

## Newmains Farm, East Lothian Planning Application (PA) Document Reference List

Reference	Planning Application as Lodged
PA 0.01	Planning Application Form
PA 0.02	Dwg. No. DS127 PA 002 <i>Location Plan</i>
PA 0.03	Dwg. No. DS127 PA2 005 <i>Location Plan</i> [SUPERSEDED]
PA 0.04	Dwg. No. DS127 PA2 001 <i>Aerial View</i>
PA 0.05	Dwg. No. DS127 PA2 004 <i>Proposed Site Plan</i> [SUPERSEDED]
PA 0.06	Dwg. No. DS127 PA2 003 <i>Photographic Key Plan</i>
PA 0.07	Dwg. No. DS127 PA 006 <i>Visibility Splays</i>
PA 0.08	<i>Design and Access Statement</i> August 2021
PA 0.09	<i>Newmains Operational Needs Assessment</i> March 2020 [SUPERSEDED]
Reference	Consultation Correspondence and Revisions
PA 1.01	Email from Council – providing comments from Scottish Water, ELC Environment Protection and request for further information on Operational Needs Requirements (1 <sup>st</sup> Sept 2021)
PA1.01a	Letter to Council providing information on Freshwater and Wastewater Assets 1 <sup>st</sup> October 2021
PA1.01b	Email to Council - Submission of Further Information (7 <sup>th</sup> Oct 2021)
PA 1.01c	Further Information as Requested - Labour requirements (7 <sup>th</sup> Oct 2021) CONFIDENTIAL
PA 1.01d	Further Information as Requested _ Workers Cottages (7 Oct 2021) CONFIDENTIAL
PA 1.01e	Further Information as Requested – Profit/Loss (7 <sup>th</sup> October 2021) CONFIDENTIAL
PA 1.01f	<i>Newmains Operational Needs Assessment</i> updated October 2021 (27 Oct 2021) [REVISED] CONFIDENTIAL
PA 1.02	Email from Council - Amend Plan – Annotations (2 <sup>nd</sup> Sept 2021)
PA 1.02a	Dwg. No. DS127 PA2 004A <i>Revised Proposed Plan</i> [REVISED]
PA 1.02b	Dwg. No. DS127 PA2 005A <i>Revised Location Plan</i> [REVISED]
PA 1.03	Email From Council _ Roads Comments and Visibility Displays (7 <sup>th</sup> Sept 2021)
PA 1.03a	Dwg. No. DS127 PA 006 <i>Visibility Splays</i>
PA 1.04	Email from Council - Visual Impact and Request for Time Ext (29 Nov 2021)
PA 1.05	Email from Council inc. Rural Advisor Comments 18 March 2022
PA 1.06	Email to Council including SAC response to Rural Advisor inc Annex 1 and 2 (27 <sup>th</sup> May 2022) CONFIDENTIAL
PA 1.06a	Annex 1 – Profit/Loss CONFIDENTIAL (27 <sup>th</sup> May 2022)
PA 1.06b	Annex 2 Laurence Gould 2010 CONFIDENTIAL (27 <sup>th</sup> May 2022)
PA 1.06c	SAC Response to Rural advisor May 2022
PA 1.06d	Email from Council Request for Confidential Statement (2nd June 2022)
PA 1.06e	Email to Council re Personal Statement CONFIDENTIAL and attachments (3 <sup>rd</sup> June 2022)
PA 1.06f	Personal Statement CONFIDENTIAL
PA 1.06g	Photo Attachments related to Personal Statement CONFIDENTIAL
PA 1.06h	Email from Council advising comments received from Rural Advisor Comments(29 July 2022)
PA 1.06i	Email from Council with Rural Advisor Comments and Officer Comments (1 <sup>st</sup> Sept 2022)
PA 1.06j	Rural Advisor Comments (8th July 2022)
PA 1.06k	Email to Council providing response to Rural Advisor Comments (26 <sup>th</sup> Sept 2022)
PA 1.06l	Cash Flow Projections CONFIDENTIAL
PA1.06m	Email from Council advising response provided by Rural Advisor (6 <sup>th</sup> March 2023)
PA 1.06n	Email from Council with Rural Advisor Comments (24th March 2023)

PA 1.06o	Rural Advisor Comments (17 March 2023)
PA 1.06p	Email on behalf of Appellant confirming agreement to approve application at Ruchlaw West Mains Farm (4 <sup>th</sup> April 2023)
<b>Reference</b>	<b>Determination</b>
PA 2.01	<i>Officer Report</i>
PA 2.02	<i>Decision Refusal Letter (Decision Notice)</i>



John Muir House Haddington EH41 3HA Tel: 01620 827 216 Email: [planning@eastlothian.gov.uk](mailto:planning@eastlothian.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100456502-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Type of Application

What is this application for? Please select one of the following: \*

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

## Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

Proposed farm manager/ farm workers dwelling

Is this a temporary permission? \*  Yes  No

If a change of use is to be included in the proposal has it already taken place?  
(Answer 'No' if there is no change of use.) \*  Yes  No

Has the work already been started and/or completed? \*

No  Yes – Started  Yes - Completed

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:	GCA+D Ltd.		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Graeme	Building Name:	
Last Name: *	Cook	Building Number:	10
Telephone Number: *		Address 1 (Street): *	South St. Andrew Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	United Kingdom
		Postcode: *	EH2 2AZ
Email Address: *			

Is the applicant an individual or an organisation/corporate entity? \*

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Mrs	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Farmhouse
First Name: *	Sheila	Building Number:	
Last Name: *	Crerar	Address 1 (Street): *	Newmains
Company/Organisation	Newmains Farm	Address 2:	
Telephone Number: *		Town/City: *	Dunbar
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	EH42 1TQ
Fax Number:			
Email Address: *			

## Site Address Details

Planning Authority:

East Lothian Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Newmains by Newmains Farm EH42 1QT

Northing

671082

Easting

360355

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Pre-Application Discussion Details Cont.

In what format was the feedback given? \*

Meeting  Telephone  Letter  Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) \* (max 500 characters)

Email response and advice provided 2/3/21 and 9/6/21

Title:

Ms

Other title:

First Name:

Stephanie

Last Name:

McQueen

Correspondence Reference Number:

Date (dd/mm/yyyy):

18/12/2020

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

## Site Area

Please state the site area:

0.20

Please state the measurement type used:

Hectares (ha)  Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: \* (Max 500 characters)

Agricultural land

## Access and Parking

Are you proposing a new altered vehicle access to or from a public road? \*

Yes  No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? \*

Yes  No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*

Yes  No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? \*

- Yes – connecting to public drainage network  
 No – proposing to make private drainage arrangements  
 Not Applicable – only arrangements for water supply required

As you have indicated that you are proposing to make private drainage arrangements, please provide further details.

What private arrangements are you proposing? \*

- New/Altered septic tank.  
 Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).  
 Other private drainage arrangement (such as chemical toilets or composting toilets).

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: \*

Local Bio-disc treatment plant with UV filters and soakaway. Discharge consents subject to SEPA agreement.

Do your proposals make provision for sustainable drainage of surface water?? \*  
(e.g. SUDS arrangements) \*

Yes  No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? \*

Yes

No, using a private water supply

No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

## Assessment of Flood Risk

Is the site within an area of known risk of flooding? \*

Yes  No  Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? \*

Yes  No  Don't Know

## Trees

Are there any trees on or adjacent to the application site? \*

Yes  No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

Yes  No

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 \*

Yes  No  Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

Yes  No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*

Yes  No

Is any of the land part of an agricultural holding? \*

Yes  No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

## Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Graeme Cook

On behalf of: Newmains Farm

Date: 16/08/2021

Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

b) If this is an application for planning permission or planning permission in principal where there is a crown interest in the land, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

Yes  No  Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

Yes  No  Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

Yes  No  Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

Yes  No  Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

If Other, please specify: \* (Max 500 characters)

Design Statement and Operational Needs Assessment

Provide copies of the following documents if applicable:

- |  |  |
|--|--|
| A copy of an Environmental Statement. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. *                                   | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A |
| A Flood Risk Assessment. *   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Habitat Survey. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

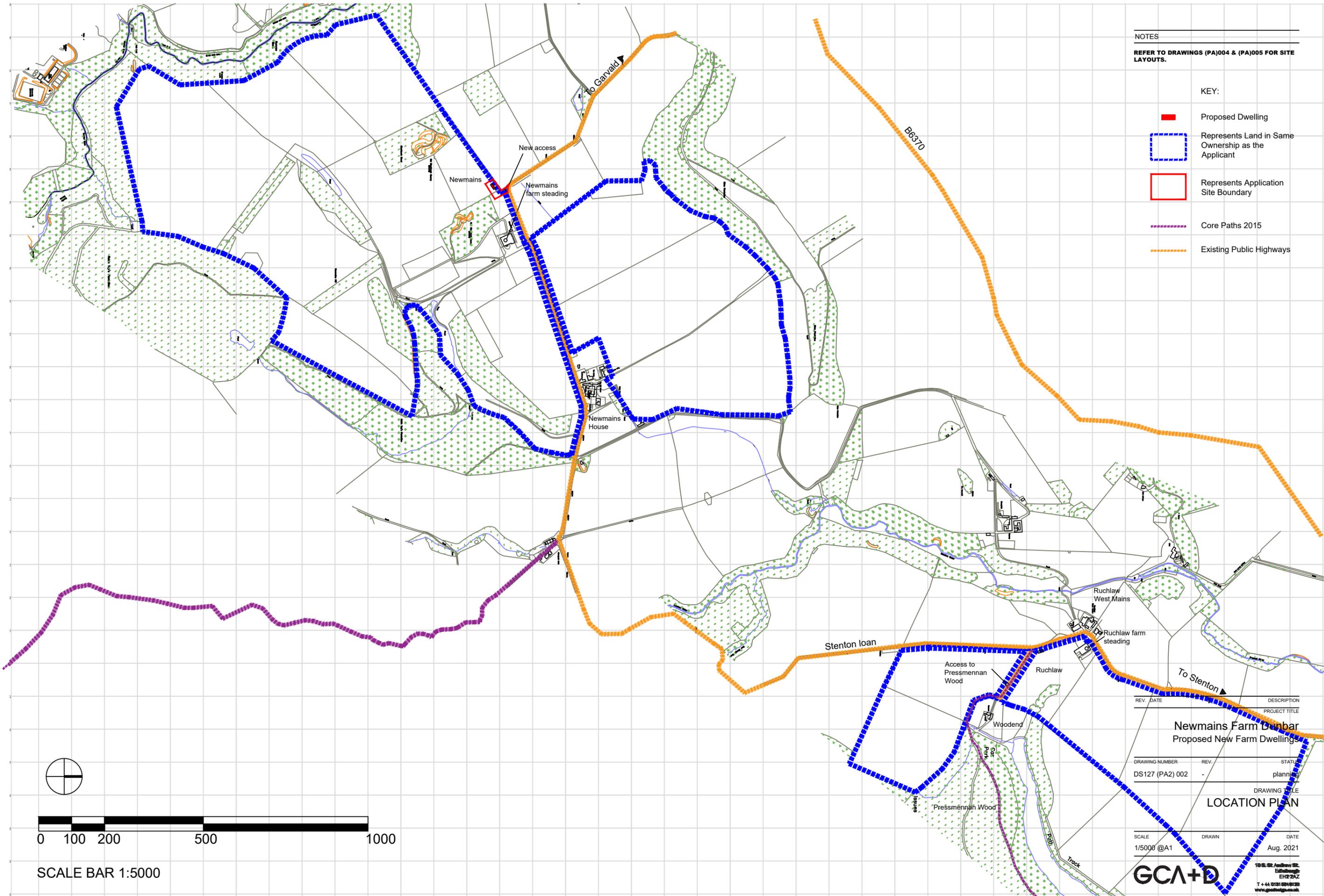
Operational Needs Assessment

## **Declare – For Application to Planning Authority**

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

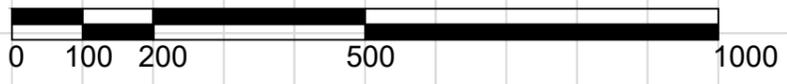
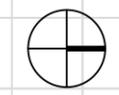
Declaration Name: Mr Graeme Cook

Declaration Date: 16/08/2021



NOTES  
 REFER TO DRAWINGS (PA)004 & (PA)005 FOR SITE LAYOUTS.

- KEY:
- Proposed Dwelling
  - Represents Land in Same Ownership as the Applicant
  - Represents Application Site Boundary
  - Core Paths 2015
  - Existing Public Highways



SCALE BAR 1:5000

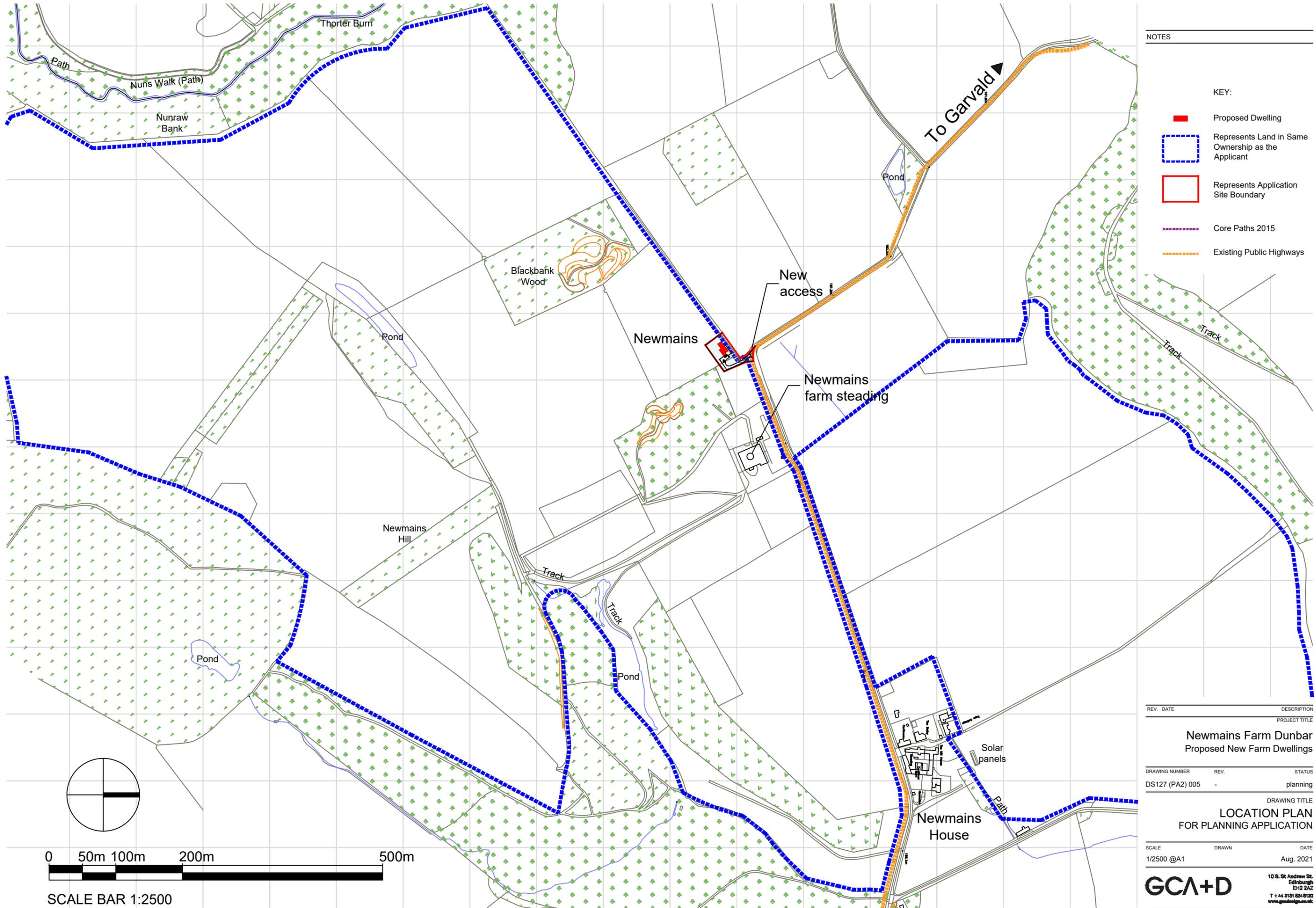
REV.	DATE	DESCRIPTION

PROJECT TITLE		Newmains Farm Dunbar Proposed New Farm Dwellings	
DRAWING NUMBER	REV.	STATUS	
DS127 (PA2) 002	-	planning	
DRAWING TITLE			
LOCATION PLAN			
SCALE	DRAWN	DATE	
1/5000 @A1		Aug. 2021	

