

LOCAL REVIEW BODY

17<sup>th</sup> November 2022

Application No: 22/00135/P

**Land west of Liberty Hall, Letham,  
Haddington, East Lothian**

Applicant's Supporting Information





22/00135/P

## LOCAL REVIEW BODY APPEAL



## HADDINGTON ESTATES LTD.

Application for Planning Permission for Erection of a Single House  
Land at Liberty Hall, Gladsmuir, East Lothian, EH41 4HF.

### REVIEW STATEMENT

August 2022

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- The planning system was established as a force for positive change. The case officer report states that policies DC1 and DC4 are in place to protect and prevent harm. The case officer agrees that this proposal would not cause any harm to the surrounding area and neighbouring properties – the application does not therefore conflict with the Development in the Countryside policies.
- The appeal site at Liberty Hall sits within an extensive cluster of existing properties as well as there being evidence that the site once accommodated an end-terrace property bookending the existing terrace at Liberty Hall.
- The officer report highlights how these proposals meet key policy tests in terms of design. There will be no detrimental impacts on the immediate or wider setting of the application site and again this is stated in the officer report.
- A 2007 appeal decision stated that a similar application was acceptable but for the ‘*very restrictive*’ policy position. Planning policy should not be overly restrictive, the system is not in place to stop development.
- The LRB Panel has the advantage of looking at the proposals without being bound by a strict interpretation of planning policy. It is important to concentrate on the outcome of a planning application.
- Planning Policy should provide a framework for decision making not an absolute, not a black and white – planning policy cannot possibly apply to all circumstances but provides a context for decision making
- If the outcome is acceptable then the applicant, the planning authority and if necessary the LRB Panel should find a way to enable it to happen, not prevent development just because it does not meet the criteria of a wide-ranging blanket policy that cannot possibly be applied to each and every application. There will always be exceptions and we should not blindly follow planning policy, just because...
- This is a proposal on a gap site, surrounded by other homes and properties with no impediments to development. The attractive, modest and appropriately designed home is intended for the applicant and will not prejudice the amenity of any neighbouring properties.
- Granting planning permission will not undermine or compromise the validity or integrity of planning policy but highlight that East Lothian Council will take the context and site specific nature of an application into account when making its decision. The only precedent should be the ability to make good and fair decisions based on the individual merits of an application.



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## Introduction

1. Planning application 22/00135/P was validated on the 3<sup>rd</sup> February 2022 and refused via delegated powers on the 17<sup>th</sup> May 2022.
2. Three reasons for refusal have been given and we have dealt with each of these in turn later in this Review Statement.
3. Liberty Hall is an attractive cluster of homes to the west of Haddington. It is well located for easy access to and from East Lothian, Edinburgh and beyond, benefits from an attractive rural location whilst being close to key services and infrastructure.
4. Changes in national planning policy encourage a more flexible approach to new housing in the countryside. Taking a positive approach to sustainable new development is to be encouraged.
5. The proposed home would be part of an existing cluster of homes and relating well to a wider group of dwellings. It is a gap site that has previously accommodated a residential property and also has the added benefit of being part of an identifiable group of houses which will visually benefit the locality.
6. **It is a logical and appropriate addition to this small rural settlement.**
7. As outlined in the **Planning Support Statement**, the key points of this application include:
  - A high quality, small scale residential development at this site would make a positive contribution to Liberty Hall. It is a gap site and therefore part of the hamlet envelope;
  - Photographic evidence (see later) illustrates that the site was previously occupied by a residential property that extended the existing row of cottages which adjoin the site to the east;
  - The land is not in agricultural use and the proposal is entirely compatible with the use and amenity of neighbouring land and other residential properties – this is noted in the site description part of the officer report;
  - A well designed, sympathetic development would be entirely appropriate to the location providing a suitable edge/end to the existing terrace of properties at Liberty Hall and without creating isolated or sporadic development in the countryside;



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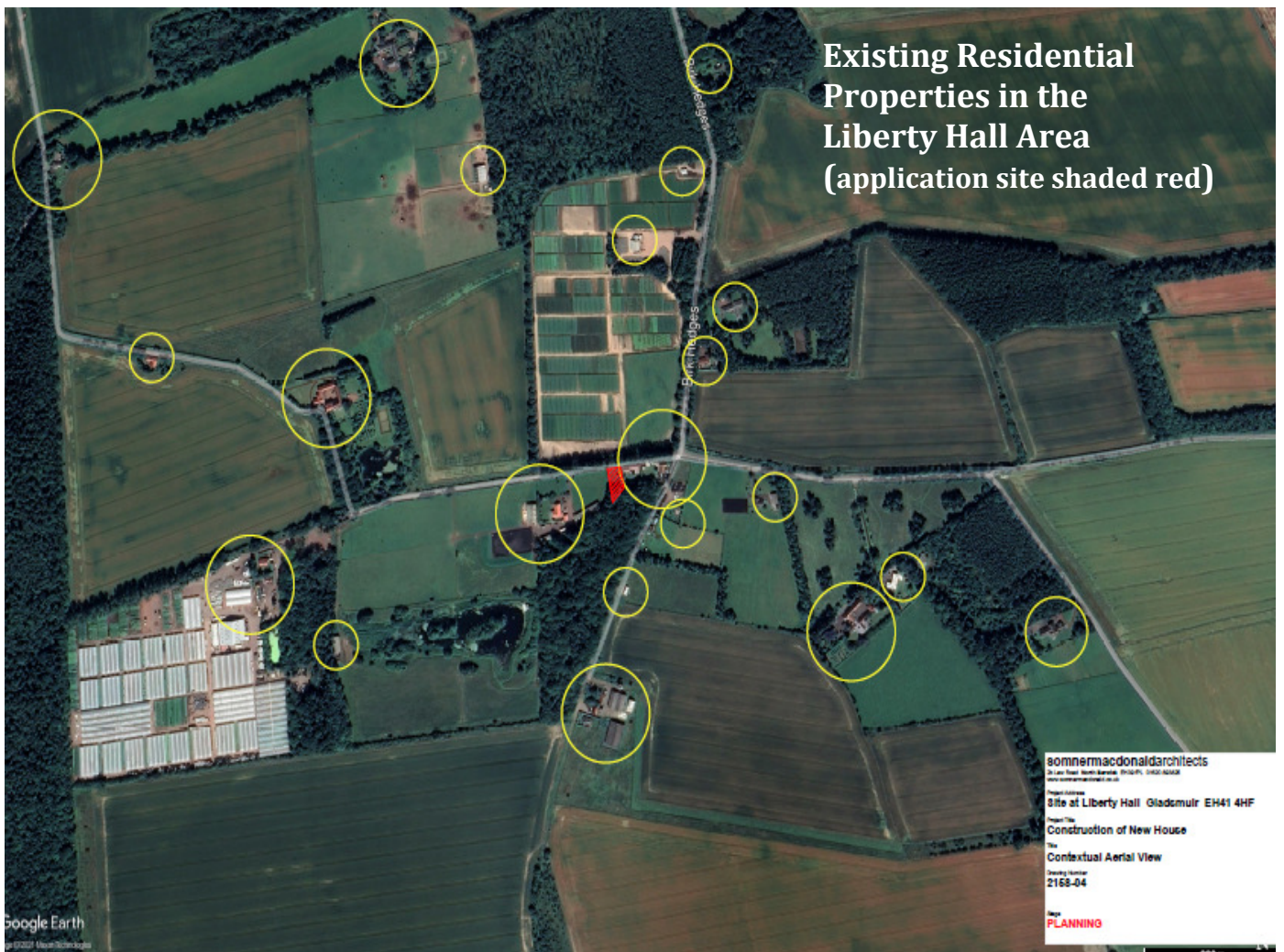
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- The officer report acknowledges that the design is appropriate and there are no inappropriate or unacceptable impacts arising from the proposed development (visual/privacy/daylight/traffic etc.)
- The site has access to relevant infrastructure and services;
- The existing woodland to the south provides an attractive setting and a southern defensible boundary to development. This application was prepared specifically with the woodland in mind and the proposed new home positioned so as to have no impact on the setting or health of the existing woodland to the south; and
- The client is proposing to build a modest home that is energy efficient utilising a number of renewable energy sources addressing East Lothian's declared **climate emergency** and meeting many of the Council's aspirations for new build homes to be as close to Carbon Neutral/Zero Carbon as possible. Rigorous standards of energy efficiency will be employed to reduce the building's ecological footprint.

## Planning Support Statement

8. The Supporting Statement lodged with the application (and also submitted in support of this appeal) gives a detailed description of the site and its characteristics and we will not repeat much of what is included in that statement.
9. To summarise;
  - a. The site is located at Liberty Hall approximately 3.5 miles to the west of Haddington.
  - b. It is a small, roughly rectangular shaped piece of land.
  - c. It is relatively flat and overgrown, whilst the southern part of the land (owned by the applicant) is woodland.
  - d. The residential property of 'Southwood' lies immediately to the west whilst 'Barrel Cottage' and 'The Birks' form the row of properties to the east.
  - e. As the illustration below shows, the wider area is characterised by over twenty residential properties of varying sizes and types. They are 'scattered' around the lanes of this area to the west of Haddington.

10. The site is neither isolated nor would represent sporadic development. It does not, in itself, display the characteristics of a countryside site and would not result in the loss of any existing agricultural land. It is easily accessed and no harm would result from its development.



## Site & Planning History

11. Again the Planning Statement covers the site history in some detail. Historic maps and aerial photos clearly illustrate that there was a house on the application site up to midway through the 20<sup>th</sup> Century.



12. The case officer report highlights the planning history of the site and the fact that there have been two refusals on the site for residential development. We deal with this in more detail elsewhere but both these refusals were 15-20 years ago, there are no design/amenity concerns and the reporter dealing with P/PPA/201/156 stated that ***“the site and design were acceptable but that the policy context was very restrictive”*** and left the Reporter with no choice but to refuse.





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13. The Local Review Panel is not bound as tightly by these policy considerations and has the opportunity to take a more holistic view and conclude that the site characteristic alongside the obvious quality of the proposals warrant a more rounded consideration of the details of the application and that planning permission can be granted.

