillor Allan stated that she had to agree with her fellow Councillors. She commented that the planned development proposed was too much and accordingly she was minded to support the case officer's decision and refuse planning permission.
- 4.8. The Chair stated that permitted development rights do not allow extension to the building. He was of the view that this building although converted was too small to be a house and requires permission to add on extensions. The proposed plan proposes an extension which will significantly overwhelm the old farm building. He was therefore minded to support the case officer's decision and refuse planning permission.

Accordingly, the ELLRB unanimously decided to support the case officer and refuse planning permission for the reasons set out within the case officer's report and decision notice.

Planning Permission is hereby refused.



**Carlo Grilli**  
**Legal Adviser to ELLRB**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997****Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under Section 43A(8)**

Notice Under Regulation 21 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.

- 1 If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
  
- 2 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 V of the Town and Country Planning (Scotland ) Act 1997.