<b>GCA+D</b>	
10-5, 52 Andrew St. Edinburgh EH2 2AZ T +44 (0)131 6688300 www.gcaandd.co.uk	



NOTES

KEY:

- Proposed Dwelling
- Represents Land in Same Ownership as the Applicant
- Represents Application Site Boundary
- Core Paths 2015
- Existing Public Highways

REV.	DATE	DESCRIPTION
PROJECT TITLE		

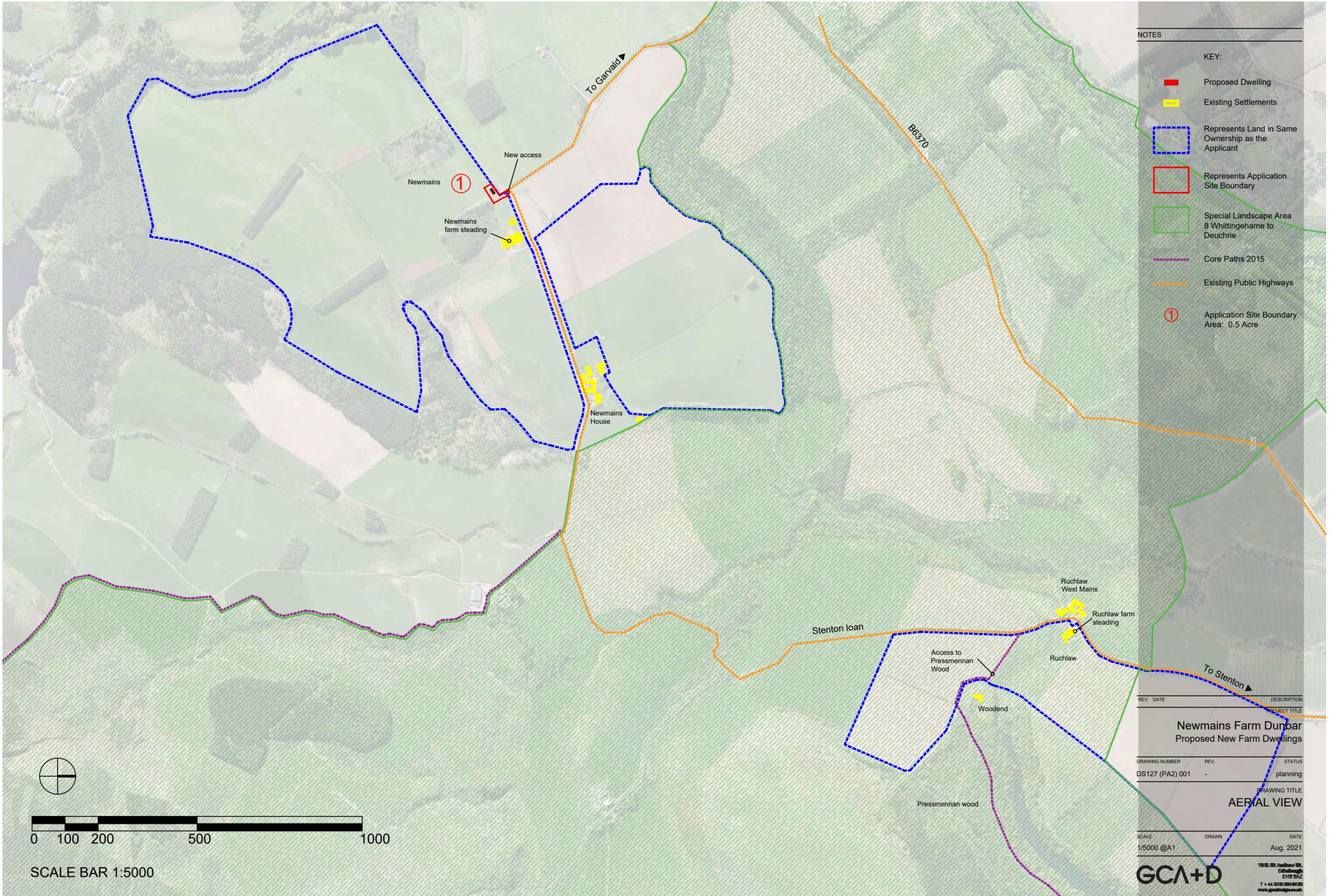
**Newmains Farm Dunbar**  
Proposed New Farm Dwellings

DRAWING NUMBER	REV.	STATUS
DS127 (PA2) 005	-	planning

**LOCATION PLAN**  
FOR PLANNING APPLICATION

SCALE	DRAWN	DATE
1/2500 @A1		Aug. 2021

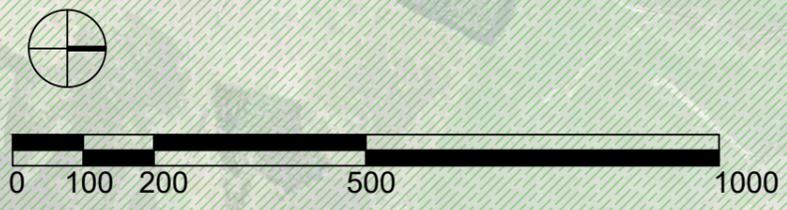
**GCA+D**  
10 S. St Andrew St.  
Edinburgh  
EH2 2AZ  
T +44 0131 624 8120  
www.gcaand.com



NOTES

KEY:

- Proposed Dwelling
- Existing Settlements
- Represents Land in Same Ownership as the Applicant
- Represents Application Site Boundary
- Special Landscape Area 8 Whittingehame to Deuchrie
- Core Paths 2015
- Existing Public Highways
- ① Application Site Boundary Area: 0.5 Acre



SCALE BAR 1:5000

REV.	DATE	DESCRIPTION

**Newmains Farm Dunbar  
Proposed New Farm Dwellings**

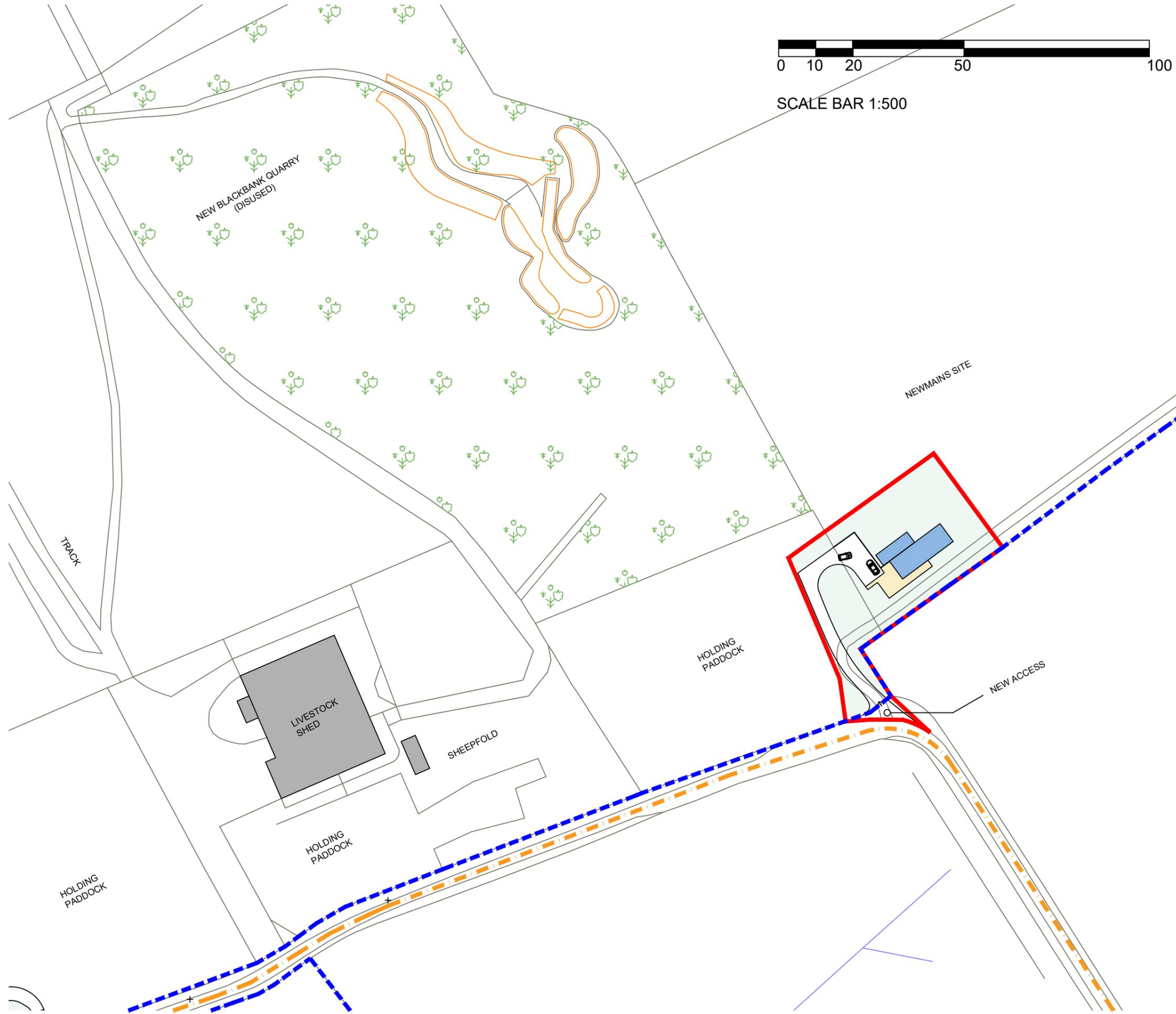
DRAWING NUMBER	REV.	STATUS
DS127 (PA2) 001	-	planning

**DRAWING TITLE**  
AERIAL VIEW

SCALE	DRAWN	DATE
1/5000 @A1		Aug. 2021

**GCA+D**

10-12-21  
Edinburgh  
EH2 2AZ  
T +44 (0)131 6644333  
www.gcaandd.co.uk



NOTES  
 REFER TO DRAWING (PA)002 FOR SITE LOCATION.

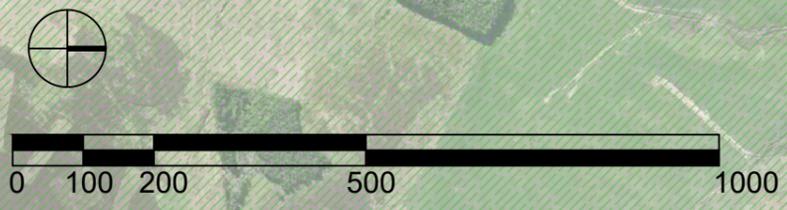
- KEY:
-  Represents Land in Same Ownership as the Applicant
  -  Represents Application Site Boundary approx. 0.5 Acre
  -  Proposed single detached dwelling
  -  Existing Public Highway

REV.	DATE	DESCRIPTION
PROJECT TITLE		
<b>Newmains Farm Dunbar</b>		
Proposed New Farm Dwellings		
DRAWING NUMBER	REV.	STATUS
DS127 (PA2)004	-	planning
DRAWING TITLE		
<b>Newmains</b>		
Proposed Site Plan		
SCALE	DRAWN	DATE
1:500 @A1		Aug. 2021
<b>GCA+D</b>		
		<small>10-5, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62, 64, 66, 68, 70, 72, 74, 76, 78, 80, 82, 84, 86, 88, 90, 92, 94, 96, 98, 100, 102, 104, 106, 108, 110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 134, 136, 138, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200, 202, 204, 206, 208, 210, 212, 214, 216, 218, 220, 222, 224, 226, 228, 230, 232, 234, 236, 238, 240, 242, 244, 246, 248, 250, 252, 254, 256, 258, 260, 262, 264, 266, 268, 270, 272, 274, 276, 278, 280, 282, 284, 286, 288, 290, 292, 294, 296, 298, 300, 302, 304, 306, 308, 310, 312, 314, 316, 318, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 346, 348, 350, 352, 354, 356, 358, 360, 362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 394, 396, 398, 400, 402, 404, 406, 408, 410, 412, 414, 416, 418, 420, 422, 424, 426, 428, 430, 432, 434, 436, 438, 440, 442, 444, 446, 448, 450, 452, 454, 456, 458, 460, 462, 464, 466, 468, 470, 472, 474, 476, 478, 480, 482, 484, 486, 488, 490, 492, 494, 496, 498, 500, 502, 504, 506, 508, 510, 512, 514, 516, 518, 520, 522, 524, 526, 528, 530, 532, 534, 536, 538, 540, 542, 544, 546, 548, 550, 552, 554, 556, 558, 560, 562, 564, 566, 568, 570, 572, 574, 576, 578, 580, 582, 584, 586, 588, 590, 592, 594, 596, 598, 600, 602, 604, 606, 608, 610, 612, 614, 616, 618, 620, 622, 624, 626, 628, 630, 632, 634, 636, 638, 640, 642, 644, 646, 648, 650, 652, 654, 656, 658, 660, 662, 664, 666, 668, 670, 672, 674, 676, 678, 680, 682, 684, 686, 688, 690, 692, 694, 696, 698, 700, 702, 704, 706, 708, 710, 712, 714, 716, 718, 720, 722, 724, 726, 728, 730, 732, 734, 736, 738, 740, 742, 744, 746, 748, 750, 752, 754, 756, 758, 760, 762, 764, 766, 768, 770, 772, 774, 776, 778, 780, 782, 784, 786, 788, 790, 792, 794, 796, 798, 800, 802, 804, 806, 808, 810, 812, 814, 816, 818, 820, 822, 824, 826, 828, 830, 832, 834, 836, 838, 840, 842, 844, 846, 848, 850, 852, 854, 856, 858, 860, 862, 864, 866, 868, 870, 872, 874, 876, 878, 880, 882, 884, 886, 888, 890, 892, 894, 896, 898, 900, 902, 904, 906, 908, 910, 912, 914, 916, 918, 920, 922, 924, 926, 928, 930, 932, 934, 936, 938, 940, 942, 944, 946, 948, 950, 952, 954, 956, 958, 960, 962, 964, 966, 968, 970, 972, 974, 976, 978, 980, 982, 984, 986, 988, 990, 992, 994, 996, 998, 1000</small>
		<small>edxxx\drawings\*.dwg</small>