## Planning Officer Report

14. We deal in more detail with the three reasons for refusal in the next section of this report. It is worthwhile commenting on a number of points raised/comments made in the officer report that accompanies the decision notice.
15. The opening line of the report states that ***“the application site is within a wooded area in the countryside at Liberty Hall”*** - as you will note from your site visit and site photographs, the site is not wooded. The Woodland lies to the south and in no way could you describe the site as being in a wooded area. The design and layout specifically took into consideration the woodland to the south a desire not to impact it in any way.
16. The case officer refers to the planning history of the site as a material consideration detailing the reasons for refusal (including the dismissed appeal in 2007). Planning application. Given the immediate and wider context of the site, **no reasonable assessment could conclude that development on the application site would represent isolated or sporadic development in the countryside.**
17. The 2005 application had the proposed house set into the woodland and would have required some woodland clearance to accommodate the new building. This application has the building positioned to the front (north) of the site **therefore avoiding any impact on the woodland to the south.**
18. The 2005 decision also stated that there would be an ***‘outward encroachment of residential use...harmful to the rural character and appearance of the area’***. As we refer to in the support statement and this appeal statement, the area is characterised by a substantial number of homes and buildings roughly clustered around Liberty Hall. As the case officer report acknowledges, the application site neighbours homes to the east and west. **There would be no encroachment or urbanisation of the area as a result of this application being granted planning permission.**



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19. In determining appeal P/PPA/201/156 the reporter states ***‘While I found both the site and the design to be potentially acceptable, in view of the very restrictive approach embodied in both the structure plan and the local plan...’*** – the LRB Panel is not hamstrung by a literal, narrow and restrictive interpretation of planning policy.
20. The planning system is intended to deliver positive outcomes and be pro-development not implement ***‘very restrictive’*** planning policies which should not be applied rigorously to each and every application but act as a framework for decision making enabling appropriate development.
21. The planning assessment contained within the officer report acknowledges that the **proposals comply with policy in terms of design and amenity with no concerns over the impacts on neighbouring properties** nor are there any other technical/practical concerns such as transportation impacts etc.
22. Planning policy sees a role for appropriate small-scale development forming a logical addition to an existing small-scale rural settlement. **That encompasses the exact nature of this proposal.**
23. We acknowledge throughout our submission that the site is not within a defined settlement, but this does not mean that the context of the site should be ignored simply because the site is covered by a blanket countryside allocation. The site is located within the much wider countryside to the west of Haddington but is neither isolated nor sporadic and relates well to neighbouring properties as well as the wider Liberty Hall cluster.
24. **The report states that Policies DC1 and DC4 are in place to protect East Lothian’s countryside yet earlier in the report, the case officer states that there would be no detrimental impacts arising from the development of the site. Surely both these things cannot be true. Development per se does not equate to unacceptable or damaging impacts. On this basis, the proposals cannot lead to a damaging precedent.**
25. The report concludes by addressing policy NH8 referring to the protection of woodland. We have consistently stated that the proposals will not have any negative impacts on the woodland to the south and the site plan and layout clearly illustrate that development is on the northern portion of the site therefore avoiding the wooded area.
26. It would therefore **be unnecessary and unreasonable to insist on land outwith the application site and unaffected by development to be surveyed.** The development will not impact on the wooded area to the south and was designed specifically with this in mind.



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## Reasons for Refusal

### Reason One

The building on the application site of a house would be new build housing development in the countryside of East Lothian for which a need to meet the requirements of the operation of an agricultural, horticultural, forestry or other employment use or a justifying scheme of rural diversification has not been demonstrated. The principle of the building of a house on the application site is therefore contrary to Policies DC1 and DC4 of the adopted East Lothian Local Development Plan 2018 and Scottish Government Policy Statement Designing Streets, and Planning Advice Note 67: Housing Quality.

27. Throughout the Planning Support Statement we acknowledge that these proposals cannot accord with the provisions of Policies DC1 and DC4. The criteria is so specific and restrictive that this type of development cannot accord. What we do state is that the site displays different characteristics to a typical countryside location, being part of the cluster of homes and buildings at Liberty Hall.
28. The objective of restrictive policies is to prevent harm yet the case officer report states that the proposals are acceptable in all aspects other than the fact that they do not comply with the specific criteria of the policy.
29. In interpreting planning policy we should concentrate on the outcome of the process. The proposed house would be an attractive new home, energy efficient and appropriate for the location (as the case officer and Scottish Government reporter have already concluded).
30. Planning policy cannot possibly apply to every planning application and in some circumstances the individual characteristics of the location and proposal offer more relevant context and this is such an instance.
31. Whilst we acknowledge that the proposals cannot comply with Policies DC1 and DC4, we also believe that these policies should have been considered in the context of the intended outcome not conflicting with the objectives of the policy which is to protect the countryside from harmful development.
32. The proposed new home at Liberty Hall will have no detrimental impacts on the Countryside (or neighbouring properties). DC1 And DC4 should be acknowledged but do not have to be applied just because it is so. They should not be the key determining consideration **in this instance**.



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### Reason Two

If approved the proposed development would set an undesirable precedent for the development of new houses in the countryside, the cumulative effect of which would result in a detrimental impact on the rural character and amenity of the open countryside of East Lothian

33. The fear of setting an undesirable precedent is a frequently used reason for refusal yet in truth it should never form part of the decision making process and each application determined on its own merits.
34. We do not accept that by granting planning permission in this instance it will set an '*undesirable precedent*' for how future applications are decided;
  - The proposed house is entirely specific to this application and the unique opportunity that this site provides;
  - Developing the site into an attractive, high quality, sustainable family home would set, and should be welcomed as, a **positive precedent** – the site is not isolated, already being part of a wider setting including the cluster of homes and properties in the Liberty Hall area;
  - The proposed design is not only sensitive to the characteristics of the local area but will also enhance its immediate setting; and
  - The site plays no integral role to the countryside setting and would have no detrimental impact on the Liberty Hall area or even the more immediate vicinity. This is acknowledged in the officer. We believe that this type of project raises the standard of design more generally in rural areas.
35. We have outlined the merits of the application and believe that that the application is not only acceptable in the context of relevant planning policy, but would be a high quality **addition** to this part of East Lothian. The planning system should concentrate on the outcome and in this instance, this would represent a positive outcome for the site at Liberty Hall.



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### **Reason Three**

No information has been submitted to demonstrate that the proposed development would not detrimentally impact on trees within or directly adjacent to the application site to the detriment of the character and appearance of the area. Accordingly, as it has not been demonstrated that the erection of a house on the site would not result in harm to nearby trees the proposals are contrary to Policy NH8 of the adopted East Lothian Local Development Plan 2018.

36. As the plans and photographs clearly illustrate, the proposal has been deliberately set out to avoid the wooded area to the south of the site. The red line stops before the woodland with the blue line area acknowledging that the wider site is under the applicants ownership though outside the parameters of this application.
37. This was made clear from the outset (and especially given the context of the planning history of the site) so we were surprised and disappointed that this reason for refusal was added. There will be no impacts on the wooded area and it would have been unreasonable to insist on a tree survey (and/or justification) for an area of the site outwith the red line and unaffected by development.
38. Furthermore, any specific (justifiable) concerns could have been outlined during the determination process but there was no dialogue with the case officer throughout this process. Whilst we were aware of the potential planning policy issues, no mention of concerns over the loss of or impact on trees was raised.

## Conclusions

21. The site at Liberty Hall provides the opportunity to develop a high quality addition to an existing hamlet and wider cluster of residential properties. The new home would formalise the eastern edge of the row of properties and would occupy a relatively enclosed site.
22. The proposed development will have no significant impact on the wider landscape setting and would relate well to the existing group of homes. This is acknowledged in the officer report.



23. The applicant was disappointed with the refusal of planning permission and we have responded to each of the three reasons for refusal in this document.
24. The Planning system should be outcome focused and not concentrate on an unflinching interpretation of planning policy. Exceptions frequently exist where a blanket policy (in this instance Policy DC1 and DC4) results in an illogical and unnecessarily restrictive conclusion and this is one such occasion.
25. It is stated that Policies DC1 and DC4 are in place to prevent harm, yet the case officer also states that this proposal would result in no harm being caused. You cannot cite a reason for refusal being planning policies implemented to prevent harm, when no harm is being caused. DC1 and DC4 are not the key determining policies.



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26. The officer report states that the design and layout is appropriate and that there are no other concerns (design/privacy/amenity/traffic) that would preclude development. This opinion is mirrored in a previous appeal where the reporter acknowledges that the very restrictive policy stance was the only reason they could not grant planning permission.
27. **The proposed home is an appropriate addition to an existing identifiable building group. As we have illustrated, the site is located in amongst a range of residential properties and is itself the site of a former cottage. It is an infill, gap site.**
28. Concern is consistently raised about protecting East Lothian from isolated and sporadic development. In its immediate and wider context, this site is neither. It is part of an established group of homes and is within easy reach of key services and infrastructure.
29. We contend that residential development at this site would enhance the overall character and setting of Liberty Hall in removing an untidy and vacant plot and enabling the development of an attractive, modest family home, appropriate to the character and appearance of its setting and surroundings.
30. **As such we respectfully request that this appeal to the Local Review Body be allowed and planning permission be granted.**

**SITE IMAGES** – please see over.



# Application for Planning Permission



## HADDINGTON ESTATES LTD.

Application for Planning Permission for Erection of a Single House  
Land at Liberty Hall, Gladsmuir, East Lothian, EH41 4HF.

### PLANNING SUPPORT STATEMENT

November 2021

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**The application site is a previously developed site, capable of accommodating a modest new home, in keeping with its surroundings and adjacent to existing residential properties**

In this instance the application meets key design and siting criteria and policy considerations, whilst it cannot be, in any way, described as isolated or sporadic development in the countryside.

Historic maps and photographs illustrate that the site once accommodated a farm workers cottage whilst development would now sit comfortably with the other properties at Liberty Hall.

The house is intended as a modest new home for the applicants to occupy, designed to complement existing properties in the area.

There will be no wider landscape impacts and the amenity of existing residents will not be compromised.

We acknowledge throughout this support statement that the application does not meet the provisions of some of the relevant planning policies, but planning policy cannot relate to each and every situation and every application must be determined on its own merit.

In this instance we firmly believe that the aims and objectives of the relevant planning policies are written to avoid inappropriate and unsympathetic development in countryside locations. This application does not represent one of those locations, and development at Liberty Hall would not compromise any aspect of the East Lothian countryside.



## Introduction

1. The proposed development site is at Liberty Hall, an attractive cluster of homes to the west of Haddington. Well located for easy access to and from East Lothian, Edinburgh and beyond, it benefits from a rural location whilst not being far from key services and infrastructure.
2. Changes in national planning policy encourage a more flexible approach to new housing in the countryside. Taking a positive approach to sustainable new development is to be encouraged. The proposed home would be part of an existing cluster of homes and relating well to a wider group of dwellings. It is a gap site that has previously accommodated a residential property and also has the added benefit of being part of an identifiable group of houses which will visually benefit the locality.
3. **It is a logical and appropriate addition to this small rural settlement.**
4. The key points of this application include:
  - A high quality, small scale residential development at this site would make a positive contribution to Liberty Hall. It is a gap site and therefore part of the hamlet envelope;
  - Photographic evidence (see later) illustrates that the site was previously occupied by a residential property that extended the existing row of cottages which adjoin the site to the east;
  - The land is not in agricultural use and the proposal is entirely compatible with the use and amenity of neighbouring land and other residential properties;
  - A well designed, sympathetic development would be entirely appropriate to the location providing a suitable edge/end to the existing terrace of properties at Liberty Hall and without creating isolated or sporadic development in the countryside;
  - The site has access to relevant infrastructure and services;
  - The existing woodland to the south provides an attractive setting and southern defensible boundary to development. This application represents the extension of the existing terrace to provide a new family home, of traditional appearance and materials and for the applicants own occupation; and
  - The client is proposing to build a modest home that is energy efficient utilising a number of renewable energy sources meeting many of the Council's aspirations for new build homes to be as close to Carbon Neutral/Zero Carbon as possible. Rigorous standards of energy efficiency will be employed to reduce the building's ecological footprint.

5. This is an ideal site to accommodate a small scale residential development. This is a high quality development that has the opportunity to enhance the existing cluster of houses, to make it more cohesive, whilst ensuring the area does not lose its key characteristics and charm. The proposals will not have any detrimental impacts on the amenity, appearance or character of the immediate area.

