

**REPORT TO:** Planning Committee  
**MEETING DATE:** 7 June 2022  
**BY:** Director for Place  
**SUBJECT:** Application for Planning Permission for Consideration

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*Note - this application was called off the Scheme of Delegation List by Councillor Collins for the following reasons: I believe this would be in the public interest to come before planning committee. There has been a lot of interest locally regarding the application, causing a lot of concern to local residents in regards to noise and also road safety of the Skateraw Junction on the A1.*

Application No. **22/00357/P**  
Proposal Change of use of agricultural sheds to storage and distribution units (Class 6)  
Location **Skateraw Farm  
Innerwick  
EH42 1QR**

Applicant Firm of William Moffat  
Per John A Fyall

**RECOMMENDATION** Consent Granted

## **REPORT OF HANDLING**

### **PROPOSAL**

This application relates to two existing agricultural buildings, their curtilages and their access roads at Skateraw Farm to the southeast of Dunbar. The application site is within the countryside as defined by policy DC1 of the adopted East Lothian Local Development Plan 2018.

The agricultural buildings are located at points on either side (north and south) of the U223 public road. The sheds are bounded on all sides by land that is in agricultural uses. However beyond this agricultural land to the east of both of the sheds are residential properties. The application site is not within a conservation area, it is however within a site of some historic interest.

Planning permission is sought for a change of use of the sheds from an agricultural use (Class 18 of The Town and Country Planning (Use Classes) (Scotland) Order 1997 to a storage and distribution use, a use within Class 6 of The Town and Country Planning (Use Classes) (Scotland) Order 1997.

The agricultural building on the south side of the U223 public road is the larger of the two buildings and is of a rectangular shape with a footprint of some 3627 square meters. The main access to that building is taken from an existing access junction with the U223 road to the south. The northernmost building is of a square shape with a footprint of some 946 square meters. Main access to that building is taken from an existing access junction with the U223 road to the north. Both buildings are bounded by hard surface service areas. They have pitched roofs and are externally finished in profiled metal sheeting on the upper walls and roofs.

The agricultural buildings are currently let on a temporary basis for crop and grain storage. The applicant informs that long term lets are sought for a more general storage and distribution use to fully utilise the agricultural buildings.

No external works or internal alterations to the buildings are proposed to facilitate the change of use.

## **DEVELOPMENT PLAN**

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 South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Development Plan 2018.

There are no policies of the approved South East Scotland Strategic Development Plan (SESplan) relevant to the determination of this application. Policies DC1 (Rural Diversification) CH4 (Scheduled Monuments and Archaeological Sites) and T2 (General Transport Impact) are relevant to the determination of this application.

## **REPRESENTATIONS**

A total of 11 letters of public objection to the application have been received. The main grounds of objection are:

- i) no detailed description has been provided of proposed storage and distribution operations, number of employees or hours of operation;
- ii) proposals are not for an established countryside use and are not consistent with existing agricultural and residential character of the area;
- iii) increase in traffic and the impact this will have on road safety;
- iv) mud on the public road being a road safety issue;
- v) the junction from the road onto the A1 is not a safe access and is not suitable for an increase in traffic;
- vi) impacts on amenity of neighbouring residential properties through increased levels of noise, light and dust;
- vii) the applicant lives off site;
- viii) no environmental impact assessment has been undertaken;
- ix) application is for two separate sites;
- x) a number of uses have previously been undertaken on the site of the application

without required consents;

- xi) impact of proposals on value of adjacent residential properties; and
- xii) all residents of Skateraw should be notified of proposals.

In response to the some of the points raised by objectors:

-there is sufficient detail submitted with the application to reasonably enable the planning authority to take a decision on this proposed change of use;

-there is no requirement for an applicant to reside permanently on a site for which development is proposed. The fact that the applicant lives off site is not a material planning consideration relevant to the determination of this planning application;

-Whether or not a development requires an Environmental Impact Assessment is determined by The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. In accordance with those Regulations this is not a development type that requires an Environmental Impact Assessment;

-the application has been submitted by a single applicant providing one address as the location of proposed development. There is no requirement for 2 separate planning applications;

-On the matter of previous unauthorised uses of the sheds, this planning application stands to be determined on its merits in accordance with the Development Plan unless material considerations indicate otherwise. Any unauthorised uses could be investigated by the Planning Enforcement Service;

-matters relating to property values are not a material planning consideration in the determination of this planning application; and

- the Council as Planning Authority has notified all relevant neighbouring properties within 20m of the application site. Therefore the neighbour notification that has been carried out satisfies the requirements of the Town and Country Planning (Scotland) Act 1997.