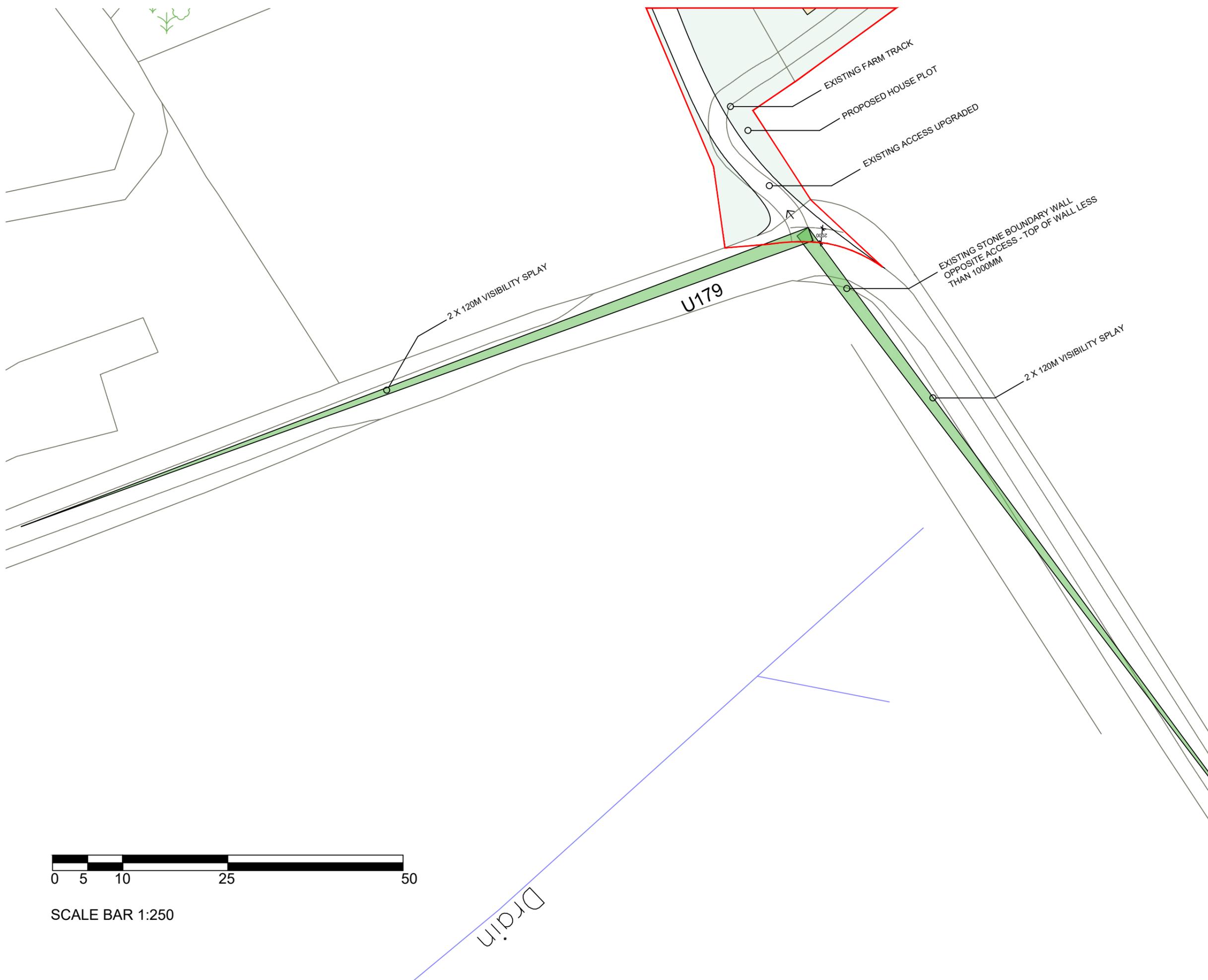
NOTES

- KEY:
- Proposed Dwelling
  - Existing Settlements
  - Represents Land in Same Ownership as the Applicant
  - Represents Application Site Boundary
  - Special Landscape Area 8 Whittingehame to Deuchrie
  - Core Paths 2015
  - Existing Public Highways
  - 1 Photo key



SCALE BAR 1:5000

REV.	DATE	DESCRIPTION
PROJECT TITLE		
<b>Newmains Farm Dunbar Proposed New Farm Dwellings</b>		
DRAWING NUMBER	REV.	STATUS
DS127 (PA2) 003	-	planning
DRAWING TITLE		
<b>PHOTOGRAPHIC KEY PLAN</b>		
SCALE	DRAWN	DATE
1/5000 @A1		Aug. 2021
<b>GCA+D</b>		10 St Andrew St Edinburgh EH2 2AZ T +44 (0)131 6644333 www.gcaand.com



NOTES

REFER TO DRAWING (PA)002 FOR SITE LOCATION.

KEY:

Represents Application  
 Site Boundary approx. 0.5 Acre



SCALE BAR 1:250

REV.	DATE	DESCRIPTION
PROJECT TITLE		
Newmains Farm Dunbar Proposed New Farm Dwellings		
DRAWING NUMBER		
DS127 (PA)006		
REV.		
		planning
STATUS		
DRAWING TITLE		
Newmains Proposed Site Plan Showing Visibility Splays		
SCALE		
1:250 @A1		
DRAWN		
		Sept. 2021
DATE		

**GCA+D**

10 S. St Andrew St.  
 Edinburgh  
 EH2 2AZ  
 T +44 0181 624 8120  
 www.gcaandd.co.uk

## **DESIGN & ACCESS STATEMENT**



**GCA+D**

**PROPOSED FARM DWELLINGS**  
Newmains Farm, Dunbar EH42 1TQ  
Updated 16 August 2021

## **DESIGN & ACCESS STATEMENT**

Proposed Farm Dwellings  
Newmains Farm, Dunbar, East Lothian EH42 1TQ

### **Scheme Description:**

Application for Planning in Principle for farm worker's dwellings

### **Applicant:**

Paddy and Sheila Crerar  
Newmains Farm  
Dunbar  
East Lothian  
EH42 1TQ

### **Agent:**

GCA+D Ltd.  
10 S. St. Andrew Street  
Edinburgh  
EH2 2AZ

### **Date:**

16 August 2021

### **Local Area:**

East Lothian

### **Existing Use:**

Mixed Farmland

### **Designation of Site & Surrounding Area:**

Newmains Farm is situated in the Countryside outwith existing defined settlement boundaries and land allocated for development. Part of Newmains Farm is within Whittinghame to Deuchrie Special Landscape Area.

## **Introduction**

This design and access statement accompanies two separate Applications for Planning in Principle to erect a single dwelling at Newmains and at Ruchlaw West Mains to support the existing farming operations. An Operational Needs Assessment has been prepared by SAC Consulting, dated March 2020, and confirms that there is currently a requirement of 4.2 labour units for the management of deer, cattle, and arable enterprises. Over the past ten years, the farm owners have expanded the farm business as far as current infrastructure has allowed but recognise that any continued growth of the agricultural operations will further extend the requirement for manual resources and accommodation on the property.

## **Background and Overview**

The farm is made up of land at Newmains and on a neighbouring farm, Ruchlaw West Mains, both near Stenton, East Lothian. Both farms are owned by the business and the business trades as a sole trader in the name of Newmains Farm. The total farmed area is around 166ha. The land is used for rearing pedigree suckler cows, red deer, store lambs and arable and forage crops on the land at Ruchlaw West Mains. The farm has been operating for ten years and to date has been managed and run by Paddy and Sheila Crerar with occasional assistance from their family. Their children have now left home and are pursuing further education and careers out with the farm. There currently are no employees on the farm and arable work is carried out by out-sourced contractors.

For the avoidance of doubt, the houses are not required to facilitate business expansion (albeit no expansion is possible without) they are to allow the farm to manage what is here now in a safe and effective manner. The Applicant's sons have both recently left home and there is now an urgent requirement to have on-site cover every day of the year. The owners are not coping with that, corners are being cut by circumstances and that is both an unsafe approach as well as economically inefficient for a livestock farm. If they are unable to get live-on workers, they ultimately won't be able to continue. The SAC report is unequivocal in support of the need based on current enterprise scale.

There are two small farm steadings on the farm: one at Newmains and one at Ruchlaw West Mains. The steadings comprise livestock sheds and storage for feedstuffs and machinery. Apart from storage of grains, that will be addressed separately in the farm business plan, these buildings are sufficient for the needs of the business at its current scale. There are no houses owned by the business, and no other buildings that would be suitable for conversion to housing.

There are peak busy times when it is crucial to have staff on site, most notably calving time for cattle in February/ March and deer in May/ June. Weaning and rutting time are also labour-intensive times for managing the deer. It should be stressed that the location of the farm means that it is particularly difficult to access during periods of severe winter weather and, for this reason also, it is essential to locate farm worker housing close to the livestock sheds.

There is a significant Health and Safety risk to the public particularly during rutting season, that also needs addressed, and this risk can only be satisfactorily mitigated by the on-site presence of farm workers.

The farmhouse, that the Applicant currently lives in, does not belong to the farm, is their family home, and they have no plans to leave. There are no other houses, buildings or ruins associated with the farm. Unusually, for a farm, the owners have

lived in the farmhouse for more than 2 decades and bought the “bare land”, Newmains Fam, and surrounding approximately 12 years ago and then Ruchlaw West mains “bare land” approximately 10 years ago. Any existing cottages or such had been sold many decades before their involvement.

It should be noted that although the Applicants farm Ruchlaw West Mains as part of Newmains it is effectively a standalone unit and was bought as such.

### **Available land in same ownership**

Newmains - approximately 350 acres

Ruchlaw West Mains - approximately 110 acres





## **Planning Policies**

Newmains Farm is within the '*diverse countryside and coastal areas*' as defined by East Lothian Council Local Development Plan (LDP). Countryside is defined in the LDP as all areas of East Lothian outwith existing defined settlement boundaries or other land specifically allocated for development including countryside around towns and Special Landscape Areas.

Local Development Plan policy seeks to support diversification of the rural economy and ongoing sustainability of the countryside and relevant policies are:

### ***Policy DC1: Rural Diversification***

*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.*

### ***Policy DC4: New Build Housing in the Countryside***

*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.*

### ***Policy DC9: Special Landscape Areas***

*Areas are designated as Special Landscape Areas as identified within supplementary planning guidance on Special Landscape Areas. Development within or affecting Special Landscape Areas will only be permitted where:*

- 1. It accords with the Statement of Importance and does not harm the special character of the area; or*
- 2. The public benefits of the development clearly outweigh any adverse impact and the development is designed, sited, and landscaped to minimise such adverse impacts.*

The Operational Needs Assessment supporting this Application identifies the requirement for 'affordable' homes to meet local needs. New development is therefore required to support existing agricultural use within the countryside. There are no existing buildings on the farm that are suitable for re-use to provide suitable domestic accommodation and there is no affordable accommodation available within towns or settlements near the Farm. Due to the nature of the farming activities and the potential inaccessibility in winter conditions it is essential that farm workers can be accommodated within walking distance of the livestock sheds.

The proposed roadside site for the house at Ruchlaw, has been chosen to be as close as practical to the existing dwellings at Ruchlaw West Mains and the limited scale of the development will not adversely impact on the landscape character. It is considered that the detailed design should propose a sensitive and attractive building that will complement and enhance the rural vernacular and contribute to the local character.

The chosen site at Newmains lies outwith the Special Landscape Area and is partially screened and protected by woodland planting to the east and south. It is considered expansion of the woodland planting could improve integration of the proposed farm dwelling.

It is also considered that the natural environment and habitats can be protected by way of conditions applied to a favourable Planning in Principle consent to ensure that appropriate habitat surveys are carried out at the detailed design stage and mitigation measures implemented where necessary to secure and protect these environments.



## Site

### Site Locations

The distance between the proposed sites and farms are illustrated on the location and detail plans that are enclosed with the submitted applications and are described as follows:

**Ruchlaw** - The site proposed is approximately half an acre and sits on higher ground to the southeast of Ruchlaw West Mains Farm. The site is chosen to be situated, as close as practical, to the existing livestock shed at Ruchlaw without impacting on existing grain handling facilities and high value arable crop fields. Low lying ground around the existing agricultural shed can also be subject to localised flooding.

A new vehicular access and layby is proposed to gain access to the single dwelling directly off and at the north end of the existing private access track that leads to Woodend and Pressmennan Wood. The development site is chosen as it is situated within the only existing non-arable crop field and bounded on the west side by the minor road 'Stenton Loan' that runs between the village of Stenton and Papple to the west. It is anticipated that the dwelling will be located on a level plateau area, beyond which, the existing levels fall gently away to the north and east with a steeper slope to the southeast. The site has open views to the coast to the North and East.

As stated previously, the Applicants own no buildings or ruins on Ruchlaw West Mains Farm. They own only the cattle/sheep shed which is used for that purpose. The ground immediately around the shed is already extremely tight for the machinery that is needed for both straw/silage storage, loading and hauling and the lay down and prep. of the groundwork equipment for the arable crops.

If they were to lose any of the ground immediately adjacent to the shed what is already barely workable would become unworkable. Indeed, to make it work now the farm have already had to sacrifice a small field as a turning yard. If space were to be lost by the shed, there would be need to create a new yard elsewhere on the farm which would firstly be on prime arable land but also require a suitable access for long vehicles and trailers. It would have to be close to the sheds as the nature of a forage store is to allow daily feeding of animals. The practicalities around that would increase farm traffic on the roads and its viability in winter would be of real concern. At the start of March this year, both farms were cut off for 4 days and it was only through the help of a retired farmer living nearby those animals could get fed and watered. Had the yard not been right by the shed they would not have been. Such an event is not a one off, it is a frequent happening which can be demonstrated.

The site at Ruchlaw was therefore chosen to be as close as possible to the shed without impinging on the existing and future needs of the farming operations. An alternative site was identified immediately beside Woodend House by Pressmennan Wood, as it would be closer to an existing dwelling. That remains an alternative option, is closer to an existing dwelling and critically is within walking distance, in adverse weather, of the cattle/sheep shed.

The Pressmennan access road is in the Applicant's ownership but in exchange for forestry work-access the Woodland Trust maintain it for them. There is no vehicle right on this road beyond their own and that of Woodland Trust workers vehicles, although clearly it is used by the public and the Woodland Trust, by their actions, encourage/maintain as a result.



**Photo 1 – looking south up public right of way to Pressmennan Wood**



**Photo 2 – looking north east to site 1 from track to Pressmennan Wood**



**Photo 3 – from ‘Stenton Loan’, looking east at junction with track to Pressmennan Wood**



**Photo 4 – looking south from ‘Stenton Loan’ to junction with track to Pressmennan Wood**



**Photo 5 – site 1 in middle distance above farm buildings at Ruchlaw West Mains**



**Photo 6 - Ruchlaw West Mains Farm**

**Newmains** - The site proposed to the west of Newmains Farm, is approximately 0.5 acre, sits on relatively level ground, rising steeply to the south. The site is chosen to be situated close to the existing livestock shed and adjacent stock fields at Newmains steading. A new vehicular access and layby is proposed to gain access to the single dwelling directly off the minor road 'Stenton Loan'. A private access track will be constructed suitable for ATVs, the track will be no less than 3.7m wide and constructed to recommended minimum standards. The development site is within an area currently used as permanent pasture for grazing cattle and deer and is partially screened from the southeast by mature mixed woodland planting, that surrounds part of the disused New Black Bank Quarry. The site has open views to the North and West and due to its low-lying position, has low visibility from surrounding vantage points.

The provision of a house here is again related entirely to the care and welfare of livestock at the existing scale of enterprise. Unlike a lot of lowland farms, the system at Newmains is overwintering all animals except for calving cattle, spayed deer calves and young lambs being prepared for sale. The location chosen, with low visibility from further afield, gives close access to most of the livestock fields. A worker would be able to gain access by foot or ATV to all livestock and sheds from this location irrespective of weather. In the recent snow to get to and from the calving sheds required the 1/4-mile distance between farmhouse and shed to be dug clear by forklift loader in both directions on each visit. The position of the proposed house would therefore allow safer, easier access.