## Site Description

6. The site is located at Liberty Hall approximately 3.5 miles to the west of Haddington. It is a small, roughly rectangular shaped piece of land. It is relatively flat and overgrown, whilst the southern part of the land (owned by the applicant) is woodland. Liberty Hall is essentially a rural location, close to Haddington, with a variety of uses in the surrounding fields such as commercial agriculture/horticulture, livery, woodland and forestry and a wide range of residential properties. Butterdean Wood lies further to the west and Alba Trees, a business covering 25 hectares of the surrounding land occupies sites to the west and north.
7. The residential property of *'Southwood'* lies immediately to the west whilst *'Barrel Cottage'* and *'The Birks'* form the row of properties to the east.
8. As mentioned, and as the plan below illustrates, the wider area is characterised by over twenty residential properties of varying sizes and types. They are *'scattered'* around the lanes of this area to the west of Haddington. Whilst displaying many of the characteristics of an attractive countryside location, it is hardly remote and there are many existing local residents.
9. The addition of a further home, on a previously developed site (admittedly some time ago) will have no detrimental impact on the area nor will it compromise any planning policies seeking to protect sensitive countryside locations.





**Aerial View looking west**

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## Site History

10. As the historic maps and aerial photo below clearly illustrate, there was a house on the application site up to midway through the 20<sup>th</sup> Century. It is not known why the original house was demolished but the site has lain empty ever since. It has not been used for anything else (agriculture/paddock) etc. and is generally unkempt though recently cleared of the unmanaged shrubs/weeds etc.



11. The woodland to the south is mature and in need of maintenance, and there are a number of derelict/abandoned items strewn throughout (as per the photo above) but is essentially a healthy and attractive backdrop. The development of a home on the application site will not impact on the integrity of the woodland.

12. Whilst we are not claiming that this is a brownfield site in the traditional sense, it has been previously developed, has not been put to any other beneficial use since it became vacant, and the land shows signs of its previous use (rubble and discarded materials). It is effectively a vacant and neglected housing plot with associated garden ground.



## Planning History

Application Ref.	Detail	Granted/ Refused
05/00973/FUL	Detailed Planning Permission - erection of 1 house and double garage, change of use for the keeping of horses, erection of stable block and associated works.	Refused
06/00766/FUL	Detailed Planning Permission - erection of house and garage.	Refused
P/PPA/Z10/156	Appeal - Scottish Executive	Dismissed

13. The earlier application sought development further back into the site, seeking to develop a home in the woodland part of the site (and to include stables/paddock and some tree removal). The latter of the applications did promote development to the front of the site.



## Design Principles

14. Scottish Planning Policy supports sustainable development and encourages a design-led approach. We have no doubt that the proposed development will also meet the six qualities of successful place (though clearly on a small scale). The application is for a modest and traditionally designed single storey new home (with bedrooms in the roof-space) on the site of a previous house.
15. The house will be mainly stone, render and tiles and appear as a traditional countryside cottage and very much in keeping with the surrounding homes and especially Barrel Cottage and The Birks immediately to the east. Importantly, the road facing elevation is both modest in size and will present a stone frontage, very much in keeping with the traditional farmer's cottage appearance.
16. The plot is comfortably large enough to accommodate the proposed new home including the garage and garden ground and the land ownership would also include the woodland to the south giving the prospective occupiers (the applicants) a high level of amenity.
17. The development of the existing residential plot at Liberty Hall will not have any detrimental impacts on the existing residents to the east or the wider group of homes in the area. The development would have no impact on the wider countryside setting.

## Planning Policy

18. 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.
19. Scottish Planning Policy states that there should be a positive approach to new development within rural areas and development which provides employment and community benefits should be encouraged. There are two significant material considerations regarding this application:
  1. There has been a dwellinghouse on the site previously *and*
  2. The site represents a natural book-end to the existing homes at Liberty Hall the site is effectively a backland/garden site at an infill location (though in a rural setting).
21. The development plan is the approved South East Scotland Strategic Development Plan and the 2018 East Lothian Local Development Plan (LDP). Given the location and scale of the proposed development, we have concentrated on the policies of the LDP.





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<b>DC1: Rural Diversification</b>	This policy sets out specific criteria for new development in the countryside, stating that there will be support in principle where it is for agriculture, horticulture, forestry or countryside recreation; or other businesses that have an operational requirement for a countryside location, including tourism and leisure uses.	The proposed home is not being promoted to support an existing business or leisure use. However in being part of an established cluster of rural homes, the site displays different characteristics from a typical countryside location and <b><u>development would not be inappropriate, isolated or sporadic.</u></b>
<b>DC3: Replacement Dwellings in the Countryside.</b>	This policy outlines exemptions to the general presumption against new housing in the countryside and states that replacement dwellings would be supported in principle where it is a like for like replacement of a dwelling recently rendered uninhabitable or to replace an existing dwelling that is incapable of inhabitation.	The proposed development cannot accord with DC3, however flexibility can be applied to enable limited development on this site - <b><u>a site which has previously housed a residential dwelling.</u></b> The proposed home is of an appropriate scale to the locality, is of similar size to the previous dwelling and sits within an established and clearly defined cluster of homes (and amongst a much wider group of homes).
<b>DC4: New Build Housing in the Countryside.</b>	New build housing, where there is no existing house/existing building suitable for conversion to a house, will only be supported in the countryside if it is required to meet an operational business need, or if it is for affordable housing and satisfies the terms of NH1.	The proposed development cannot accord with DC4, however given the site specific characteristics and circumstances it justifies a departure from this policy. The proposal is small scale (a single house) and whilst it is not affordable housing, <b><u>it forms a logical addition to an existing hamlet,</u></b> providing a unifying effect. The site is bounded on both sides by existing homes and is situated within a recognised cohesive group of houses to the East. In the In the Planning Appeal (ref P/PPA/Z10/156) the Principal Inquiry Reporter specifically states <b><i>'that the sympathetic design would be appropriate to the location, providing a suitable edge or end to the built development of this hamlet'</i></b> .
<b>DP1: Landscape Character</b>	All new development must be well integrated into its surroundings and retain and where appropriate enhance existing natural and physical features, incorporating these into the design in a positive way. It must include appropriate landscaping/multifunctional green infrastructure/open spaces to unify and integrate it into its surroundings.	The landscape character will not be compromised by the proposed development. Quite the opposite, the site is easily capable of accommodating the proposed home and the proposals have been sensitively designed to integrate into the existing setting. The design pays particular attention to the landscape backdrop, trees, woodland and boundary features.

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<b>DP2: Design</b>	<p>The Council requires good design and the design of all new development proposals must meet a number of specific criteria. Those relevant to this application are listed below and the design of the proposed new build should take into account:</p> <ol style="list-style-type: none"><li>1. Appropriateness to the location;</li><li>2. Siting, density and design;</li><li>3. Positioning and orientation of buildings;</li><li>4. Distinguishing public space from private space;</li><li>5. Ensuring privacy and amenity; and</li><li>6. Retaining physical or natural features;</li><li>7. Suitably serviced and accessed.</li></ol>	<p>The proposed development is entirely appropriate to its location. The Planning Appeal Report states that the <i>'proposed development would be well screened'</i> and the <i>'sympathetic design would be appropriate to the location'</i> and concluded the <i>'site and the design to be potentially acceptable'</i>. As the application drawings and visualisations illustrate the proposal is for a high quality, single storey, three-bedroom house. The frontage and choice of materials are appropriate for the location and a key aim for the home will be for it to be resource efficient. It will be well integrated into the rural environment (with no impact on the neighbouring properties in terms of privacy/ amenity), and does not require the removal of any trees. The site is suitably serviced and accessed and a home in this location will provide an appropriate book-end to the existing row of cottages to the east. <b><u>The proposed development therefore complies with Policy DC2: Design.</u></b></p>
<b>DP7: Infill, Backland and Garden Ground Development.</b>	<p>This policy outlines specific criteria that need to be met before the principle of development can be supported within infill and backland locations.</p>	<p>We acknowledge that this site is in a countryside setting and outwith the scope of the policy, but believe that all of the criteria outlined in DP7 can apply to a gap site in the countryside and specifically this application. The proposed development meets ALL of the criteria outlined in this policy. The site can comfortably accommodate the entire development; it offers a good level of privacy and amenity to both the existing occupants of neighbouring properties and the occupants of the new home. The scale/design and density of the development is sympathetic to its surroundings – in no way can it be considered overdevelopment and there is no material loss of green land, open space or physical or natural features. The development will not result in the loss of agricultural land.</p>
<b>RCA1: Residential Character and Amenity.</b>	<p>This policy ensures that the residential character and amenity of housing areas is safeguarded from the adverse impact of uses other than housing.</p>	<p>This policy is usually applied to predominantly residential urban areas, seeking to protect the amenity of existing and future residents. Despite its countryside location, the proposed house would be part of an immediate and wider group of existing homes. The proposed development is compatible with the residential character and amenity of the area. As has been highlighted previously - a home in this location will provide an appropriate end to the existing row of cottages at Liberty Hall and will reflect the historic building pattern. <b><u>The proposed development complies in fully with policy RCA1.</u></b></p>

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<b>T1 : Development Location and Accessibility</b>	New developments shall be located on sites that are capable of being conveniently and safely accessed on foot, by cycle, by public transport and private vehicle (including adequate car parking).	This is a small scale development - one residential property. It can be safely accessed, will have adequate parking and will have no discernible impact on general transport in the area.
<b>T2 : General Transport</b>	This policy ensures that there will be no adverse impact on road safety, walking or cycling in the surrounding area, public transport operations, the capacity of the surrounding road network and residential amenity as a consequence of increased traffic.	<p>Whilst located in a wider rural setting, the surrounding roads and paths are well used by cyclists and walkers. It is a very pleasant environment.</p> <p><b><u>The proposed development complies in full with policy T1 and T2.</u></b></p>

## Conclusions

22. This site provides the opportunity to be a high quality addition to Liberty Hall, an existing hamlet and wider cluster of residential properties. The new home would formalise the eastern edge of the row of properties and would occupy a relatively enclosed site.
23. The proposed development will have no significant impact on the wider landscape setting and would relate well to the existing group of homes.



24. **The proposed home is an appropriate addition to an existing identifiable building group. As the above image clearly shows, the site is located amongst a range of residential properties and is itself the site of a former cottage. It is an infill, gap site.**



Haddington Estates Ltd. - Application for Planning Permission  
Planning Support Statement – November 2021.

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25. Concern is consistently raised about protecting East Lothian from isolated and sporadic development. In its immediate and wider context, this site is neither. It is part of an established group of homes and is within easy reach of key services and infrastructure.
26. We would assert that each application must be determined on its individual merits and whilst it does not meet all of the policy tests set out in DC3 and DC4 this does not and should not, in itself preclude development on this site. Planning policy cannot relate to every application, to every circumstance, but provides a framework within which decisions are taken.
27. It is clear that this site offers an attractive site for a home, especially given its ability to complement Liberty Hall and the clear historic evidence that a home stood on the site some time ago.
28. We contend that residential development at this site would enhance the overall character and setting of Liberty Hall in removing an untidy and vacant plot and enabling the development of an attractive, modest family home, appropriate to the character and appearance of its setting and surroundings.
29. As such we are very happy to respond to any requests for further information. We look forward to hearing from you in due course.

App No. 22/00135/P

**EAST LoTHIAN COUNCIL  
DECISION NOTICE**

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

**Haddington Estates LTD  
c/o APT Planning And Development  
Per Tony Thomas  
6 High Street  
East Linton  
EH40 3AB**

**APPLICANT: Haddington Estates LTD**

With reference to your application registered on 3rd February 2022 for planning permission under the above mentioned Acts and Regulations for the following development, viz:-

**Erection of 1 house and associated works**

**at  
Land West Liberty Hall  
Letham  
Haddington  
East Lothian**

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 building on the application site of a house would be new build housing development in the countryside of East Lothian for which a need to meet the requirements of the operation of an agricultural, horticultural, forestry or other employment use or a justifying scheme of rural diversification has not been demonstrated. The principle of the building of a house on the application site is therefore contrary to Policies DC1 and DC4 of the adopted East Lothian Local Development Plan 2018 and Scottish Government Policy Statement Designing Streets, and Planning Advice Note 67: Housing Quality.