The remaining points raised by the objectors are addressed elsewhere within this report of handling.

## **COMMUNITY COUNCIL COMMENTS**

Dunbar Community Council have commented on the application and raise concerns on the following grounds:

- increased vehicle movements and road safety;
- loss of amenity for residents of neighbouring residential properties;
- environmental impacts of proposed storage use; and
- lack of supporting information relating to intended storage use.

## **PLANNING ASSESSMENT**

Policy DC1 of the adopted East Lothian Local Development Plan 2018 states that development in the countryside, including changes of use or conversion of existing buildings, will be acceptable in principle where it is for: (a) agriculture, horticulture, forestry, infrastructure or countryside recreation; or (b) other businesses that have an operational requirement for a countryside location, including tourism and leisure uses.

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

The use of the existing agricultural buildings for storage and distribution use (Class 6) is not a use related to agriculture, horticulture, forestry, infrastructure or countryside recreation nor does it have a locational requirement to be operational within the countryside. However, Policy DC1 does not prohibit such uses. In this case, the existing agricultural buildings have been in their countryside location for many years. They stand intact and are physically suitable for a Class 6 storage and distribution use. There is no proposal for the erection of new buildings in the countryside or the extension to an existing building. Rather the proposal is merely to utilise existing buildings in a countryside location that are no longer required for the use for which they were built. The use of the buildings and land of the site for Class 6 storage and distribution use constitutes an appropriate form of farm diversification that can be accommodated without detriment to the wider environment. Furthermore, there would be no encroachment onto cultivated agricultural land. In all of this, the proposed storage and distribution use is of an appropriate scale and character for its countryside location. In this regard the proposed change of use of the agricultural buildings is in principle not contrary to Policy DC1 of the adopted East Lothian Local Development Plan 2018.

Due to their set-back locations to the north and south of the U223 public road and their distance away from neighbouring residential properties the proposed use of the agricultural buildings for storage and distribution use would not harm the residential amenity of neighbouring residential properties to the east.

There are no land uses in close proximity to the agricultural buildings on which the proposed change of use to a storage and distribution use would have a harmful affect.

The **Council's Senior Environmental Protection Officer** has been consulted on the application and has responded no comment.

Policy T2 of the adopted East Lothian Local Development Plan 2018 states, among other things that new development must have no significant adverse impact on road safety.

The access onto the U223 from the A1 is an existing access used by farm vehicles and local residents to access their properties. It is also used by members of the public visiting the nearby beach at Skateraw Harbour. The Council's Road Services raise no objection to the proposals being satisfied that the buildings could be accessed without raising issues of road safety. The proposal therefore complies with Policy T2 of the East Lothian Local Development Plan 2018.

The **Council's Archaeology and Heritage Officer** raises no objection to the application being satisfied that the proposed change of use of the agricultural buildings for use as storage and distribution will have no impact on the historic environment.

Accordingly, the proposals do not conflict with Policy CH4 of the adopted East Lothian Local Development Plan 2018.

In conclusion, the proposals are considered to be in accordance with the provisions of the stated relevant Development Plan policies and there are no material considerations which outweigh the proposal's accordance with the Development Plan.

CONDITIONS:

- 1 Notwithstanding the provisions of Part 3 of the General Permitted Development (Scotland) Order 1992 the use of the buildings and land of the application site shall be limited to uses within Class 6 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 or any order that subsequently amends or re-enacts this order.

Reason:

To restrict the use of the buildings and land to that which was applied for in the interests of the amenity of neighbouring residential properties.

- 2 No outside storage shall take place within the application site without the prior written consent of the Planning Authority.

Reason:

In the interests of the visual amenity of the area.