The proposed house is as close to the shed as possible, as unlike a standard cattle & sheep farm, the main enterprises here is red deer. Unlike cattle or sheep, red deer are highly strung and intelligent animals - the system developed to manage them safely (both deer and humans) requires a series of raceways and holding "tanks"/fields. These tanks are designed to hold up to 200 animals at a time as that is approximate mob size within the herd that would be brought from the hill for any direct work. When the deer come down, they are held in the tanks (some of which are partially screened) until they are calm enough to handle in the next more intimate stage. A house and the activity of a house too close to that would keep the deer in an agitated state. Currently the farm has 5 "tank fields" and as the 200 deer are worked, they are split into smaller more manageable groups until they are brought into the shed for direct work. Imagine a circular track with the shed as part of that - each tank field is linked, through to the shed and onto the next tank etc. Only once the entire mob has been wormed/de-antlered or whatever procedure required are they then run back out of the tank system and up the race back uphill. The point being that although the current system will be compromised for the proposed house, we can't work the system if we lose a tank closer to the farm buildings.

Livestock can be dangerous and adult red deer are particularly aggressive during the rut. A worker may feel confident and safe with them when working them, but we have also to consider the safety of any young family they may have. A house in the middle of often intensive 2 or 3-day spells of handling would be a risk.

Additionally, the main store of feed silage and straw is held within this working circle and although not ideal is part of the route taken by animals when handling. With deer this means the entire area is contained within a series of 2m high deer fencing (with electric on top wire) and each gate is padlocked to

prevent accidental escape - deer don't come back if they escape. Having a family in the middle of that would be both restrictive to the farm and restrictive/dangerous to the family.

As with the site at Ruchlaw therefore, the site at Newmains is chosen to be as close as possible to the farm sheds without impinging on the existing and future needs of the farming operations. Alternative sites, at the top of the hill above Newmains farm steading have also been considered and would be preferable from an operational point. However, although such sites have the benefit of not being visible from the road, it has been assumed that such locations, remote from the road and sheds, would be considered less desirable in terms of planning policy.



**Photo 7 – looking south from site 2 with New Black Bank Quarry woodland to the South East**



**Photo 8 – looking west from site 2**



**Photo 9 – looking east towards site 2 with Newmains farm buildings in middle distance**



**Photo 10 – Newmains farm buildings with ‘Stenton Loan’ on right-hand side**

### **Biodiversity**

The chosen development sites have been selected to minimise impact on the existing biodiversity, including mature tree and shrub planting. However, it is anticipated that a preliminary Ecological Appraisal will require to be prepared prior to development of the sites and thereafter any appropriate steps necessary will be brought forward to mitigate against potential detrimental impact on important wildlife habitation and planting.

### **Design Proposals and Concept**

This Application is made in response to the demonstrated requirement for new affordable housing suitable for a farm manager and their family, located close to livestock sheds, to support an existing and flourishing rural agricultural business with potential for future expansion. No suitable existing dwellings are available for the purpose in the area and there are no existing buildings on the Farm that can be converted into a house. The chosen sites afford the opportunity to develop sensitive and attractive buildings that have potential to enhance the rural landscape and contribute to the local character.

The proposed developments are small scale and will address the guidelines for development by ensuring:

- The ‘hidden’ character of residential development on valley slopes will be maintained.
- Traditional building materials or traditional components and styles of design will be utilised.

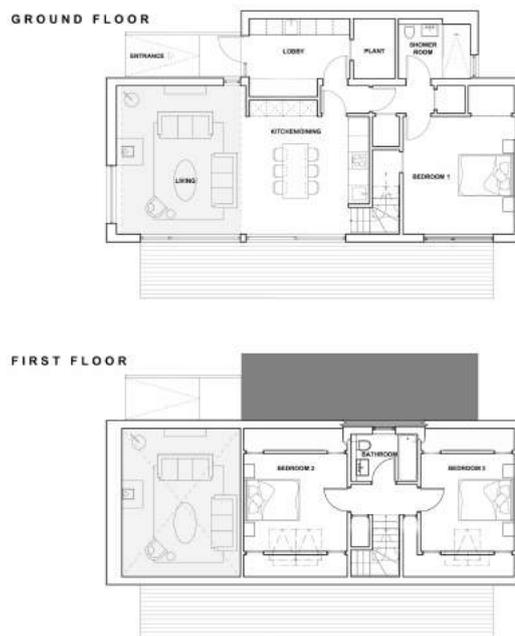
- Small scale vernacular style to be adopted.
- PV or solar panels will be sensitively located to ensure they are not visible to the public.
- Existing stone boundary walls will be retained.
- Local materials such as red sandstone to match the soil and local geology will be used where possible.

If granted permission, it would be the intention that both houses to be as carbon neutral as possible including provision for ground source heating but also enough ground for a family's amenity and vegetable cultivation.

Most importantly farm workers and their families look to have a size of house that can accommodate what is required for a family to live comfortably, as it is both a place of work and a family home. In an entirely practical sense a “non-farm” house would be unlikely to need a “mud room”/showering/dog room right by the back door. Anyone who has experience of livestock farming will understand that it is a very dirty business, and provision will need to be made in the design of the houses to allow for that.

Whilst the worker may have a family car, they will also have an ATV/4x4 farm vehicle that will live with them. They need space to turn with a ‘snacker’ feed trailer and, we anticipate shifting to fully electric ATVs as soon as they are practical. Charging provisions will be required and with ATV security it is essential that charging takes place at the house.

## Indicative Floor Plans



## Architectural Design and Materials – Photographic Precedents



## **Landscaping**

As noted above the site at Ruchlaw Mains Farm lies within the Whittinghame to Deuchrie Special Landscape Area – refer Appendix ii.

However, both proposed developments are small scale and both sites have been selected in the lower slopes of the valley to address the guidelines for development by ensuring:

- Unbroken horizontal element of the Lammermuir skyline will remain uninterrupted when viewed from below.
- Views of East Lothian plain and Forth when viewed from Deuchrie Dod, Deuchrie Edge and Pressmennan will be uninterrupted.
- Any well-developed and maintained beech and thorn hedgerows will be conserved and enhanced.

At Newmains Farm site it is considered expansion of the existing woodland planting could improve integration of the proposed farm dwelling.

## **Highways and Access**

New vehicular access is proposed to both sites from the Public track to Pressmennan Wood at Ruchlaw and the minor road referred to as 'Stenton Loan' at Newmains. The new access and service bay will be constructed in accordance with Local Authority Highways standards for a rural development with a single house.

The Applicant will be responsible for maintaining all new roads/ tracks, access, and service bays in a satisfactory condition.

Inclusive access to and within the proposed new dwellings will be in accordance with the minimum standards required by the Scottish Building Standards Technical Handbook for domestic buildings.

Parking - Each unit will have a minimum of two car parking spaces provided with access for servicing and general maintenance and turning space.

Adequate storage for refuse collections will be incorporated at the proposed new service bays to allow collections at the vehicular access point to the public road.

## TYPICAL MATERIAL SPECIFICATION



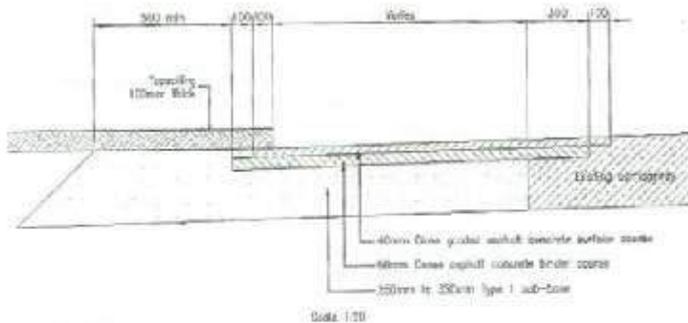
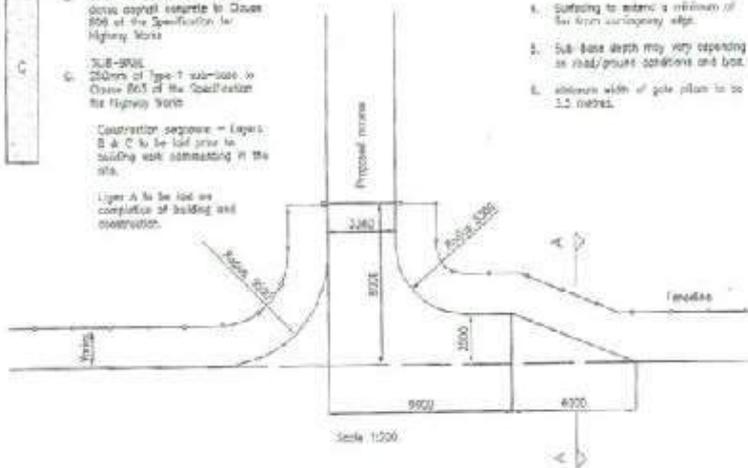
- A. SURFACE COURSE**  
40mm of 14mm nominal size close graded asphalt concrete to Clause D12 of the Specification for Highway Works.
- B. BEDDING COURSE**  
40mm of 20mm nominal size close graded subgrade to Clause B06 of the Specification for Highway Works.
- C. SUB-BASE**  
200mm of Type 1 sub-base to Clause B03 of the Specification for Highway Works.

Construction sequence - Layers B & C to be laid prior to building work commencing in the site.

Layer A to be laid on completion of building and construction.

## Notes

1. Trench a minimum of 500mm wide by 100mm deep at 500mm intervals.
2. Service bay may be constructed on left or right hand side.
3. Gullies should be set 100mm from road edge and 100mm from kerb.
4. Sufficient to extend a minimum of 5m from carriageway edge.
5. Sub-base depth may vary depending on road/ground conditions and load.
6. Minimum width of gullies to be 1.2 metres.



## PLAN AND SECTION OF SERVICE BAY TO A RURAL DEVELOPMENT WITH A SINGLE HOUSE

### DRAWING No. SDB 1

## Services

**Water Supply** - water supply to the proposed development sites will be extended from the adjacent farm steadings.

**Foul Drainage** – it is proposed that the new dwellings will be served by localised Bio-disc treatment plant with UV filters and soakaway. Sufficient space has been incorporated within the proposed site boundaries and any discharge consents will require to be agreed with SEPA.

**Surface Water** - it is proposed that the new dwellings will be served by localised ground soakaway. Sufficient space has been incorporated within the proposed site boundaries.

**Fire** - The proposed new private access will be constructed to a standard, suitable for fire engine access.

## Conservation and Sustainability

The owners at Newmains Farm can evidence their long-term commitment to the rural economy and conservation of the landscape through their investment of both time and money on environmental projects that include:

- planting of over 17,000 trees;
- creation of two 'wildlife' ponds; and
- planting 3 km of hedgerows.

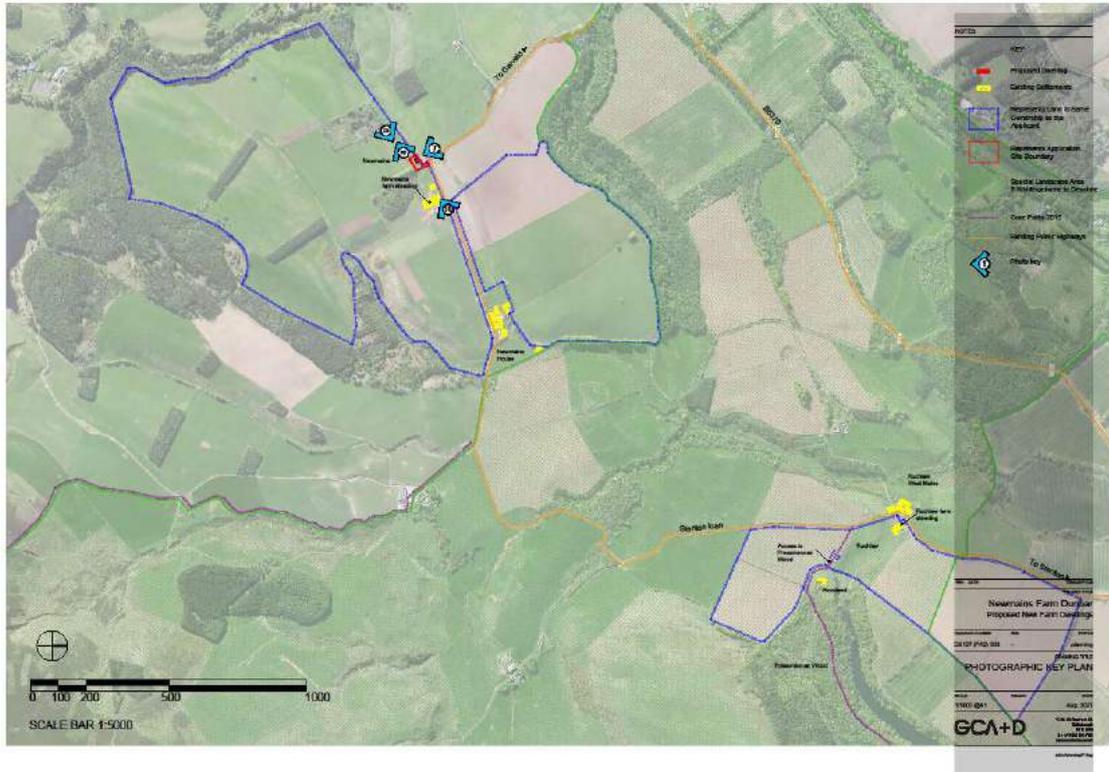
Further investigation will be required at detailed design stage for the new dwellings, but it is considered that the remote location may promote the potential benefits of developing an 'off-grid solution' to heating and energy generation and a low-energy solution will be sought to minimise carbon footprint. Consideration will be given to orientating the buildings to maximise solar gains and the use of PV panels. The buildings will be insulated to a high standard and the material choices will favour timber or natural stone materials from sustainable or local sources where possible.