- 2 If approved the proposed development would set an undesirable precedent for the development of new houses in the countryside, the cumulative effect of which would result in a detrimental impact on the rural character and amenity of the open countryside of East Lothian.
- 3 No information has been submitted to demonstrated that the proposed development would not detrimentally impact on trees within or directly adjacent to the application site to the detriment of the character and appearance of the area. Accordingly, as it has not been demonstrated that the erection of a house on the site would not result in harm to nearby trees the proposals are contrary to Policy NH8 of the adopted East Lothian Local Development Plan 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>
2158-02-C	-	03.02.2022
2158-03-A	-	03.02.2022
2158-04	-	03.02.2022

**17th May 2022**

Keith Dingwall  
Service Manager - Planning

## 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.

# OFFICER REPORT

**4th May 2022**

App No. **22/00135/P**

Application registered on **3rd February 2022**

Target Date **2nd April 2022**

Proposal	<b>Erection of 1 house and associated works</b>	SDELL	Y
		CDEL	N
Location	<b>Land West Liberty Hall Letham Haddington East Lothian</b>	Bad Neighbour Development	N

APPLICANT: **Haddington Estates LTD**

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

**c/o APT Planning And Development  
Per Tony Thomas  
6 High Street  
East Linton  
EH40 3AB**

DECISION TYPE:

**Application Refused**

## REPORT OF HANDLING

The application site is within a wooded area in the countryside at Liberty Hall to the west of Haddington. The application site is an irregular shaped site which is bounded to the north by an unclassified public road with fields beyond, to the west by a grassed field with the residential property of 'Southwood' beyond, to the east by the residential properties of 'Barrel Cottage' and 'The Birks', an area of woodland and a private farm access road and to the south by more of the woodland.

## PLANNING HISTORY

On 16th March 2006 planning application (Ref: 05/00973/FUL) was refused for the erection on the site of a house and a double garage, for the change of use of vacant land for the keeping of horses and the erection of a stable block for the reasons that;

1. The building on the application site of a house would be sporadic new build housing development in the countryside of East Lothian for which a need to meet the requirements of the operation of an agricultural, horticultural, forestry or other employment use or a justifying scheme of rural diversification has not been demonstrated. The principle of the building of a



house on the application site is therefore contrary to Policy ENV3 of the approved Edinburgh and the Lothians Structure Plan 2015, Part 2(a) of Policy DC1 of the adopted East Lothian Local Plan 2000 and planning policy guidance on the control of new build housing development in the countryside given in Scottish Planning Policy 3: Planning for Housing.

2. If approved the proposed development would set an undesirable precedent for the development of new houses in the countryside, the cumulative effect of which would result in a detrimental impact on the rural character and amenity of the open countryside of East Lothian.

3. The proposal would require the felling of a large number of mature trees that make a positive contribution to the countryside character of the area. The proposed development does not contribute more to the good planning of the area than would the retention of the trees and is therefore contrary to Policy ENV13 of the adopted East Lothian Local Plan 2000.

In October 2006 planning application, (Ref 06/00766/FUL), was again refused in for the erection of a house and garage on the site for reasons that;

1. The building on the application site of a house would be new build housing development in the countryside of East Lothian for which a need to meet the requirements of the operation of an agricultural, horticultural, forestry or other employment use or a justifying scheme of rural diversification has not been demonstrated. The principle of the building of a house on the application site is therefore contrary to Policy ENV3 of the approved Edinburgh and the Lothians Structure Plan 2015, Part 2(a) of Policy DC1 of the adopted East Lothian Local Plan 2000 and planning policy guidance on the control of new build housing development in the countryside given in Scottish Planning Policy 3: Planning for Housing.

2. If approved the proposed development would set an undesirable precedent for the development of new houses in the countryside, the cumulative effect of which would result in a detrimental impact on the rural character and amenity of the open countryside of East Lothian.

3. The effect of the proposed change of use of the land within the application site would be an outwards encroachment of residential use into and in place of woodland and this urbanisation would be harmful to the rural character and appearance of the area. There are no special circumstances that would give justification for such urbanisation of land which is not identified for residential use and built development. Accordingly the proposal is not consistent with Policy DC1 of the adopted East Lothian Local Plan 2000.

The refusal of planning application 06/00766/FUL was subject to an appeal, (Ref: P/PPA/201/156), to the Department of Planning and Environmental Appeals (DPEA) which was dismissed in July 2007.

In paragraphs 2 and 3 of their decision, the Reporter states;

"2. Policy ENV3 of the Edinburgh and the Lothians Structure Plan restricts support for new development in the countryside either to that which has an operational requirement for a countryside location, such as that related to agriculture, horticulture or forestry; or to that which supports rural diversification including, in certain circumstances, development that reuses redundant rural buildings, These provisions are also reflected in Policy DC1 of the East Lothian Local Plan, which additionally provides support for the restoration of houses which are substantially intact.

3. I therefore find that this proposal is not supported by either policy, as it would not involve the restoration of a substantially intact house or the re-use of a redundant building, and it is not proposed on the basis of any operational requirement for a countryside location."

They therefore concluded that;

"While I have found both the site and the design to be potentially acceptable, in view of the very restrictive approach embodied in both the structure plan and the local plan, and in the absence of any justification for this proposal on grounds of operational requirement or rural diversification, I consider that this is not sufficient to justify granting planning permission contrary to the relevant provisions of the development plan."

## PROPOSAL

Planning permission is again sought for a new house and detached garage to be built on the site, being the same site the subject of the refusals of planning permissions 05/00973/FUL and 06/00766/FUL). The now proposed house would be positioned on the northern part of the site, where the site fronts the unclassified road. The house would be a detached, single storey house with an L shaped footprint and a pitched roof. First floor accommodation would be formed within its roof space. The walls of the proposed house would have a mix of a stonework finish to the front elevation and east and west gables while the rear projection would be rendered. Window sills and features would also be stone. The pitched roof would be finished in clay tiles with roof windows inserted into its slopes. The windows to be installed in the house would be UPVC framed, double glazed windows of a sash and case style and the doors would be of composite construction.

A detached double garage would be positioned to the south east of the proposed house and would have a pitched roof clad in clay roof tiles and rendered walls.

Access to the site would be taken from the public unclassified road to the north and via an access driveway that would run southwards through the site between the eastern boundary of the site and the east elevation of the proposed house towards the front elevation of the proposed garage. The existing post and wire fence boundaries of the site would be retained and no new boundary treatment is proposed.

The rear boundary of the site is bound by a burn/ditch which runs in an east/west direction. The land within the application site to the north of the burn/ditch is mainly rough, grassed ground. It is within this northern part of the site that the proposed house, double garage and driveway would be contained. The application site does not include this burn or land to its south comprising a large wooded area, although these fall within the ownership of the applicant.

## 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 (ELLDP).

There are no policies contained within the adopted South East Scotland Strategic Development Plan (SESplan) relevant to the determination of the application. Policies DC1 (Rural Diversification), DC4 (New Build Housing in the Countryside), DP2 (Design), T1 (Development Location and Accessibility), Policy NH8 (Trees and Development) and T2 (General Transport Impact) of the East Lothian Local Development Plan 2018 are relevant to the determination of the application.

Material to the determination of the application is Scottish Government Policy Statement Designing Streets, and Planning Advice Note 67: Housing Quality. They provide an overview of creating places, with street design as a key consideration. They advise on the detail of how to approach the creation of well-designed streets and describe the processes which should be followed in order to achieve the best outcomes. PAN 67 states that the planning process has an essential role to play in ensuring that the design of new housing reflects a full understanding of its context in terms of its physical location and market conditions, reinforces local and Scottish identity, and is integrated into the movement and settlement patterns of the wider area. The creation of good places requires careful attention to detailed aspects of layout and movement.

Also material to the determination of the application is the planning history of the site and the decision to refuse planning permission 05/00973/FUL for the erection on the site of a house and a double garage, for the change of use of vacant land for the keeping of horses and the erection of a stable block as well as the decision to refuse planning permission 06/00766/FUL for the erection of a house and garage on the site and the subsequent decision by the DPEA to dismiss an appeal ref: P/PPA/201/156 for that house.

## REPRESENTATIONS

Four letters of objection have been received in respect of this application, two of which are from the same person. The main grounds of objection are:

- \* the proposal would be detrimental to the visual amenity of the area;
- \* Overuse of the single-track road directly outside the property and to further increase the traffic volume will only increase the detrimental impact on the road infrastructure;
- \* Inadequate waste water and surface water drainage and run off from the site;
- \* Impact on water supply and pressure in the area;
- \* unclear as who would be residing in the property or, if the property would be sold on;
- \* Dwelling would be of a pastiche design which would not unify the surrounding context;
- \* The proposal would constitute an example of sporadic development in the countryside which the Local Plan seeks to avoid;
- \* There is no operational requirement - agricultural, forestry or horticultural - which would require the development of the land as detailed in the planning application;
- \* Impact on light levels to adjacent properties;
- \* Property of a scale and size which is not appropriate within the area;
- \* Support Statement mentions that the application does not meet the provisions of some of the relevant planning policies;
- \* No gas infrastructure in the area and property would need to be heated by oil deliveries;
- \* No need for the siting of housing in this location; and
- \* Potential impact on mature woodland and natural habitat.

Issues with regard to design and amenity are addressed in the Planning Assessment Section of this report below.

With regards to drainage, the site is not located within an area shown to be at risk of flooding from Council Records. Furthermore, issues of wastewater and water supply are controlled by Scottish Water. Therefore these are not material planning considerations relevant to the determination of this planning application.

The matter of the provision of gas supply, the need for a house and any future occupant of the house are also not a planning considerations relevant to the determination of this planning application.

The site is not located within a defined local biodiversity site or of any national or international habitat importance.

## COMMUNITY COUNCIL COMMENTS

None

## PLANNING ASSESSMENT

The application site is in a countryside location characterised by a low density dispersed built form within an agricultural landscape. The application site is not identified in the adopted East Lothian Local Development Plan 2018 as being within a settlement and the Local Plan does not allocate the land of the site for housing development. Consequently, and as the application site is within a countryside location the principle of the building of a house on it must be assessed against national, strategic and local planning policy relating to the control of new housing development in the countryside.

As it is proposed through this current application the house, double garage and driveway would be positioned on the northern part of the application site which is the part of the application site not covered by trees. In their positions the proposed house, double garage and driveway would be readily visible from public views from the public road to the north of the site and would be seen in relation to the neighbouring house, garage and driveway at 'Barrel Cottage'. By virtue of their size, architectural form, positioning, and materials the proposed house and garage would not have a significant adverse impact on the rural character and amenity of the area. On the matter of its design the proposed house would not be contrary to Government advice on the design of new housing development in the countryside given in Planning Advice Note 67.

Owing to its design and positioning the proposed house would not give rise to harmful overlooking or harmfully overshadow any neighbouring property or land. In this regard, the siting of the proposed development to the north of the site would not result in a loss of sunlight to the property to the east in the morning or midday given the orientation of the south facing rear gardens. Similarly, the property would be sufficiently set away from neighbouring residential properties so as it would not result in a detrimental loss of daylight to surrounding dwellings.

