

**REPORT TO:** Planning Committee  
**MEETING DATE:** Tuesday 7 May 2013  
**BY:** Executive Director (Services for Communities)  
**SUBJECT:** Application for Planning Permission for Consideration

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*Note: this application was called off the Scheme of Delegation List by Councillor Innes for the following reasons: The applicant feels that the reasons for the decision contradict the advice from Lothian and Borders Police. He further believes that his application should have been judged on its merits and the fact that the Council have not previously accepted the provision of security as a justification for a new build house should not have prejudiced his application. In light of this I feel he should have the opportunity to put his case before Members.*

Application No. **12/00862/PP**

Proposal Planning Permission in Principle for the erection of 1 house and installation of CCTV link

Location **East Lothian Golf Range  
Meadowmill  
Tranent  
EH33 1LZ**

Applicant Mr Derek Aytoun

RECOMMENDATION Application Refused

#### PLANNING ASSESSMENT

The application site is a rectangular shaped area of land and an overgrown track, located in the countryside at Meadowmill to the southeast of Prestonpans and north of Tranent. The site has an area of some 0.04 hectares. The rectangular shaped area of land is in the south-eastern corner of the East Lothian Golf Range and the overgrown track runs from it eastwards to the eastern end of the row of houses of St Joseph's Cottages.

The rectangular shaped part of the site is grassed. It is bounded to the north, south and west by other land of the golf range. To the east it is bounded by rough ground at the edge of the golf range.

The golf range is a large grassed area of land. There is a golf range and reception/shop building on the south-western part of it. The golf range operates in spring, summer and autumn but not the winter.

The strip of rough ground that contains the overgrown track is bounded to the north in part by the grounds of the former St Joseph's School and otherwise by St Joseph's Cottages. To the east it abuts the south end of the unclassified public road which serves the former St Joseph's

School and St Joseph's Cottages. To the south it is bounded by the tree-planted verges of the Bankton Roundabout of the A1 trunk road.

Only one of St Joseph's Cottages is occupied (the house of 1 St Joseph's Cottages).

Planning permission in principle is sought for the erection of one house on the rectangular shaped part of the application site. The existing overgrown track that otherwise comprises the site would be upgraded to provide access to the house from the unclassified road that serves the former St Joseph's School and St Joseph's Cottages.

As the application is for planning permission in principle, no details of the proposed house and no detailed design of the proposed access have been submitted.

A Planning Application Statement and a Crime Prevention Report from Lothian and Borders Police have been submitted with the application.

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 the approved Edinburgh and the Lothians Structure Plan 2015 and the adopted East Lothian Local Plan 2008.

Relevant to the determination of the application are Policy ENV3 (Development in the Countryside) of the approved Edinburgh and the Lothians Structure Plan 2015 and Policies DC1 (Development in the Countryside and the Undeveloped Coast) and T2 (General Transport Impact) of the adopted East Lothian Local Plan 2008.

Material to the determination of the application is Scottish Planning Policy: February 2010 on the matter of the location of new development.

One letter of public representation has been received. It is an objection to the application on the grounds of loss of privacy to the residential property of 1 St Joseph's Cottages due to the proposed access road and traffic generation, road safety and noise issues.

The land of the application site is defined by Policy DC1 of the adopted East Lothian Local Plan 2008 as being part of the countryside of East Lothian. The Local Plan does not allocate the land of the application site or any of the other land of the golf range for residential development. Neither does the Local Plan define any part of the land as being a settlement.

The principle of the erection of a new build house on the application site must therefore be assessed against national, strategic and local planning policy relating to the control of new build housing development in the countryside.

In Paragraph 84 of Scottish Planning Policy: February 2010 it is stated that the majority of housing land requirements will be met within or adjacent to existing settlements and this approach will help to minimise servicing costs and sustain local schools, shops and services. Authorities should also set out the circumstances in which new housing outwith settlements may be appropriate, particularly in rural areas.

Policy ENV3 of the approved Edinburgh and the Lothians Structure Plan 2015 states that development in the countryside will be allowed where it has an operational requirement for such a location that cannot be met on a site within an urban area or land allocated for that purpose, and is compatible with the rural character of the area. Acceptable countryside development will include agriculture, horticulture, forestry and countryside recreation.

Part 1(b) of Policy DC1 of the adopted East Lothian Local Plan 2008 only allows for new build housing development in the countryside of East Lothian where the Council is satisfied that a new house is a direct operational requirement of an agricultural, horticultural, forestry or other employment use.