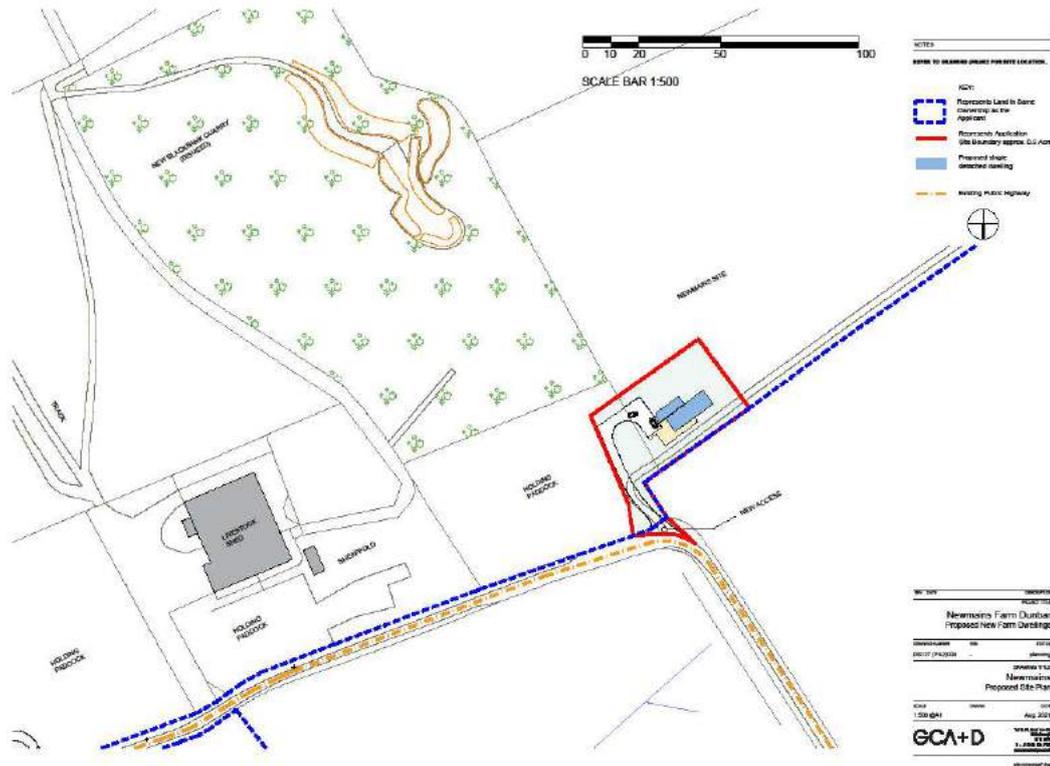
**There is significant demand for Newmains red deer finished Venison. Sales growth is being driven by leading customers including: Marks and Spencer; Waitrose; and top end Scottish Restaurants.**



PHOTOGRAPHIC KEY PLAN – DS127: (PA2) 003

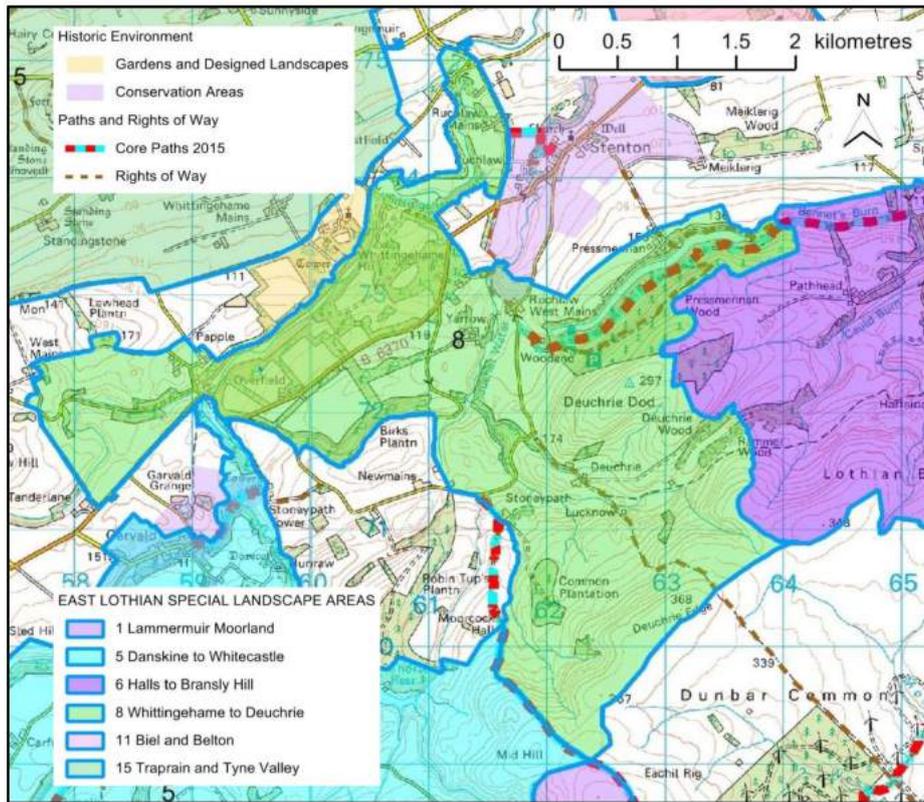


PROPOSED SITE PLAN – DS127: (PA2) 004



## Appendix ii Special Landscape Area – Statement of Importance

### Whittingehame to Deuchrie Special Landscape Area 8 Statement of Importance



**Character:** A contrasting, complex and diverse landscape of high scenic value from the foothills of the Lammermuirs to the incised valley of the Whittingehame Water, including the large water body of Pressmennan. A particularly good example of a landscape modified during glaciation as well as important areas of ancient native oak woodlands.

**Area:** 1,2061 ha

**Overview:**

An area encompassing the dramatic steep-sided wooded valley of the Whittingehame Water to the north with its associated views up to the hill of Deuchrie Dod to the east and a section of the geological feature of the Lothian Edge to the south, a particularly good example of a landscape modified while it was beneath the ice. A highly scenic contrasting and diverse area of river valley to hill foots to moorland plateau, which is heavily wooded. It is important in views across the plain with

the interlocking strips of woodland and arable land, with the higher land of the hill foots and plateau providing the backdrop to the views south from the East Lothian plain.

The area contains large areas of ancient oak woodland including Rammer, Deuchrie and Pressmennan Woods. The latter is protected by tree preservation order number 102. Rammer and Deuchrie Woods are within the Rammer Cleugh SSSI which identifies their importance as being representative of a habitat type now scarce in upland East Lothian.



*Whittingehame Tower set on the steep banks of the river with views to Deuchrie Dod*

The estate of Whittingehame is identified as an inventory Garden and Designed Landscape and uses its setting on the steeply incised river valley in its design. It has high value as a work of art and outstanding historical value due to the historical associations with Whittingehame Tower and Whittingehame Yew. It has high arboricultural value. Its arboretum has many interesting specimen trees, including a magnificent monkey puzzle clothed with branches to the ground, a variegated sycamore and a cut-leaf beech, which have been well recorded since 1846, together with the forestry experiments that have been carried out over the years.

The river valleys through the area are all identified as local biodiversity sites for their wooded river habitats, with the Sauchet Burn valley having a large area of upland mixed ash wood. The woodland of Pressmennan is also identified as a local biodiversity site for its large area of woodland habitats.

**Special Qualities and Features:**

1. The western half of Rammer Cleugh SSSI lies across the centre of this area. This is important as a geomorphological site with a collection of glacial



*The western section of the glacial Deuchrie Channel at Lucknow below Deuchrie Edge*

meltwater channels and kame terraces. Rammer Cleugh is one of several valleys that run in an east west direction formed by meltwater drainage under or at the edge of the glacier that covered East Lothian and the Firth of Forth and shows sub-glacial chutes, ice marginal benches and small marginal and sub-marginal channels. Additional interest includes the esker on the floor of Rammer Cleugh where the meltwater flowing in tunnels under the ice has left sinuous ridges of gravel. This leads to a complex, intricate and striking landform of steep sided valleys, small hill formations and valleys containing no significant streams or rivers. This is a particularly good example of a landscape modified while it was beneath the ice.

2. The Rammer Cleugh SSSI in this area is also special for Deuchrie and Rammer Woods almost pure stands of sessile oak, representative of a habitat type now scarce in upland East Lothian. The small knarled oak trees clinging to the sides of the steep cleughs area particularly picturesque.



3. Pressmennan Wood also provides good access to ancient oak woodland. Rich in wildlife, roe deer secretly roam through the woods; woodpeckers can be heard high in the trees; bats and owls come out at dusk in search of food. In spring discover primroses, tranquil bluebells and tasty wood sorrel. Walks take you along established forestry access tracks then along paths passed the picnic area to the viewpoint at Gallows Law. There is a good car park to access the woodland and a sculpture trail along the paths where if you're lucky you may spot a wooden door in the trunk of a dead oak or the glint of a small stained glass window high up among the branches; a home for one of the mystical creatures that inhabit Pressmennan. Pressmennan is identified as a local biodiversity site for its woodland and contains a large area of ancient woodland.



*Pressmennan wood and lake*

4. The large, scenic water body of Pressmennan Lake is hidden within the woodland at Pressmennan. Swans and many other water birds can be seen on the lake, otters also fish in the lake although these elusive creatures are often hard to spot. A path follows the southern bank of the lake at a level with the water with scenic views of the woodland reflecting off the stillness of the water.
5. The valley of Ninewells Burn and Whittingehame Water is narrow, deeply incised and wooded creating a complex, contrasting landscape centred on the river within a deep wooded valley providing elements of surprise and extensive rugged, dramatic elements. The river twists and winds along the valley with intricate views and enclosures between the trees giving a sense of mystery. The area contains areas of naturalness and has a lack of artificial elements particularly along its wooded river banks. The steepness of the banks and rushing water adds to this feeling of wildness. The banks of the river through the Whittingehame Garden and Designed Landscape contain areas of ancient and native lowland mixed deciduous woodland.
6. The rolling landform to either side of the steep river banks with its mix of arable and pasture land provides contrast to the valley with elements of openness and there are strong links with the higher land particularly Deuchrie Dod to the east with the landform leading the eye up the valley from the Whittingehame Tower, passed the interlocking hill slopes and strips of woodland to the exposed hill slopes and rounded hill top.
 
7. Whittingehame has important Scottish historical connections with the tower and yew tree being linked with Mary Queen of Scots. It is said that Archibald Douglas of Whittingehame, the Earl of Morton, Secretary Maitland & Earl of Bothwell met under the yew tree to plot the murder of Lord Darnley, husband of Mary Queen of Scots. Darnley was blown up at Kirk o' Field Edinburgh, in December 1566.
 

*Snow covered Deuchrie Dod from Whittingehame*
8. The yew tree is a feature in itself which was measured in 1974 as 56 feet tall and 11 ft 5 inches in circumference and thought to be about 700 years old. The Yew's most impressive feature, however, is the circumference covered by its vast spreading branches, which was recorded as 180 yards in the 1880s.



9. Complex, contrasting landscape of a mix of landuses and features, visually rich with limited manmade development well-sited within the landscape. Open on higher ground with more mystery in the lower and wooded areas. Agricultural land is interspersed with layers of woodland. Steep slopes provide dramatic views from the top. There are many small burns and larger



*Red soil on the slopes of Deuchrie Dod*

water courses as well as the large lake at Pressmennan adding another contrasting element to the landscape. The area has high naturalness with relatively extensive stretches of ancient woodland and rugged cleughs and deans. The areas raised rolling hill tops screen hidden valleys to their south containing ancient woodland such as Rammer Cleugh. Colour contrasts between the purple of the flowering heather of the moors, red of the earth, green of the pastureland to golden of the ripe crops, dark greens and vibrant autumn colours of the woods and blue of the skies. The area is highly scenic when viewed from the north and the plain of East Lothian with the layers of woodland often emphasised by early morning mists sitting between the woodlands.

10. Settlement within the area is limited and small in scale of vernacular style dotted around the minor roads or hidden in the wooded valleys adding to the picturesque and historic nature of the area. The use of local materials, sandstone especially red to match the soil, slate roofs and the small number and scale of settlements and their fit within the landscape gives the



*View from Deuchrie edge over the Deuchrie and the valley of the Sauchet Water to Whittingehame*

impression of man living with nature rather than controlling it. This is added to by the limited number of narrow, single track winding roads leading into the area and becoming tracks as they reach higher ground.

11. The area is important for recreation with many accessible walks around the woodlands, rivers and lakes as well as great viewpoints from higher ground, such as Deuchrie Dod. Core path route 233 passes through Pressmennan Wood, linking with the rights of way within the wood and the road to Stenton to the west and the core path route 470 along Bennet's Burn to the east. A right of way from the B6370 west of Stenton brings you into the area along the Sauchet Water, whilst another heads from Deuchrie up into the Lammermuirs to Cranshaws and core path route 20 follows the western boundary of the area from Stoneypath to Clints Dod.

#### **Guidelines for Development**

- A. Any proposed development must not harm the features reflecting transition from open upland to enclosed lowland landscape
- B. **Any proposed development must not harm the open 'Wild Land' character of the moorland** by controlling development or management that would affect the sense of openness or wildness of the moorland, including for example planting of tree belts or plantation forestry hedges or fences along roads and tracks, or signage, or features which break up the open moorland
- C. Any proposed development must not harm the unbroken horizontal element of the Lammermuir skyline especially as viewed from the plain and foothills below
- D. Any proposed development must not harm the overall open visual character focusing northwards towards the plain and the Forth and avoid development that interrupts key views from Deuchrie Dod, Deuchrie Edge and Pressmennan.
- E. Any proposed development must not harm the small-scale topographic diversity provided by glacial features such as kame terraces, and melt-water channels in considering future sand and gravel extraction. Historic quarrying has removed some of East Lothian's finest glacial deposit features.
- F. Any proposed development must not increase the apparent scale of large scale industrial elements (reservoir walls, pylon lines) for example by providing scale comparison
- G. Any proposed development must not harm the landscape character of the area by prevention of large, widely-visible development that reduces the scale and contrast of the landscape form.
- H. Preservation against wind turbines within this area which would have a visual cumulative effect with the turbines of the uplands thereby diminishing the individual identity of the landscape character area and disrupting the sense of contrast between the plateau tops and the fringe landscape.
- I. Preservation against further hill tracks on visually-sensitive slopes. When tracks are new or recently re-surfaced they can look very noticeable over a wide distance, and these can also look wrong by virtue of their straight lines heading straight up the moorland. This may have a **negative impact on the 'natural' appearance and character of the area and tracks can be widely visible** including from the plain below. Tracks also open up the area to recreational access, which has obvious benefits but may also affect the remote character of the area. Tracks should follow SNH guidance "Constructed Tracks in the Scottish Uplands"<sup>1</sup>, including consideration of whether

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<sup>1</sup> Available on SNH's website at

<http://www.snh.org.uk/pdfs/publications/heritagemanagement/constructedtracks.pdf> <sup>1</sup>

Available at <http://www.scotborders.gov.uk/downloads/file/4234/local-landscape-designations-spg>

the track is necessary at all. Borrow pits, treatment of cut and fill, material, alignment of the track with topography and visibility of the track should all be carefully considered.

- J. A restoration strategy is important at development stage where large infrastructure projects are being considered to ensure re-establishment of the natural landscape
- K. Any proposed development must not harm the existing settlement pattern of development kept to the lower slopes of the hillfoots set generally along the narrow lanes and generally 'hidden' character of residential development within mature woodland on the valley slopes. Support use of traditional building materials or traditional components and styles of design in new buildings.
- L. Suburban style housing is unlikely to fit with the character of the area. Safeguard distinctive architectural integrity and close link with local red sandstone geology
- M. In cases where solar panels are not permitted development they should not be placed on publicly visible roof elevations of traditional buildings or buildings in traditional and historic settings where they would harm the historic nature and scenic value of the area
- N. Any proposed development must not harm the small-scale rural character of the roads, including characteristic features such as hedges and stone walls, passing places, fords and stone bridges
- O. Any proposed development must not harm the intimate scale of valley bottom landscape and settlements in any future development proposals
- P. Any proposed development must not harm the small-scale secluded visual character derived from the well-planned mature woodland framework in the valley of the Ninewells Burn and Whittingehame Water or Pressmennan
- Q. Any proposed development must not harm the qualities of wildness within the river valleys that the area has from the ruggedness, lack of modern artefacts and natural landcover

**Potential for Landscape Enhancement:**

- i. Conserve and enhance well-developed and maintained beech and thorn hedgerow network on the arable land
- ii. Promote replacement of traditional oak and ash field boundary tree lines. Consider alternative species to ash due to effects of Ash Dieback
- iii. Promote reinforcement of stone dyke boundary features on hill slopes, whilst retaining the unenclosed appearance of the moorland
- iv. Seek to support traditional estate management practices to safeguard woodland enclosure features and important boundary walls
- v. Take opportunities to enhance / ameliorate impact of existing coniferous plantations at restructuring stage though recognising the familiarity and land mark of some of the strips such as the Park Strips
- vi. Enhance existing pattern of shelterbelt and field boundary woodland through sensitively designed woodland expansion in fringe area
- vii. Encourage further expansion of woodland cover through shelterbelts and small woodland particularly in deans, cleughs and valleys and around farmsteads and other building groups in upland areas, including fencing to promote natural regeneration
- viii. Promote improved integration of visually sensitive farm building expansion through farm woodland planting
- ix. Reinforce visual and ecological contrasts between open hill slopes and steep valley sides
- x. Encourage appropriate retention and management of ancient oak and deciduous woodland

- xi. Ensure protection and enhancement of characteristic high proportion of mixed and broadleaved woodland through management and replacement planting
- xii. Management of woodland to avoid over-reliance on singular species to avoid loss of large areas of woodland due to disease e.g. ash dieback, Dutch elm disease, red needle blight





GCA+D



**CONFIDENTIAL**

**Operational Needs Assessment  
Newmains Farm  
Stenton  
East Lothian  
EH42 1TQ**

This report has been prepared exclusively for the use of Paddy Crerar trading as Newmains Farm, on the basis of information supplied, and no responsibility can be accepted for actions taken by any third party arising from their interpretation of the information contained in this document. No other party may rely on the report and if he does, then he relies upon it at his own risk. No responsibility is accepted for any interpretation which may be made of the contents of the report.