In relation to loss of privacy, the property would feature side facing windows which would face the boundary of the residential property to the east. However, this boundary of the property is characterised by a high hedge interspersed with tree planting. Accordingly, this boundary would provide adequate screening to this neighbouring property so that the proposal would not result in a detrimental loss of privacy to the neighbouring property at Barrel Cottage. The front

of the property would face the public road while the rear would face the rear garden of the property and the wooded area beyond. The western elevation would not directly face onto residential land and would not be within 18 metres of directly facing windows to residential properties. Accordingly, the proposal would not lead to the detrimental loss of privacy to any surrounding residential properties.

The proposed house would have sufficient private amenity ground around it for the enjoyment of the occupants of it and would have sufficient land for the parking and turning of vehicles.

The Council's Senior Environmental & Consumer Services Manager has been consulted on the application and has responded to confirm that they have no comments to make on the proposal. Accordingly, no objection has been raised.

The Council's Contaminated Land Officer has commented on the proposal to state that they have reviewed the various historical maps for the site as well as looking at the potential contamination issues that may impact on the development. They have commented that the site is currently vacant ground and doesn't seem to have had any historic, potentially contaminative land-use associated with it. They state that there is the possibility that areas of made ground may exist on the site from the demolition of the previous dwelling which may have contributed to localised areas of contamination. Given this, and due to the nature of the proposed development (new residential accommodation), they state that should the proposal be supported, further information would be required to determine the ground conditions and potential contamination issues impacting on the site (with the minimum of a Phase I Geo-environmental Assessment being carried out). As such a condition has been suggested to ensure this in the event that the planning application is approved.

The Council's Roads Services has been consulted on the application. No response has been received and accordingly no objection has been raised.

Notwithstanding all of the above it is now necessary to consider whether or not, with regard to national, strategic and local planning policy and other material considerations, the erection of the house and associated development on the application site is acceptable, with due regard to its impact on the character and appearance of the Open Countryside of East Lothian and, if not, whether there are any other material planning considerations that outweigh this conflict with the development plan.

Policy DC1 of the adopted East Lothian Local Development Plan 2018 states that development in the countryside, including changes of use or conversions of existing buildings, will be supported 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
- 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.

Policy DC4 of the East Lothian Local Development Plan 2018 states that new build housing development will only be supported in the countryside outwith the constrained coast where 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. there is no existing house or no appropriate existing building suitable for conversion to a house is available in the locality and 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 applicant has submitted a supporting statement noting that the proposal is within a 'gap' site in the Hamlet of Liberty Hall and has submitted photographic evidence to show that the site was once residential. However, Liberty hall is not within a settlement of any scale identified within the adopted East Lothian Local Development Plan 2018. Nor is it allocated for development. Instead the application site is within the countryside. The photographic evidence submitted by the applicant shows an extended row of cottages (additions to the existing Barrel Cottage) fronting the road. However, there is no physical evidence of these former cottages visible on site. Therefore and as Liberty hall is not within a settlement of any scale identified within the adopted East Lothian Local Development Plan 2018 this application stands to be assessed against Policies DC1 and DC4 of the adopted East Lothian Local Development Plan 2018.

No case has been made for the proposed house to meet an agriculture, horticulture or forestry need. No other operational need has been advanced to justify the erection of a house on the application site in this countryside location such that the proposal is contrary to Policies DC1 (Rural Diversification) and DC4 (New Build Housing in the Countryside) of the adopted East Lothian Local Development Plan 2018.

Policy DC1 and DC4 are in place to protect East Lothian's countryside. The development of a new house and double garage on the site would, if approved, set an undesirable precedent for the development of new houses in the countryside and the cumulative effect of which would result in a detrimental impact on the rural character and amenity of the open countryside.

The proposed house, double garage and driveway would be positioned on the northern part of the application site which is the part of the application site which is not covered by trees. The land is part of a long established Ancient Woodland with Liberty Southwood directly to the south of the proposed site.

The Council Policy and Projects Officer has stated that the Scottish Government's Control of Woodland Removal policy sets out national policy on woodland removal and replacement planting. It contains a strong presumption in favour of protecting Scotland's woodland resources. Policy NH8 reflects this presumption in favour of protecting East Lothian's

woodland resources and states that development will only be permitted where, in the case of woodland, its loss is essential to facilitate development that would achieve significant and clearly defined additional public benefits in line with the Scottish Governments Policy on Control of Woodland Removal; in particular the loss of Ancient Woodland will not be supported.

In this regard, the applicant has stated in their Design Statement submitted with the application that the woodland to the south is mature and in need of maintenance, and there are a number of derelict/abandoned items strewn throughout but is essentially a healthy and attractive backdrop. The supporting statement informs that the development of a home on the application site will not impact on the integrity of the woodland. However, no information has been submitted to support this assertion in terms of an arboricultural statement or Tree Report. Accordingly, it has not been demonstrated that the proposal would not detrimentally impact upon this area of ancient woodland. Accordingly as it has not been demonstrated that the proposal would not harm the adjacent Ancient Woodland it is not consistent with Policy NH8 of the adopted East Lothian Local Development Plan 2018.

In conclusion, the proposals are considered not to be in accordance with the provisions of the stated relevant Development Plan policies and there are no material considerations which outweigh that the proposal does not accord with the Development Plan.

#### REASON FOR REFUSAL:

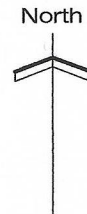
- 1 The building on the application site of a house would be new build housing development in the countryside of East Lothian for which a need to meet the requirements of the operation of an agricultural, horticultural, forestry or other employment use or a justifying scheme of rural diversification has not been demonstrated. The principle of the building of a house on the application site is therefore contrary to Policies DC1 and DC4 of the adopted East Lothian Local Development Plan 2018 and Scottish Government Policy Statement Designing Streets, and Planning Advice Note 67: Housing Quality.
- 2 If approved the proposed development would set an undesirable precedent for the development of new houses in the countryside, the cumulative effect of which would result in a detrimental impact on the rural character and amenity of the open countryside of East Lothian.
- 3 No information has been submitted to demonstrated that the proposed development would not detrimentally impact on trees within or directly adjacent to the application site to the detriment of the character and appearance of the area. Accordingly, as it has not been demonstrated that the erection of a house on the site would not result in harm to nearby trees the proposals are contrary to Policy NH8 of the adopted East Lothian Local Development Plan 2018.

LETTERS FROM

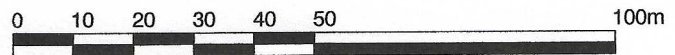
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4th May 2022





Scale in Metres



**somnermacdonaldarchitects**

2b Law Road • North Berwick • EH39 4PL • 01620 893825  
www.somnermacdonald.co.uk

Project Address:

**Site at Liberty Hall Gladsmuir EH41 4HF**

Project Title:

**Construction of New House**

Title:

**Site Location Plan**

Drawing Number:

**2158-03-A**

Paper Size:

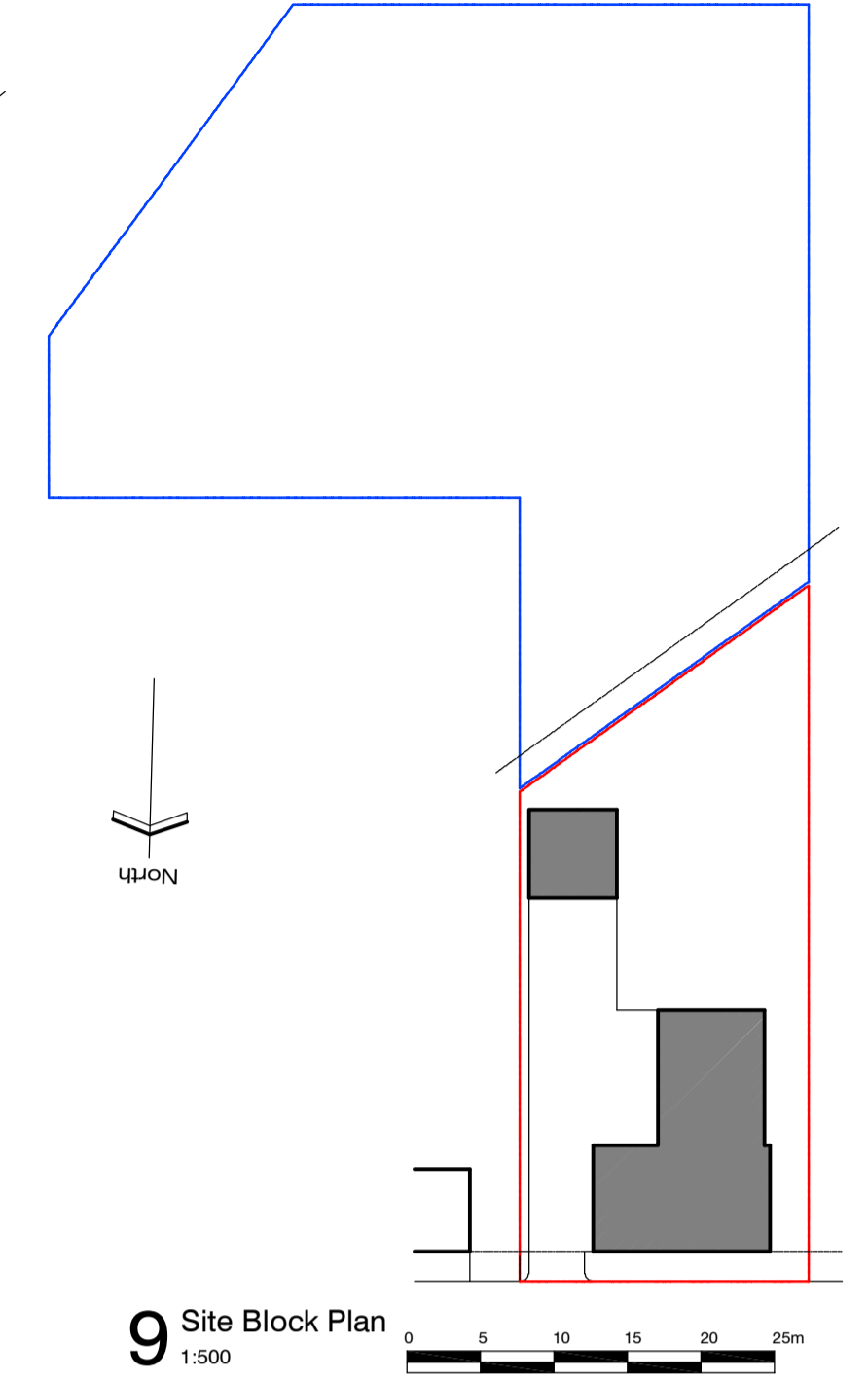
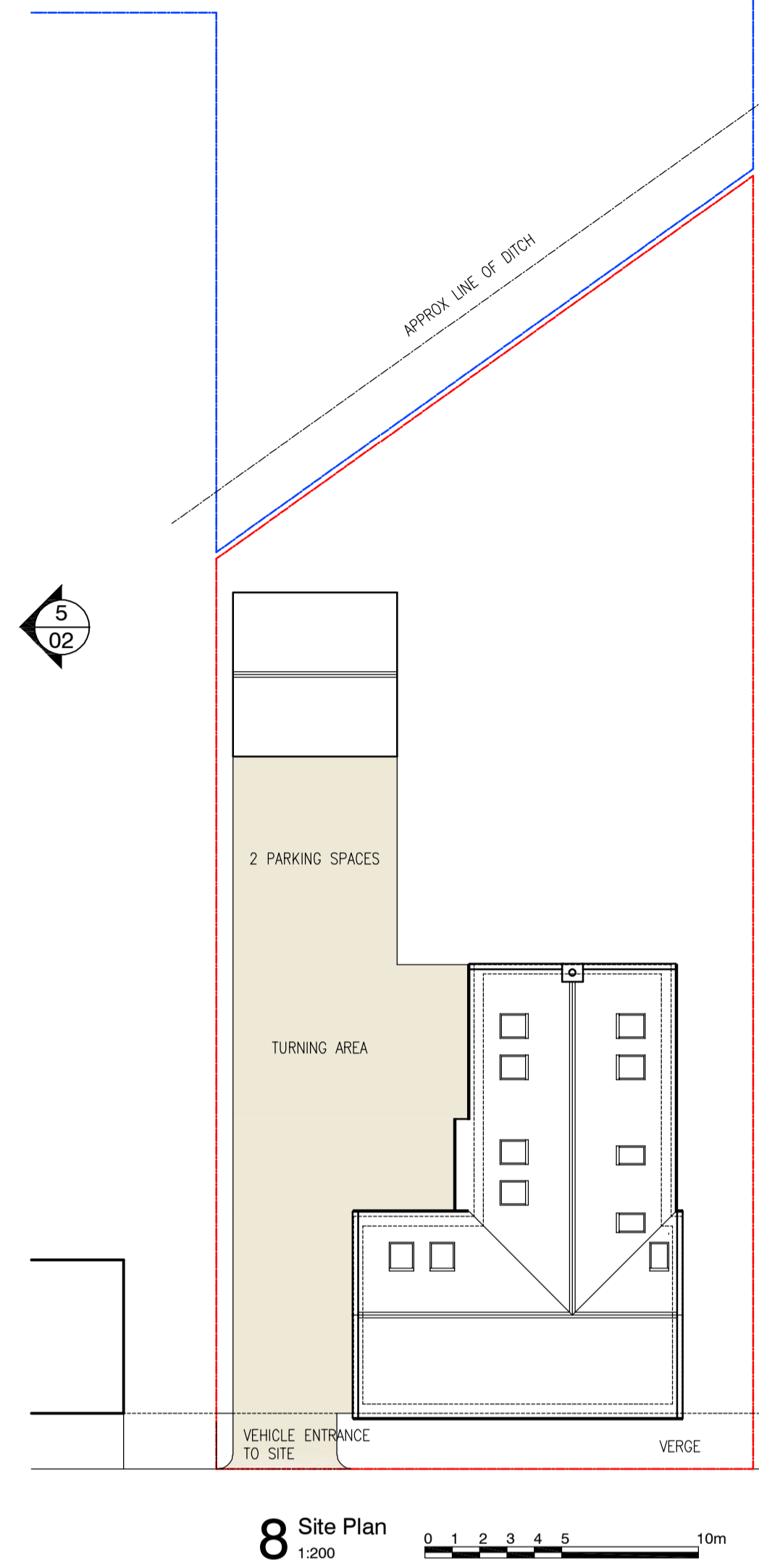
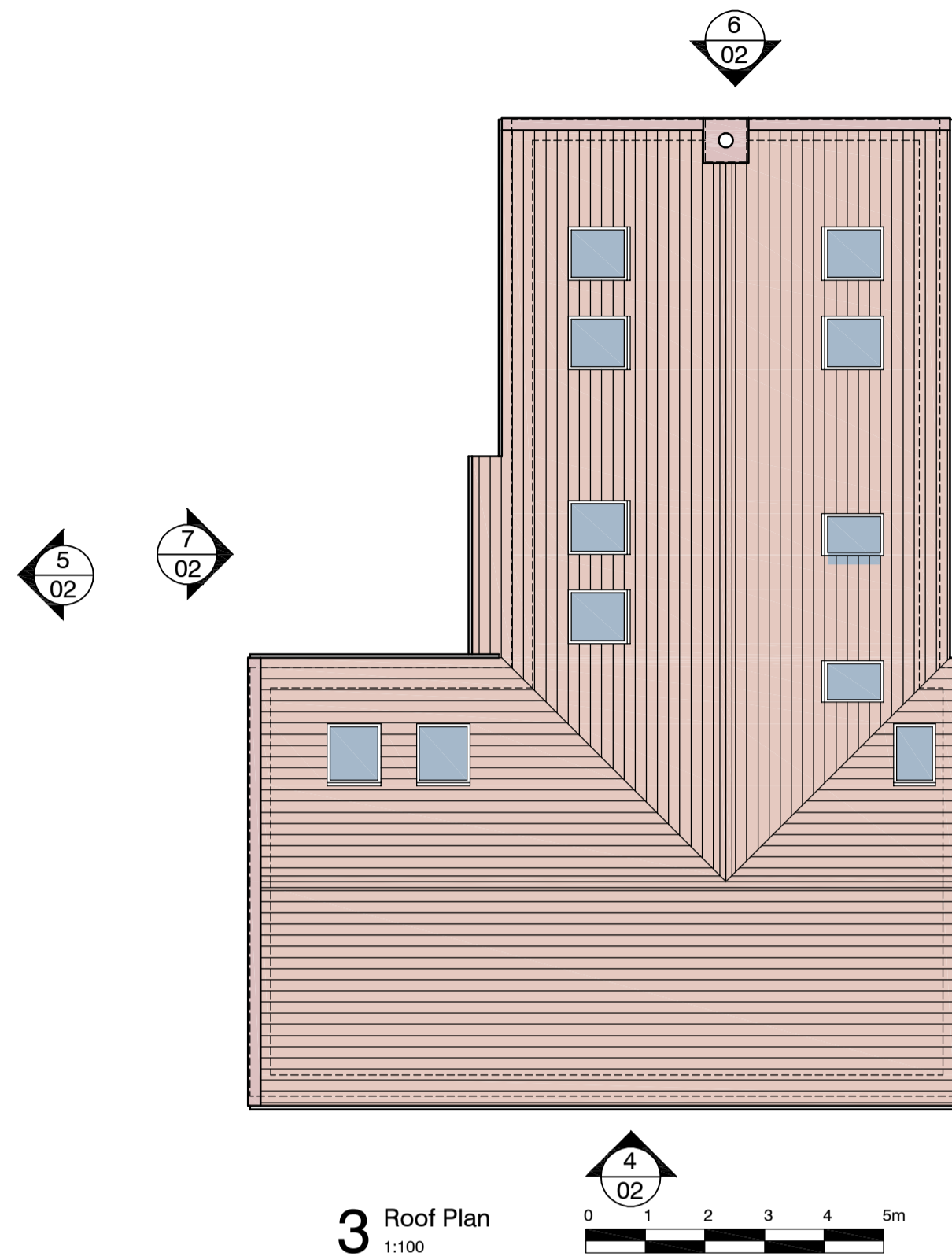
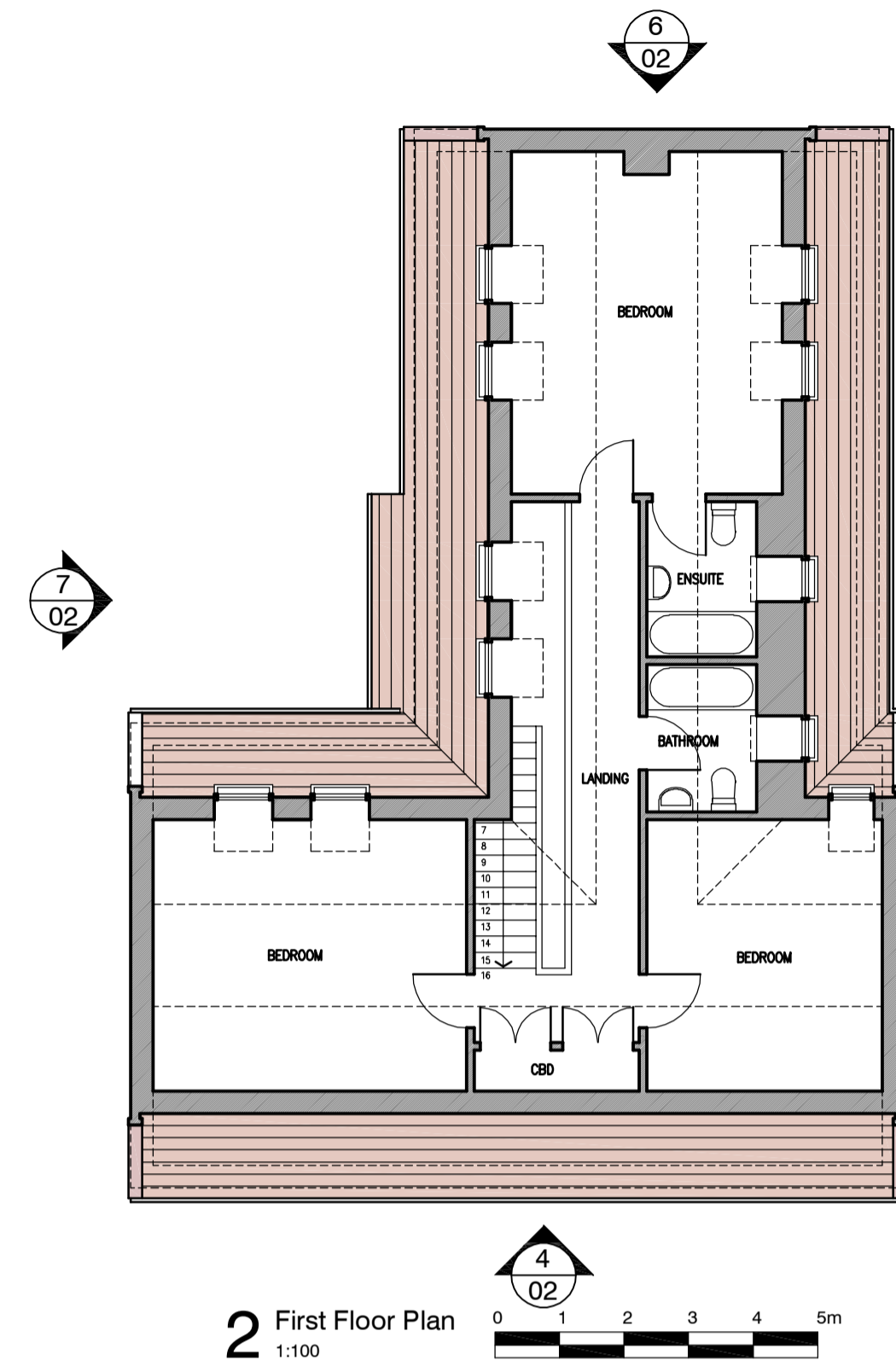
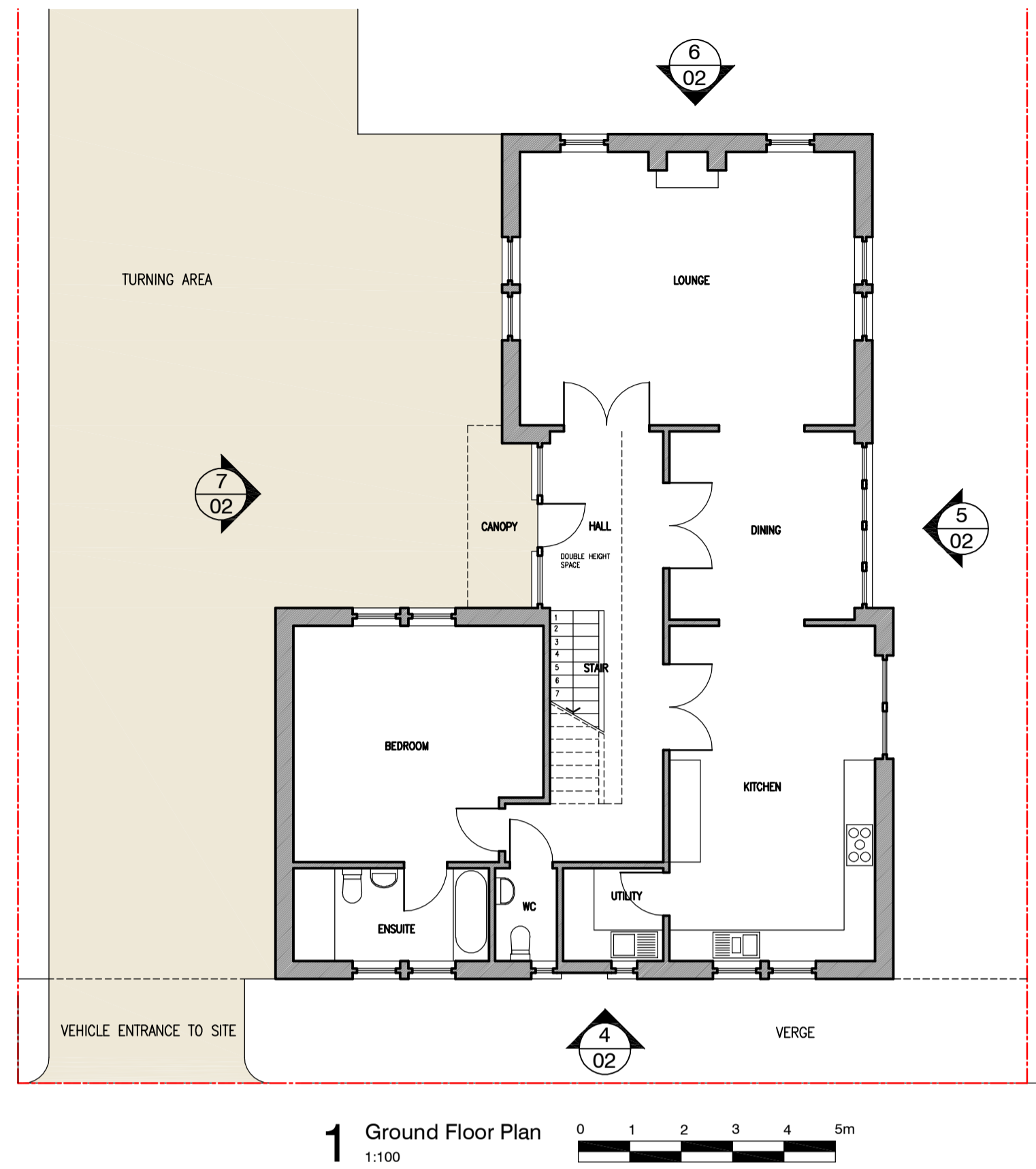
**A4**