The submitted Planning Application Statement informs that the reason for the proposed house is to address ongoing security issues concerning the applicant's East Lothian Golf Range business. On this it is stated that:

- 1) because the location is isolated and part of the business is a retail business, it has been targeted on numerous occasions by criminals, as detailed in the Crime Prevention Report ;
- 2) it is a small business and the applicant or his wife often work at the golf range alone, with occasions when visitors have left his wife feeling uncomfortable and vulnerable;
- 3) there is a fear of potential arson attacks when the golf range is closed during the winter; and
- 4) the applicant is certain that a house on the site, with a CCTV link to the reception/shop of the golf range would be a deterrent against future break-ins and safety fears.

The Crime Prevention Report from Lothian and Borders Police includes records of occurrence of 6 incidents at the property between October 1999 and April 2010. There have been no reported incidents since April 2010. The report gives advice on several security measure that could be put in place to make the 'club house' (shop and reception building) of the golf range more secure. The Report further states that a house within the grounds of the golf range would give the applicant, as the occupier of it, a greater sense of security and hopefully would deter intruders. The advice, however, is that any intruders should not be confronted and that any alert should be notified to the Police for their action.

The Council has not previously accepted the provision of security for an existing business as being an operational justification of need for a new build house in the countryside of East Lothian. The applicant was informed of this prior to making the application.

The Crime Prevention Report does offer some qualified support for the provision of a new house within the grounds of the golf range in that it would offer the operator of the golf range business a greater sense of security and that hopefully it would deter intruders. However, the substance of the Report is that criminal incidences could be deterred by the provision of security measures at the golf range buildings. A recommendation on these is given in the Report. Whilst a new house on-site might provide a deterrent it would be relatively isolated and careful consideration would have to be given to the security of it.

Furthermore, the advice of the report is that any alert of intrusion to the golf range buildings should be a matter to be dealt with by the Police and not by the applicant. Therefore the critical factor in the deterrence of potential criminal activity at the golf range is the employment of security measures there, of the kind set out in the Report, to deter intrusion and to detect intrusion in order to elicit a Police response.

The advice of Lothian and Borders Police is that the linkages of alarms and CCTV is a technological matter and not one dependent on the proximity of the applicant's residence to the golf range. In this a Police response to an incident alert would not necessarily be improved by someone being resident at the golf range.

In which case there is not an operational justification of need on security grounds for the erection of a new build house at the golf range.

There are no other grounds on which the applicant seeks to demonstrate an operational justification of need for the erection of a new build house at the golf range.

Giving due consideration in this case to the advice of Lothian and Borders Police, the conclusion is that there is no direct operational requirement for the provision of a new build house in the countryside location of the East Lothian Golf Range and that in principle, therefore, the proposed house is contrary to Part 1(b) of Policy DC1 of the adopted East Lothian Local Plan 2008 and Policy ENV3 of the approved Edinburgh and the Lothians Structure Plan 2015.

The proposed access road would be close to the houses of St Joseph's Cottages, only one of which, no.1 is currently occupied. It is understood that the cottages are likely to be demolished in the future, however, they could be renovated and reoccupied. To protect the privacy and amenity of those houses boundary fencing and screen planting could be made a required provision of the proposed house being accessed in the manner indicated in this application.

The Council's Transportation service raise no objection in principle to the proposed access arrangements, subject to sufficient in-curtilage parking to the Council's standards (150% parking) being provided to serve the proposed house. On this consideration the proposed development of a new house on the application site does not conflict with Policy T2 of the adopted East Lothian Local Plan 2008.

These considerations of access do not, however, outweigh the conclusion that the principle of the proposed new build house is contrary to the development plan by being contrary to Part 1(b) of Policy DC1 of the adopted East Lothian Local Plan 2008 and Policy ENV3 of the approved Edinburgh and the Lothians Structure Plan 2015.

#### REASONS FOR REFUSAL:

- 1 It is not demonstrated that the building of a new house on the application site is a direct operational requirement of an agriculture, horticulture, forestry or other employment use in the countryside of East Lothian and neither is it demonstrated that there is a justifiable operational security need at the East Lothian Golf Range for the proposed new build house. Consequently, and because the proposed new build house would constitute isolated, sporadic development in the countryside of East Lothian it is contrary to Part 1(b) of Policy DC1 of the adopted East Lothian Local Plan 2008 and Policy ENV3 of the approved Edinburgh and the Lothians Structure Plan 2015.
- 2 If approved the proposed development would set an undesirable precedent for the development of new houses in the countryside of East Lothian, the cumulative effect of which would be the suburbanisation of the countryside to the detriment of its character and amenity.