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March 2020

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Appendix I – Estimate of Labour Requirement

## **1. INTRODUCTION**

This report has been prepared at the request of Paddy and Sheila Crerar of Newmains Farm in connection with a planning application for two new dwellings at Newmains and Ruchlaw West Mains, Stenton, East Lothian.

The purpose of this report is to evaluate the operational needs associated with the enterprises farmed by this business and examine the requirements for new dwellings for a farm manager and worker. This report provides the following:

- A description of the land and livestock farmed by this business
- An assessment of the land capability
- Details of the current housing and labour on the farm
- Proposed farm policy
- An assessment of the labour requirement
- Functional requirements for a dwelling house.

This report has been compiled following a visit to Newmains and Ruchlaw West Mains and meeting with Paddy and Sheila Crerar on 10<sup>th</sup> March 2020.

## **2. DESCRIPTION OF CURRENT LAND AND LIVESTOCK**

### **2.1 Background**

The business trades as a sole trader in the name of Newmains Farm.

The farm is made up of land at Newmains and on a neighbouring farm, Ruchlaw West Mains, both near Stenton, East Lothian. Both farms are owned by the business. The total farmed area is around 166ha. The land is used for rearing suckler cows and deer. They grow some arable crops on the land at Ruchlaw West Mains for home use, and some to sell. Paddy and Sheila Crerar bought the farm 10 years ago and are new entrants to farming, neither of them coming from a farming background. They have learnt on the job and have had mentoring support from neighbouring farmers. They have 3 children aged 21, 20 and 18. All three children are currently in full time education at school and university.

### **2.2 Land Capability**

The land is described in the James Hutton Institute (formerly Macaulay Institute) land capability for agriculture map sheet no. 67. The land at Newmains is classified as grade 3.2, 4.1 and 4.2. Ruchlaw West Mains is also a mixture of land capability types, with areas of grade 3.1 and grade 5. Land in grade 3 is capable of producing good

yields of a narrow range of crops, principally cereals and grass, and a moderate yield of a wider range of crops such as potatoes, some vegetable crops and oilseed rape. In grade 3.2. it is more common to see grass leys in the rotation due to the limitations for growing arable crops and the degree of risk involved in their production. Land classified as grade 4 is described as “land capable of producing a narrow range of crops”. The land is principally used for grass production, with short breaks for cereals or forage crops. Land classified as grade 5 is land capable of use as improved grassland so it is restricted to grass production. There is potential for high yields of grass and improvements such as applying lime and fertiliser and reseeding where topography allows. The land is well suited to livestock farming, with the better land at Ruchlaw being capable of producing arable crops.

### 2.3 Current Farm Policy

The area of the farm is 166ha, the majority of which is permanent pasture used for grazing cattle and deer, with some cut for silage for feeding the deer and cattle. The business claims Basic Payment subsidy. A breakdown of the areas claimed for BPS in 2020 is shown in the table below:

Table 1 – crop type and areas grown

<b>Crop type</b>	<b>Area</b>
Permanent grass	100.84ha
Temporary grass	25.54ha
Kale/cabbages for stock feed	1.99ha
Spring peas	33.67ha
Woodland	4.57ha
<b>TOTAL</b>	<b>166.61ha</b>

This is a significant size of farm. The business currently has 50 suckler cows with progeny. The cattle are the hardy Luining breed, well suited to being out-wintered, and are housed for a short period of around 2 months for calving during early spring in order to keep a closer eye on them for welfare reasons. Calves are finished on the farm and sold through AK Stoddart at around 2 years old, with some heifers sold for breeding. The business also produces 2 or 3 bulls a year which are sold at 2 years old. Paddy is on the board of the Luining Cattle Society. The farm also has 176 deer and progeny, totalling around 300 deer. The adults are reared outside. Rutting season is in September and the deer calve in May and June outside. The calves are weaned off their mothers at 6 months old, after which they are housed for finishing. Deer are sold fat for slaughter between 12 and 18 months. The sheds currently have capacity for 200 deer. There are also areas of the farm that are protected by shelterbelts, so there is potential to fatten some of the young stock outdoors. There is around 34ha of arable crop at Ruchlaw West Mains, which is used for a mixture of crops including cereals, peas, kale and temporary grass, all grown on rotation. The arable work is done using a contractor at present.

## **2.4 Farm Buildings**

The farm business has two small farm steadings, both with good sized livestock sheds and adequate storage for feedstuffs and machinery. A new specialist deer shed and handling facilities has been erected at Newmains. There are sufficient farm buildings to meet the needs of the business at its current scale.

## **2.5 Current Labour and Housing Provision**

Currently the farm business is run by Paddy and Sheila Crerar. Both work off the farm; Paddy works full time in his hotel business, and Sheila works part time. Together they manage the day to day running of the farm and looking after the livestock. The farm has no employees. There are no houses on site owned by the business, and no other buildings that would be suitable for conversion to housing. Arable work is currently done by contractors.

## **2.6 Proposed Farm Structure**

Paddy and Sheila Crerar plan to expand the farm by adding more deer to their herd, and by doing more of the arable work themselves rather than using a contractor. The farm also has 300 deer at present, but plan to increase to up to 800. The Farm Management Handbook recommends a grazing density of 7.6 deer per ha for low ground systems, with an additional 5.2ha of silage ground per 100 hinds (plus progeny). The policy at Newmains is to out-winter the hinds and stags so there is no requirement for straw bedded housing for the hinds, however, there is a greater grazing pressure on the fields, which is met by supplementary feeding with silage and beef nuts. The 176 hinds and progeny currently at Newmains require around 32ha of grazing and silage. The business could increase to around 400 hinds and progeny (total 800 deer) and have sufficient grazing and silage ground. There is potential to increase the number of deer significantly. This would require a significant increase in hours for management and daily checks, and investment in new deer fencing and associated infrastructure. They propose to keep the same number of cattle, which require around 49ha for grazing and silage.

## **3. LABOUR REQUIREMENT**

Labour requirements for farm businesses can be calculated using standard labour requirements. This is useful to assess how many labour units are required by farm businesses. The standard labour requirements are based on figures published in the SAC Farm Management Handbook 2019/20. Note that there are difficulties in standardising labour requirements and these figures represent typical labour requirements under typical conditions for enterprises of average size and performance.

The calculations in this report are shown in Appendix 1 and are based on the future farming system described above (50 suckler cows and progeny and 800 deer and progeny).

Based on a standard labour unit equalling 1900 hours per year these results suggest a labour requirement of 4.2 at Newmains and Ruchlaw West Mains. There are peak busy times for all the enterprises when it is especially crucial to have staff on site, most notably calving time for the cattle in March/April and the deer in May/June. Weaning and rutting time are also labour intensive times for managing the deer. The arable enterprise has a peak busy spell during silage making in late spring, and harvest in late summer and sowing of new crops (depending on crop mix there may be autumn or spring ground work).

## **4. FUNCTIONAL REQUIREMENTS FOR A DWELLING HOUSE**

### **4.1 Labour**

The labour profile clearly demonstrates that there is a requirement for 4.2 labour units for this business with the current farming policy. The business is managing to meet this labour requirement by both Paddy and Sheila working long hours on the farm and by using contractors for the arable work. The workload clearly justifies the business employing at least two employees to work alongside Paddy and Sheila, and if they continue with their plans to expand the deer enterprise there will be a bigger labour requirement.

### **4.2 Farm manager**

The operational size of this business would justify a farm manager, and in order to carry out the farming activities properly it is essential this person lives on the farm. Newmains is the most suitable location because it is where the deer sheds and the majority of the livestock are located.

The farmhouse will need to be of a suitable size for a farm manager. This will need to include a farm office as well as sufficient bedrooms to attract a qualified farm manager and family without hindering this appointment. There is no house available that meets this description.

The farm manager would be employed full time and solely in agricultural activities.

There is also a requirement for a second house to provide housing for a general farm worker to assist with livestock duties. The most suitable location for this house would be at Ruchlaw West Mains to allow the worker to be close to the cattle sheds for calving.

### **4.3 Livestock welfare**

The animal welfare code is produced in terms of Section 3 of the Agriculture (Miscellaneous Provisions) Act 1968 (1968 c.34). In Scotland the regulations have been produced as the "Welfare of Farmed Animals (Scotland) Regulations 2000".

In order to satisfy animal regulations a sufficient level of labour is required and this must be available quickly should animals be in distress. This can best be achieved by

providing housing on the farm where the animals will be located. Management for deer is different to management for other animals due to their more wild nature. Management typically requires spending time observing the deer from a distance which is more time consuming than checking cattle or sheep.

#### **4.4 Security & Safety**

There are Health and Safety issues when handling livestock that may require the presence of at least two key workers at any one time. For deer, it is often a requirement that four workers are present at one time due to the difficulty in handling them. Specialist handling facilities have been installed to make handling deer easier and safer, but during certain times of year such a weaning and removing antlers more people are required to ensure safety. In addition to those working on the farm, deer can also pose a risk to members of the public if they enter a field of deer during rutting or calving time as deer can become aggressive at these times of year. The presence of a farm worker to keep an eye on livestock and fields during the day would reduce this risk.

Crime in rural Scotland is a major problem for farmers as reported by NFU Scotland and Police Scotland. Security is enhanced by having people living on the farm. An additional worker on the farm will improve health and safety as well as the security of farm equipment.

#### **4.5 Financial outlook for this business**

The business turns a profit sufficient to allow all the investment required to start and build the deer enterprise. As the business has grown, profit has been invested in updating the infrastructure to suit the deer (additional deer fencing, specialist handling and sheds). Profit is sufficient to allow Paddy and Sheila to now look at employing one or two employees to help manage workload. Venison is a growing market and Paddy is currently looking into setting up a venison cooperative for marketing produce and increasing the quantity of farmed Scottish venison on the supermarket shelves.

### **5. CONCLUSION**

The labour profile for Newmains shows a requirement of 4.2 labour units for the management of the deer, cattle and arable enterprises and associated paper work. As the business expands the amount of time required for these activities will increase. There is insufficient housing to meet the requirement to allow Paddy and Sheila Crerar and their children to continue living in their home and having an input in the business, whilst also allowing them to employ staff to help run the business and live on site. The business needs someone living and working on the farm in order to remain sustainable.

Other benefits to the business from an additional house include better animal welfare, security and health and safety.

## APPENDIX I

### ESTIMATION OF LABOUR REQUIREMENT

Physical data and labour requirements for 300 deer and 50 suckler cows, with a standard labour unit being 1900 hours. (Data based on The Farm Management Handbook 2019/20 available on the farm advisory service website [www.fas.scot/](http://www.fas.scot/) )

<b>Labour Requirement - current policy</b>			
<b>Livestock</b>	<b>Average Number on farm</b>	<b>Hours per head per year</b>	<b>Total Hours</b>
Hinds and calves	300	15	4500
Beef cows	50	26	1300
Other cattle	75	12	900
Total Livestock			6700
<b>Cropping</b>	<b>Average ha on farm</b>	<b>Hours per ha per year</b>	<b>Total hours</b>
Cereals	10	18	180
Fodder crops	5	6	30
Grassland	140	3.1	434
Silage 1st cut	25	12	300
Silage 2nd cut	25	10	250
Total cropping			1194
<b>Total hours</b>			<b>7894</b>
<b>Labour units (based on 1900 hours as one labour unit)</b>			<b>4.2</b>

## Jane Tennant

---

**From:** McQueen, Stephanie <smcqueen@eastlothian.gov.uk>  
**Sent:** 01 September 2021 17:02  
**To:** [REDACTED]  
**Subject:** Planning application 21/01073/PP - Planning permission in principle for the erection of 1 house and associated works at Land To South West Of Newmains, Stenton, Dunbar, East Lothian  
**Attachments:** Planning Consultation 21-01073-PP.pdf

Good Afternoon Graeme,

**Re: Planning permission in principle for the erection of 1 house and associated works at Land To South West Of Newmains, Stenton, Dunbar, East Lothian**

I refer to the above named planning application for which I have been allocated as the Planning Officer.

I advise that, at this time, I have received consultation responses from Scottish Water and from the Council's Environmental Protection Service regarding the proposed development.

Scottish Water's consultation comments are self-explanatory, and I attach a copy for your information.

The Council's Environmental Protection Officer (Contaminated Land) advises that, due to its proximity to Newmains Farm and associated livestock shed(s) there is the possibility of potential localised areas of contamination on the site. Accordingly, given the proposed development is for a residential property, further information in the form of a suitable geo-environmental assessment report will be required to determine the ground conditions and potential contamination issues impacting on the site. This requirement could be controlled by a planning condition, if planning permission were to be supported. Such a condition would require the submission and approval prior to the commencement of development of a preliminary investigation incorporating a Phase I Desk Study, a Phase II Ground Investigation (if the Desk Study has determined that further assessment is required, and where risks are identified an appraisal of remediation measures available and a Remediation Statement, and subsequently a Validation Report. All investigation/reports must be undertaken by a suitably qualified, experienced and competent person in accordance with relevant guidance and procedures.

After reviewing the information submitted with the application, I advise that I require the following further information to assist me in my assessment of the proposals.

- a. Section 2.5 of the Operational Needs Assessment Report states that both Mr and Mrs Crerar work off the farm; Mr Crerar working full time in his hotel business, and Mrs Crerar working part time, and that arable work is presently done by contractors. Please can you clarify in what the working hours/days off farm are for each of the applicant's (i.e. 1 day, 2 days, 5 days, 7 days, etc)?
- b. On the matter of the arable work presently being carried out by contractors, please can you clarify if this is on the basis of contractors being brought in to do the work (i.e. any profit are accrued by the business) or the farmland being contracted/leased out to another party (i.e. other party pays rent only and takes the benefits/profit themselves)?
- c. Please can you submit financial and business information sufficient to demonstrate that the business is robust and viable and could financially support the proposed house(s) and additional worker/manager?
- d. Please can you provide a statement to explain what has changed in the operation of the business that has led the applicant's to now seek the erection of the house(s) and to seek to expand the business?
- e. Section 3 of the Operational Needs Assessment Report states that the assessment of man hours of the business is based on the proposals to expand the deer at Newmains Farm to 800 plus progeny and for the cattle to remain at 50 plus progeny, however this does not reflect the figures used in Appendix 1 of the Report which is based on 300 deer (hinds) and 50 cows. If there is an error in the supporting Report please can this be amended and a revised Report submitted? In addition, the proposed business expansion has not

yet taken place, and although I have no reason to question what is stated, it may not happen, as the applicants could change their minds. Therefore, I require information based on the current man hours/operation of the business in order to understand what are the business requirements/man hours at present as well as what they may be going forward if the business expands in the manner explained. Please can you therefore clarify this matter and ensure that the Report presents clear information and if necessary arrange for the Report to be amended and resubmitted?