1st Issued:

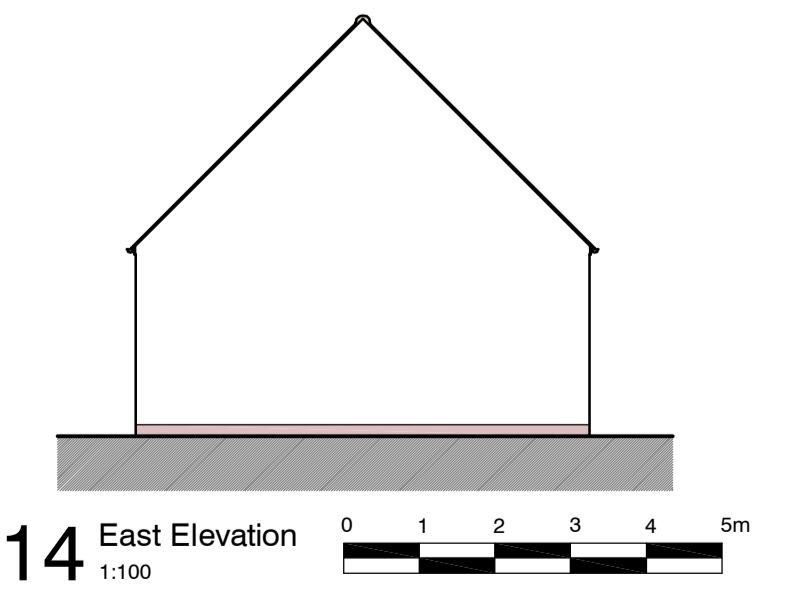
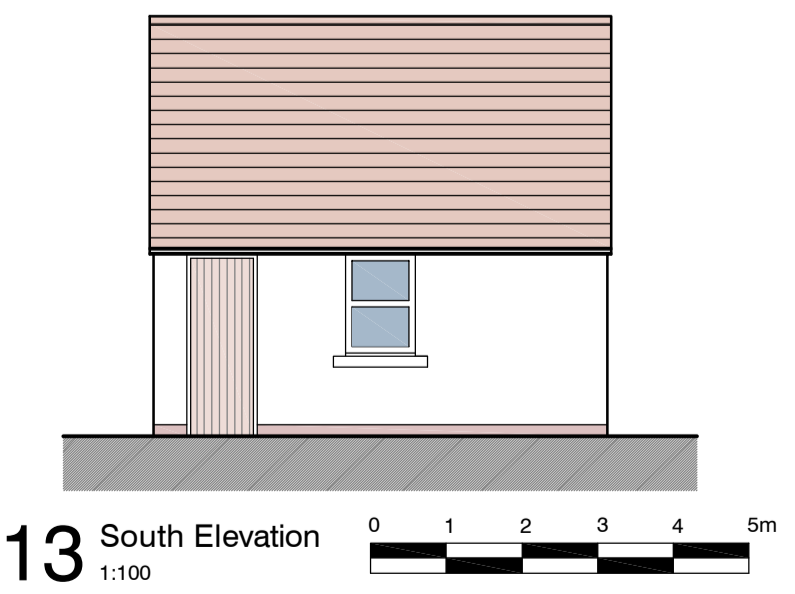
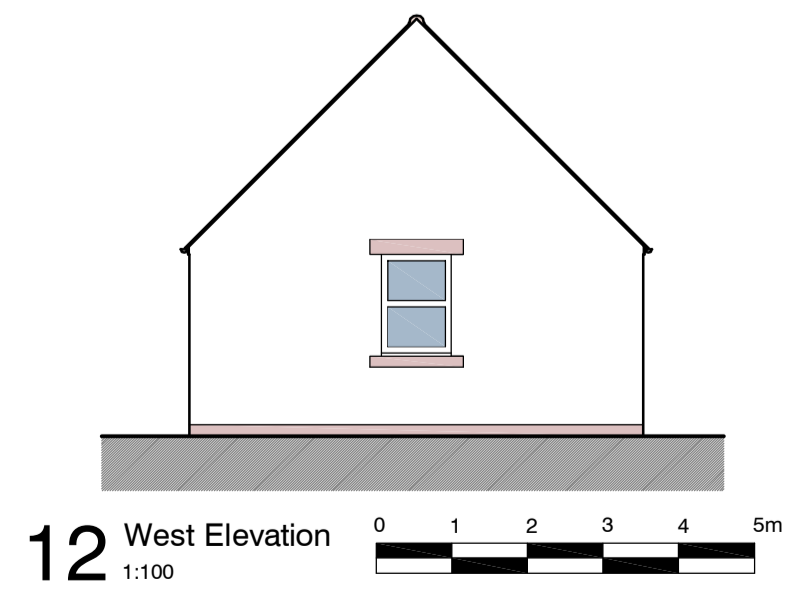
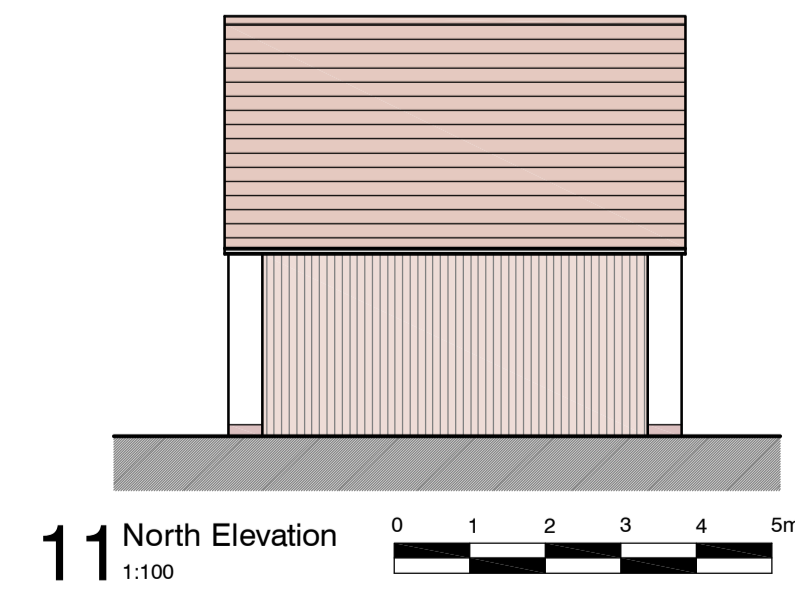
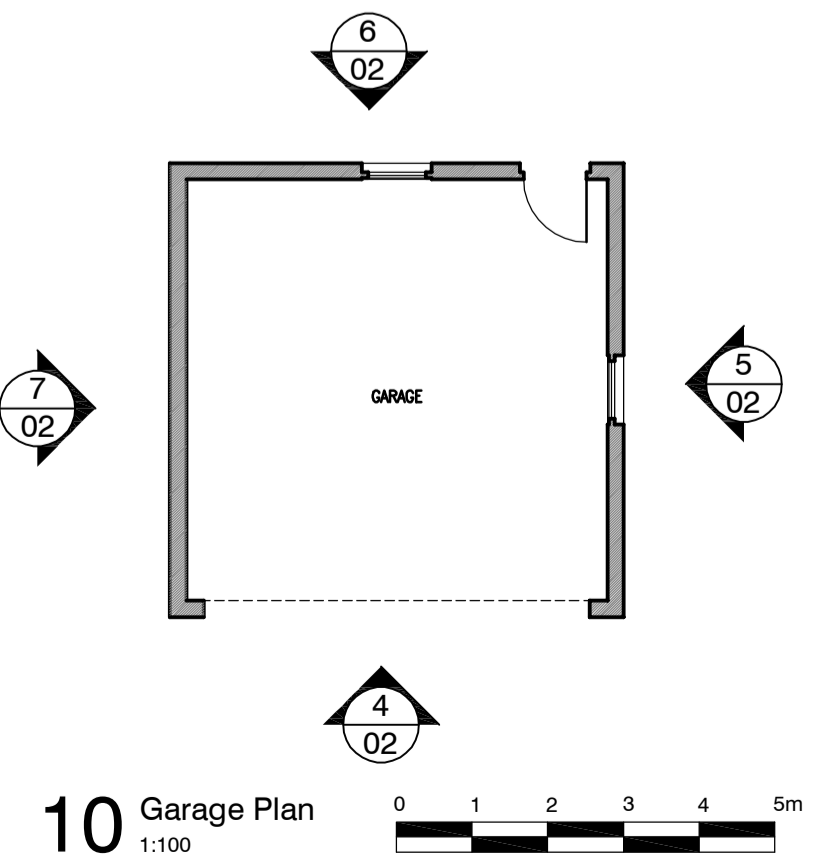
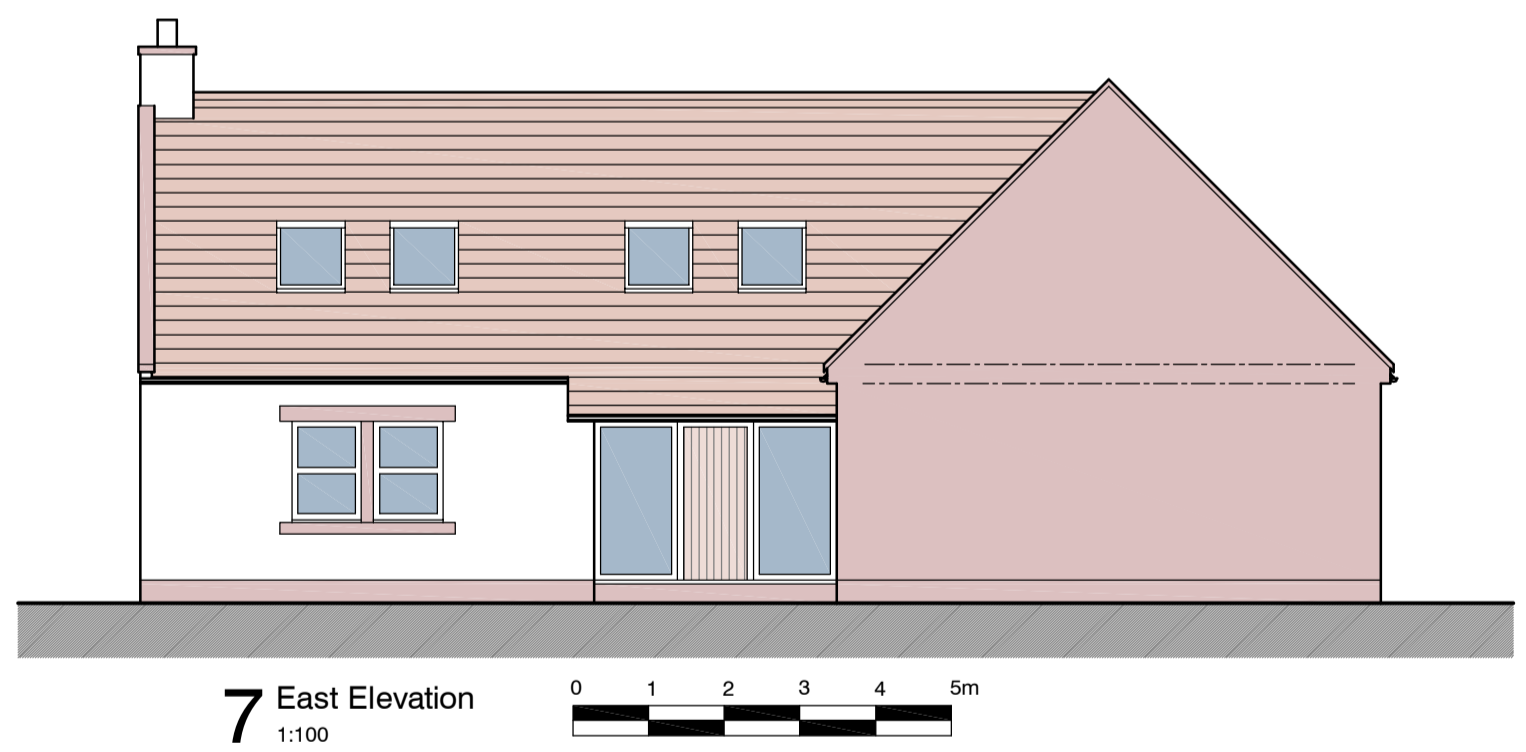
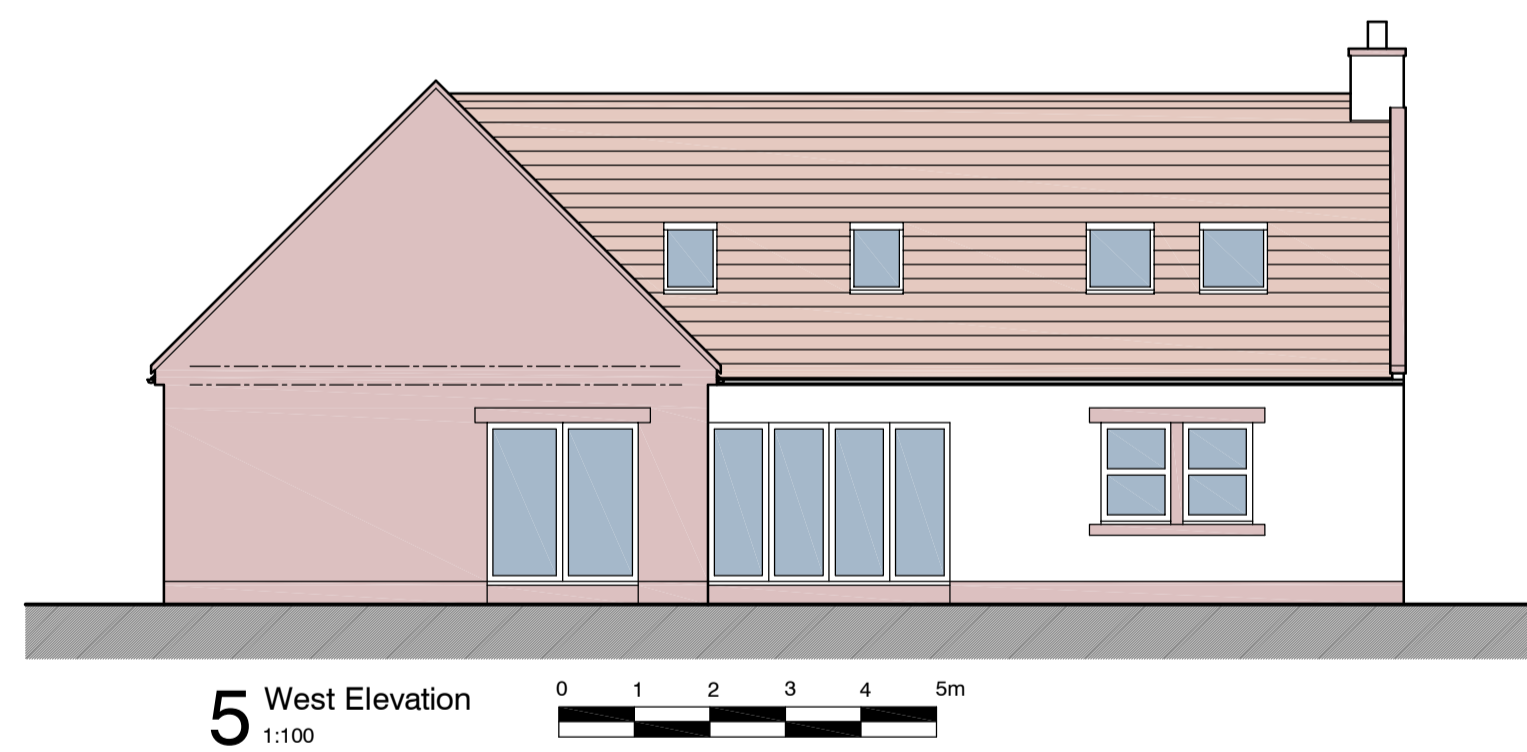
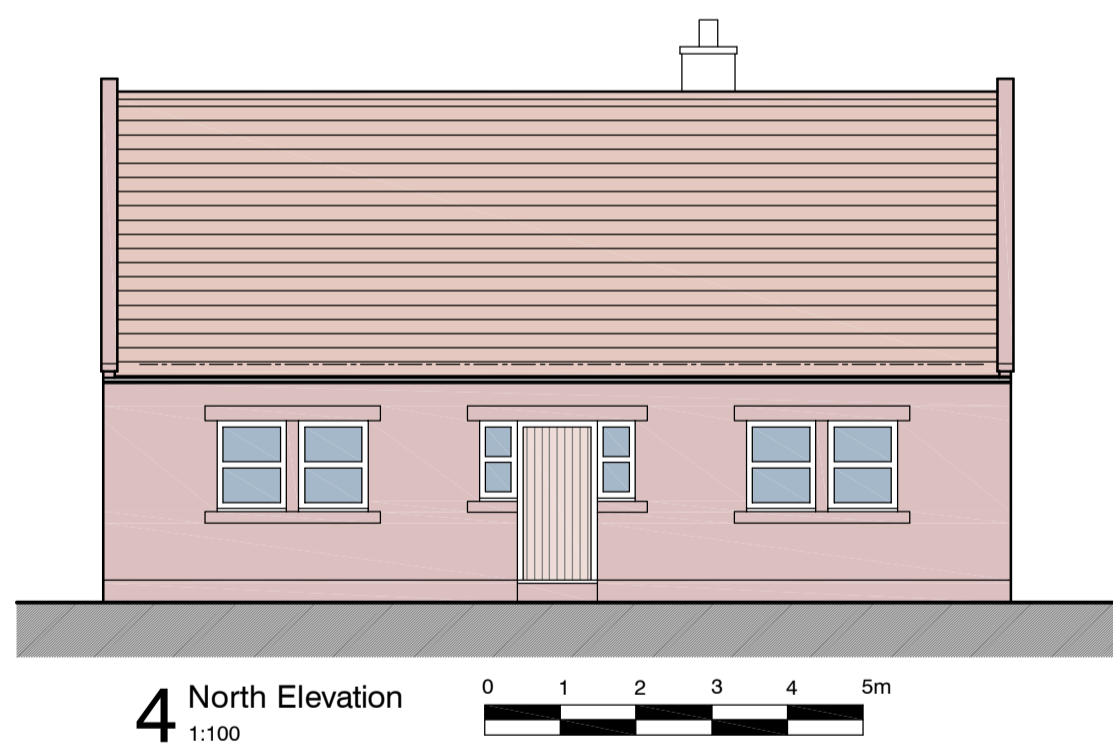
**August 2021**

Stage:

**PLANNING**



- EXISTING POST AND WIRE FENCING RETAINED TO BOUNDARIES  
NO NEW BOUNDARY TREATMENTS PROPOSED
- EXTERNAL FINISHES  
 BASE COURSE - STONE  
 WALLS - RENDER OR STONE AS SHOWN  
 WINDOW CILLS AND FEATURES - STONE  
 ROOF - CLAY TILES  
 FASCIAS AND BARGEBOARDS - TIMBER  
 WINDOWS - UPVC DOUBLE GLAZED  
 DOORS - COMPOSITE  
 GUTTERS AND DOWNPIPES - UPVC  
 VEHICLE ACCESS/PARKING/TURNING AREAS - INTERLOCKING MONOBLOC BRINDLE COLOUR



Revision B 15 December 2021 Site boundary amended to include verge. Note added retaining existing boundary fencing.

Revision C 1 February 2022 Hardstanding and site access shown and specified.

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Project Address:  
**Site at Liberty Hall Gladsmuir EH41 4HF**

Project Title:  
**Construction of New House**

Title:  
**Proposed Plans and Elevations**

Drawing Number:  
**2158-02-C**

Paper Size: **A1** 1st Issued: **August 2021**

Stage:  
**PLANNING**



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Project Address  
**Site at Liberty Hall Gladsmuir EH41 4HF**

Project Title  
**Construction of New House**

Title  
**Contextual Aerial View**

Drawing Number  
**2158-04**

Stage  
**PLANNING**

200 m