- f. Section 4.3 and 4.4 of the 4 of the Operational Needs Assessment Report relates to animal welfare and security / safety. The matters of animal welfare and safety are presented as reasons for the additional labour requirement at the farm. Please can you clarify how the animal welfare and safety requirements are met at this time if the Applicants' both work off farm?
- g. Throughout the Operational Needs Assessment Report reference is made to 50 cattle plus progeny. However, the Table in Appendix 1 of the Operational Needs Assessment Report refers to those 50 cattle and the 300 deer as well as a further 75 'other cattle'. These additional 75 cattle are not referred to anywhere else in the Report. I would be grateful if you could please clarify this matter?
- h. In addition, the Table in Appendix 1 also refers to a different total figure for hectares of land for the farm. The Table in Section 2.3 has a figure of 166.61ha however the figures in the Table of Appendix 1 amount to 205ha. Even taking the 2<sup>nd</sup> cut of silage into account the figure would be 180ha. I note however that a different figure of 466acres (186ha) is given in the Design Statement. I would be grateful if you could please clarify this matter and where necessary update the relevant report(s) so that we have clear information on what area of land comprises/serves the farm business operation?
- i. The Design Statement refers to 'store lambs' but these are not mentioned and do not appear to have been taken into account in the assessment of the business operation requirements or man hours in the Operational Needs Assessment Report. I would be grateful if you could please clarify this matter?
- j. I also make you aware that in August 2019, the Council approved a motion declaring a Climate Emergency, and thereafter, at its meeting on Tuesday 3<sup>rd</sup> September 2019 the Council's Planning Committee decided that a report on the actions to be taken to reduce the carbon emissions from a new building and from a completed development should be required on relevant applications for planning permission. This application would be a relevant planning application. If planning permission in principle were to be supported for a proposed house on the application site, a condition would be imposed requiring the submission of such a report with any application for matters specified in conditions of a grant of planning permission in principle. Such a report should include details of what measures the applicant would intend to take to reduce carbon emissions including where feasible, the use of renewables technologies, and electric vehicle charging, and that the effective measures required to reduce carbon emissions would be in accordance with relevant building warrant legislation.
- k. I note that the proposals include private drainage arrangements including package treatment plant and discharge to land via a soakaway. Here is a link to SEPA's standing advice (November 2020) for planning authorities and developers which includes information relating to waste water drainage and surface water drainage, as well as other matters that may be relevant to the proposed development [sepa-standing-advice-for-planning-authorities-and-developers-lups-gu8-v11-web.pdf](#)  
You will note that in respect of waste water drainage, development should connect to a public sewer where one exists. Where a permanent private system is proposed within an area served by public sewer, we are required to consult SEPA. Outwith sewered areas, the principle of private foul drainage systems are generally acceptable to SEPA unless they fall within the consultative areas of 'cumulative drainage impact'. SEPA prefer private waste water discharges to be made to soakaways where ground conditions are suitable rather than discharges to water. Waste water drainage systems should also be designed and located in accordance with the Building Standards Technical Handbooks however planning authorities should ensure a development can be drained in accordance with Planning Advice Note 79 Water and Drainage.

Taking into account Scottish Water's comments on waste water, I assume that the site is not within a sewered area but would be grateful for your confirmation of this?

Finally, I advise that I would like to undertake a site visit to application site (and the site of associated application 21/01073/PP) and wonder if this would be possible on the morning of Tuesday 7<sup>th</sup> September 2021 at 10am? If this is not suitable please can you provide me with some alternative days/times when I would be able to visit the site? I would be happy to undertake my visit unattended but I appreciate that you may wish to attend. The purpose of the site visit is to assist me in my consideration of the application. For information, if the 7<sup>th</sup> September is not a suitable

day for me to visit, due to an upcoming period of annual leave, my next available date would be Friday 24<sup>th</sup> September.

Could you please let me have your response to these matters at your earliest convenience. Please upload any new or amended information or drawings to the application via the e-Planning portal.

I trust that this is of assistance to you however if you require any further information or assistance regarding this matter please do not hesitate to contact me by email.

You will appreciate that the content of this email is an expression of officer opinion only which is given without prejudice to any decision taken by the Council in respect of the application for planning permission in principle.

Regards,  
Stephanie

Stephanie McQueen | Planner | Planning Delivery | East Lothian Council | John Muir House |  
Haddington EH41 3HA  
T. 01620 827210 | E. [smcqueen@eastlothian.gov.uk](mailto:smcqueen@eastlothian.gov.uk) Visit our website at [www.eastlothian.gov.uk](http://www.eastlothian.gov.uk)



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Wednesday, 25 August 2021



Local Planner  
Planning and Building Standards  
East Lothian Council  
Haddington  
EH41 3HA

Development Operations  
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E-Mail - [DevelopmentOperations@scottishwater.co.uk](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)



Dear Customer,

**Land To South West Of Newmains, Stenton, Dunbar, EH42 1TE**  
**Planning Ref: 21/01073/PP**  
**Our Ref: DSCAS-0047203-8WW**  
**Proposal: Planning permission in principle for the erection of 1 house and associated works**

**Please quote our reference in all future correspondence**

## **Audit of Proposal**

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

## **Water Capacity Assessment**

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ There is currently sufficient capacity in the Castle Moffat Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.
- ▶ The nearest public water main is approx. 1.2km from the proposed site.

## **Waste Water Capacity Assessment**

- ▶ There is currently sufficient capacity for a foul only connection in the Waste Water. Unfortunately, according to our records there is no public Scottish Water, Waste

Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.

---

### **Please Note**

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.
- 

### **Surface Water**

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

### **General notes:**

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
  - ▶ Site Investigation Services (UK) Ltd
  - ▶ Tel: 0333 123 1223
  - ▶ Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)
  - ▶ [www.sisplan.co.uk](http://www.sisplan.co.uk)
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.

- ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
  - ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
  - ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
- 

## **Next Steps:**

### **▶ All Proposed Developments**

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

### **▶ Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk)

### **▶ Trade Effluent Discharge from Non Dom Property:**

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and laundrettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).

- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.
- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com)

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely,

**Angela Allison**

Development Operations Analyst

[developmentoperations@scottishwater.co.uk](mailto:developmentoperations@scottishwater.co.uk)

### **Scottish Water Disclaimer:**

*"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."*

Our Ref DS127.P1/GC  
1st October 2021

gcadesign.co.uk

East Lothian Council,  
John Muir House,  
HADDINGTON  
EH41 3HA

10 S. St Andrew St.  
Edinburgh EH2 2AZ  
T : +44131524 8120

F.A.O. Stephanie McQueen, Planning Officer

GCA+D

Dear Ms McQueen,

**PLANNING PERMISSION IN PRINCIPLE FOR THE ERECTION OF ONE HOUSE AND ASSOCIATED WORKS AT LAND TO SOUTHWEST OF NEWMAINS, STENTON, DUNBAR, EAST LoTHIAN**

**Planning application 21/01073/PP**

We refer to your email correspondence dated 1.9.21.

We have uploaded to the e planning portal details of the Scottish water wastewater and freshwater assets in the vicinity of the proposed site.

The search of assets indicates that there are no Scottish Water assets in the vicinity of the site.

However, it is known that there is a suitable freshwater supply at the adjacent Newmains farm steading.

Yours sincerely



Graeme Cook  
Director  
**DipArch RIBA RIAS**

enc.

c.c. P & S Crerar



Warning! Damaging a large diameter trunk main (12"/300mm and above) can result in loss of life and major water supply and water quality problems. If you're planning any extension work in the vicinity of any large diameter mains shown on our maps, you must contact Scottish Water to arrange a site visit 08000 778 778 WELL IN ADVANCE OF THE WORKS

Plotted By: phaliday@steinvest.co.uk

The representation of physical assets and the boundaries of areas in which Scottish Water and others have an interest does not necessarily imply their true positions. For further details contact the appropriate District office.

Date: 06/09/2021

## Land to SW of Newmains Stenton Dunbar - Fresh Water

SCALE: 1:2,646

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Trusted to serve Scotland

Castle House,  
6 Castle Drive,  
Dunfermline,  
KY118GG

Tel No: 08000 778 778



Warning! Damaging a large diameter trunk main (12"/300mm and above) can result in loss of life and major water supply and water quality problems. If you're planning any extension work in the vicinity of any large diameter mains shown on our maps, you must contact Scottish Water to arrange a site visit 08000 778 778 WELL IN ADVANCE OF THE WORKS

Plotted By: phaliday@steinvest.co.uk

The representation of physical assets and the boundaries of areas in which Scottish Water and others have an interest does not necessarily imply their true positions. For further details contact the appropriate District office.

Date: 06/09/2021

## Land to SW of Newmains Stenton Dunbar - Waste Water

SCALE: 1:2,646

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Castle House,  
6 Castle Drive,  
Dunfermline,  
KY118GG

Tel No: 08000 778 778

[Redacted]

[Redacted]



[Redacted]

**From:** Paddy and Sheila Crerar [Redacted]  
**Sent:** 07 October 2021 18:15  
**To:** McQueen, Stephanie <[smcqueen@eastlothian.gov.uk](mailto:smcqueen@eastlothian.gov.uk)>  
**Subject:** Planning applications 21/01073/PP and 21/01072/PP

**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Stephanie,  
Please find attached further information relating to our planning in principle applications. We have asked SAC to update the housing justification report to correct any inconsistencies and update it to accurately reflect the changes which have occurred since it was written - hopefully this will not take too long although our original consultant is on maternity leave and we have only just been allocated someone else to deal with our request.

Kind regards,

Sheila Crerar

\*\*\*\*\*  
\*\*\*\*\*

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\*\*\*\*\*

## Jane Tennant

---

**From:** McQueen, Stephanie <smcqueen@eastlothian.gov.uk>  
**Sent:** 02 September 2021 08:55  
**To:** [REDACTED]  
**Subject:** FW: Planning application 21/01073/PP - Planning permission in principle for the erection of 1 house and associated works at Land To South West Of Newmains, Stenton, Dunbar, East Lothian  
**Attachments:** Planning Consultation 21-01073-PP.pdf

Good Morning Graeme,

Please accept my apologies for sending two emails close together, however I realised that I had omitted something from my email of late yesterday afternoon.

In respect of the application drawings, I advise that where a proposed house footprint is shown on the drawings, this should be annotated to show that the detail is 'indicative only'. The application is for planning permission in principle only, therefore where any detail is shown on the application drawings is must be labelled as 'indicative'. This is most relevant for drawing nos. DS127(PA2)004 and 005.

I would therefore be grateful if you could please arrange to check the application drawings and amend them accordingly, and resubmit the drawings.

Could you please let me have your response to this matter at your earliest convenience. Please upload any new or amended information or drawings to the application via the e-Planning portal.

I trust that this is of assistance to you however if you require any further information or assistance regarding this matter please do not hesitate to contact me by email.

You will appreciate that the content of this email is an expression of officer opinion only which is given without prejudice to any decision taken by the Council in respect of the application for planning permission in principle.

Regards,  
Stephanie

Stephanie McQueen | Planner | Planning Delivery | East Lothian Council | John Muir House |  
Haddington EH41 3HA  
T. 01620 827210 | E. [smcqueen@eastlothian.gov.uk](mailto:smcqueen@eastlothian.gov.uk) Visit our website at [www.eastlothian.gov.uk](http://www.eastlothian.gov.uk)

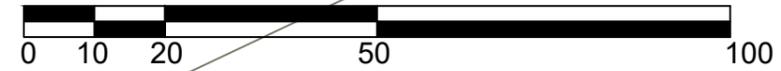
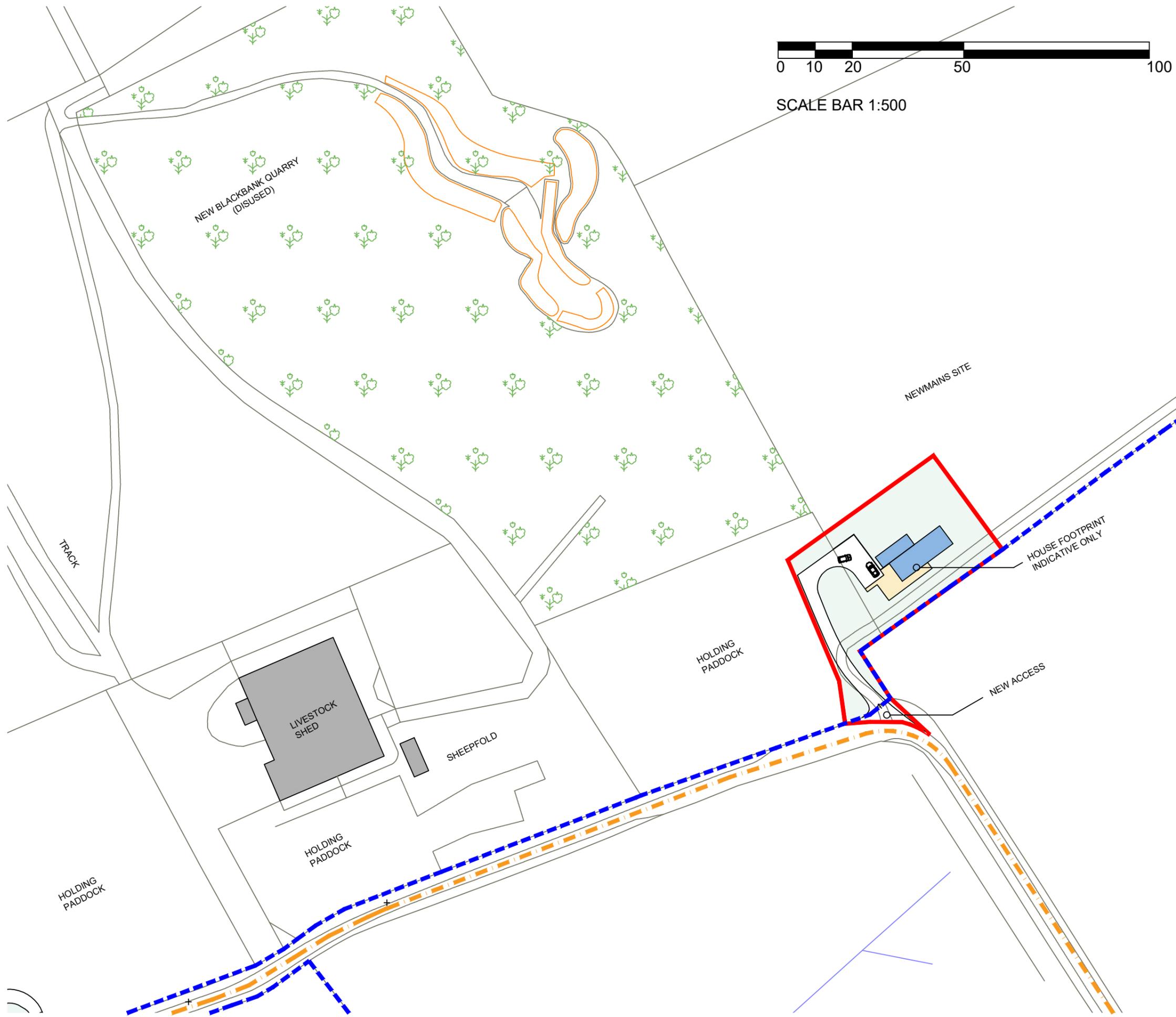


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**From:** McQueen, Stephanie  
**Sent:** 01 September 2021 17:02  
**To:** [REDACTED]  
**Subject:** Planning application 21/01073/PP - Planning permission in principle for the erection of 1 house and associated works at Land To South West Of Newmains, Stenton, Dunbar, East Lothian

Good Afternoon Graeme,

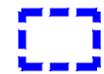


SCALE BAR 1:500

NOTES

REFER TO DRAWING (PA)002 FOR SITE LOCATION.

KEY:

-  Represents Land in Same Ownership as the Applicant
-  Represents Application Site Boundary approx. 0.5 Acre
-  Proposed single detached dwelling
-  Existing Public Highway



A 05.09.21 House footprint noted as indicative only

REV.	DATE	DESCRIPTION
		PROJECT TITLE

**Newmains Farm Dunbar**  
Proposed New Farm Dwellings

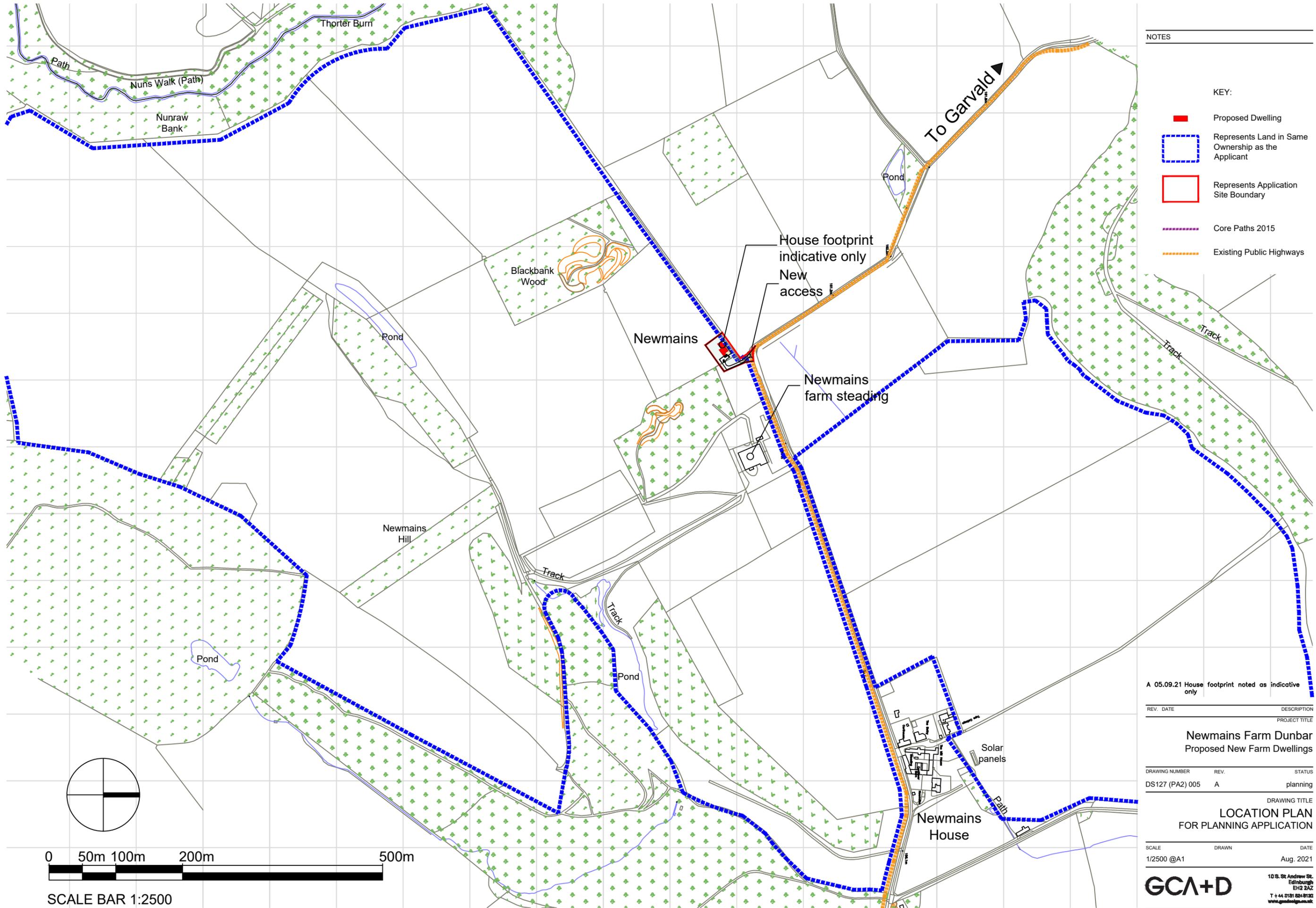
DRAWING NUMBER	REV.	STATUS
DS127 (PA2)004	A	planning

DRAWING TITLE  
**Newmains**  
Proposed Site Plan

SCALE	DRAWN	DATE
1:500 @A1		Aug. 2021

**GCA+D**

10 S. St Andrew St.  
Edinburgh  
EH2 2AZ  
T +44 131 624 8120  
www.gcaand.com



NOTES

KEY:

- Proposed Dwelling
- Represents Land in Same Ownership as the Applicant
- Represents Application Site Boundary
- Core Paths 2015
- Existing Public Highways

A 05.09.21 House footprint noted as indicative only

REV. DATE	DESCRIPTION
	PROJECT TITLE

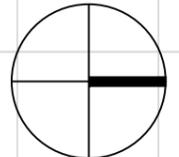
**Newmains Farm Dunbar  
Proposed New Farm Dwellings**

DRAWING NUMBER	REV.	STATUS
DS127 (PA2) 005	A	planning

**LOCATION PLAN  
FOR PLANNING APPLICATION**

SCALE	DRAWN	DATE
1/2500 @A1		Aug. 2021

**GCA+D**  
 10 S. St Andrew St.  
 Edinburgh  
 EH2 2AZ  
 T +44 0131 624 8120  
 www.gcaand.com



SCALE BAR 1:2500

## Jane Tennant

---

**From:** McQueen, Stephanie <smcqueen@eastlothian.gov.uk>  
**Sent:** 07 September 2021 13:00  
**To:** [REDACTED]  
**Subject:** Planning application 21/01073/PP - planning permission in principle for the erection of one house and associated works at Land To South West Of Newmains, Stenton, Dunbar, East Lothian

Good Afternoon Graeme,

I refer to the above named planning application, and I advise that I have received consultation comments from the Council's Road Services regarding the proposals.

The Council's Road Services advise that they raise no objection in principle to the erection of one house on the application site, subject to the following matters being addressed:

- A minimum of two car parking spaces plus access for servicing, general maintenance and turning space are provided within the site for the proposed house. (N.B. If further parking and turning areas are required on the site of the proposed house for other operational requirements of the agricultural business, those areas should be provided for in addition to the required parking areas for the house.)
- A minimum of the first 2m of the proposed access road from its junction with the U179 should be hard formed.
- Evidence is provided that a visibility splay of 2 x 120m is achievable.

All of the above points could be controlled by planning conditions, if planning permission were to be supported. I would however ask that evidence is provided to demonstrate that the visibility splay of 2 x 120m is achievable, and would be grateful if you could please submit a drawing (s) to demonstrate this.

Finally, Road Services advise that the applicant should be aware that all works within or affecting the public road, including works on the footway or verge must be authorised in advance by the Council as Roads Authority.

Could you please let me have your response to these matters at your earliest convenience. Please upload any new or amended information or drawings to the application via the e-Planning portal.

I trust that this is of assistance to you however if you require any further information or assistance regarding this matter please do not hesitate to contact me by email.

You will appreciate that the content of this email is an expression of officer opinion only which is given without prejudice to any decision taken by the Council in respect of the application for planning permission in principle.

Regards,  
Stephanie

Stephanie McQueen | Planner | Planning Delivery | East Lothian Council | John Muir House |  
Haddington EH41 3HA  
T. 01620 827210 | E. [smcqueen@eastlothian.gov.uk](mailto:smcqueen@eastlothian.gov.uk) Visit our website at [www.eastlothian.gov.uk](http://www.eastlothian.gov.uk)



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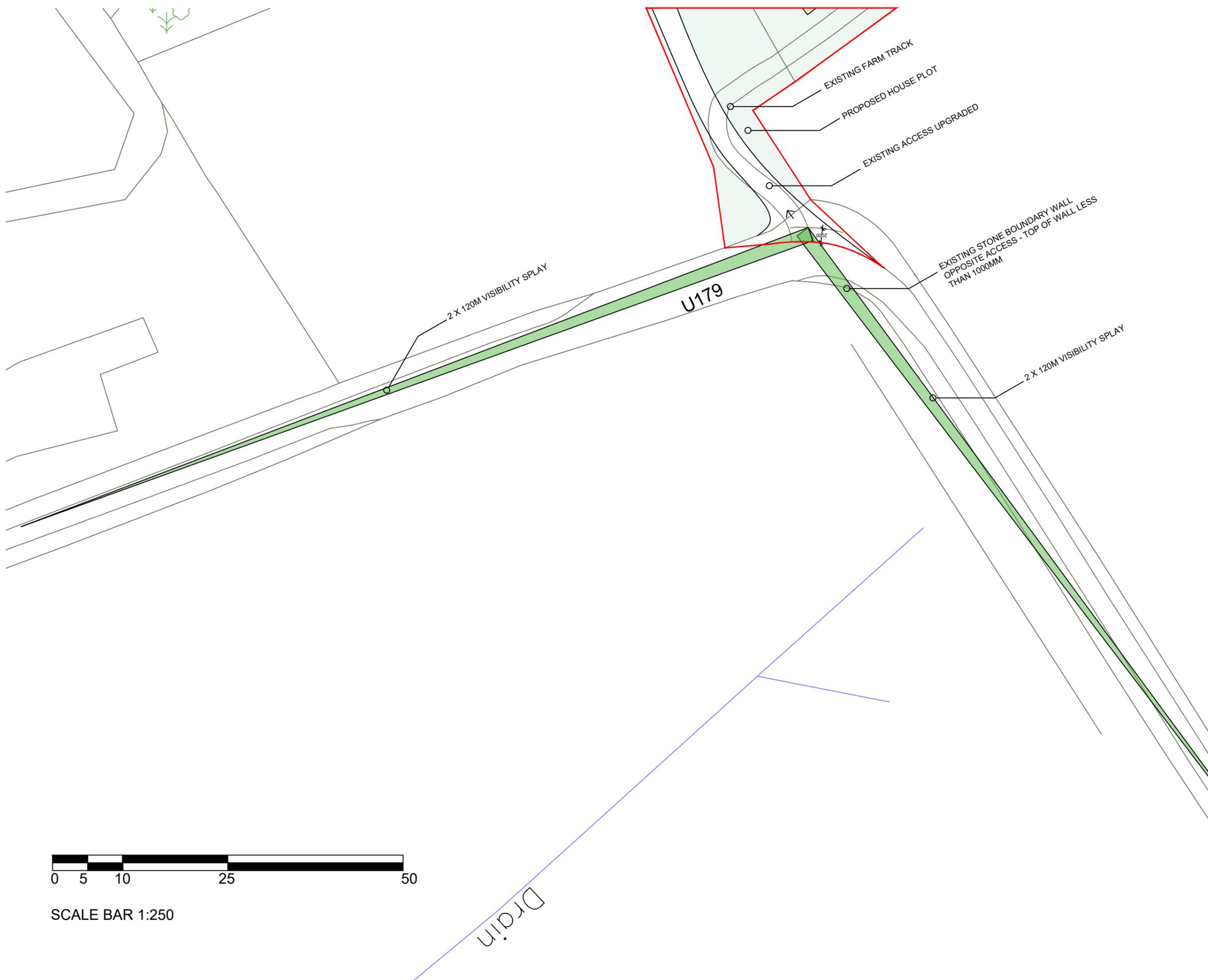


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NOTES

REFER TO DRAWING (PA)002 FOR SITE LOCATION.

KEY:

— Represents Application Site Boundary approx. 0.5 Acre



SCALE BAR 1:250

REV.	DATE	DESCRIPTION
PROJECT TITLE		
<b>Newmains Farm Dunbar Proposed New Farm Dwellings</b>		
DRAWING NUMBER      REV.      STATUS		
DS127 (PA)006		planning
DRAWING TITLE		
<b>Newmains Proposed Site Plan Showing Visibility Splays</b>		
SCALE      DRAWN      DATE		
1:250 @A1		Sept. 2021
<b>GCA+D</b>		10 S. St Andrew St. Edinburgh EH2 2AZ T +44 0181 624 8120 www.gcaand.com

## Jane Tennant

---

**From:** McQueen, Stephanie <smcqueen@eastlothian.gov.uk>  
**Sent:** 29 November 2021 14:35  
**To:** [REDACTED]  
**Subject:** Planning application 21/01073/PP - Planning permission in principle for the erection of one house and associated works at Land To South West Of Newmains, Stenton, Dunbar, East Lothian

Good Afternoon Graham,

I refer to the above named planning application, and to information received from the applicant's and uploaded to the application on 7<sup>th</sup> and 27<sup>th</sup> October 2021.

The consultation with the Council's Independent Agricultural and Rural Business Advisor on the matter of the case for justification for the principle of the erection of a house on the site has been sent following the receipt of the additional information on 7<sup>th</sup> and 27<sup>th</sup> October 2021. I will provide you with an update on this matter in due course.

In the meantime and without prejudice to that consultation response, I advise that on the consideration of the visual impact of the proposals, including its impact on the nearby Special Landscape Areas, it is likely that, if planning permission in principle were to be supported, some restrictions would be placed on the form and appearance of a house on the site, including its external finishes. Local Development Plan Policy DP2, amongst other matters, requires that all new development must be appropriate to its location in terms of its positioning, size, form, massing, proportion and scale, and should use a limited palette of external materials and colours that complement its surroundings. By its siting, density and design, new development should create coherent relationships with other buildings and should respect and complement the site's context.

In the context of this site, a house built on the site would be afforded containment by the existing landform and physical features to the south, east and west of the site, and in this context the proposals would be unlikely to impact detrimentally on the Danskine to Whitecastle Special Landscape Area (SLA) further to the west and the Whittingehame to Deuchrie SLA further to the east.

Notwithstanding this, a proposed house should nonetheless be designed to be appropriate to its place and should reflect the built character of the area, rather than proposing a suburban style house that is unlikely to fit with the character of the area. The built character of the area is described in the Special Landscape Area SPG (pA1-21) as a scattering of traditional farmsteads often dwarfed by large modern sheds...all constructed in local deep pink sand stone. Houses and settlements are also mainly set within the valley bottoms close to the minor road network.

The indicatively shown position of a house on the proposed site therefore would appear to be in keeping with the positional arrangement of houses in the area. However, a house built on this site should be of a design, height, scale and massing in keeping with the character of the existing built form of residential houses within the local area and should incorporate architectural features used on such buildings along with the local deep pink sandstone as part of its external finish. These requirements would form part of a condition on the matter of design controls, if planning permission in principle were to be supported.

Finally, at this time we have agreed an extension to the timescale for the determination of the application, as a form of processing agreement until 6/12/21. However, in light of the Council awaiting the consultation response from the Independent Agricultural and Rural Business Advisor on the matter of the case for justification for the principle of the erection of a house, I enquire, on behalf of East Lothian Council, whether the applicant would be agreeable to a further extension to the timescale for the determination of the application, as a form of processing agreement, until 21<sup>st</sup> January 2022? I would be grateful if you could please confirm if the applicant would be agreeable to this.

Could you please let me have your response to this matter at your earliest convenience.

I trust that this is of assistance to you however if you require any further information or assistance regarding this matter please do not hesitate to contact me by email.

You will appreciate that the content of this email is an expression of officer opinion only which is given without prejudice to any decision taken by the Council in respect of the application for planning permission in principle.

Regards,  
Stephanie

Stephanie McQueen | Planner | Planning Delivery | East Lothian Council | John Muir House |  
Haddington EH41 3HA  
T. 01620 827210 | E. [smcqueen@eastlothian.gov.uk](mailto:smcqueen@eastlothian.gov.uk) Visit our website at [www.eastlothian.gov.uk](http://www.eastlothian.gov.uk)



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## Jane Tennant

---

**From:** McQueen, Stephanie <smcqueen@eastlothian.gov.uk>  
**Sent:** 24 March 2022 11:42  
**To:** [REDACTED]  
**Subject:** Planning applications 21/01072/PP and 21/01073/PP at Land To South Of Ruchlaw West Mains Farm, Dunbar, East Lothian and at Land To South West Of Newmains, Stenton, Dunbar, East Lothian  
**Attachments:** SKMBT\_C284e22031813490.pdf

Good Morning Graeme,

**Re: Planning application 21/01072/PP - Planning permission in principle for the erection of 1 house and associated works at Land To South Of Ruchlaw West Mains Farm, Dunbar, East Lothian and Planning application 21/01073/PP - Planning permission in principle for the erection of 1 house and associated works at Land To South West Of Newmains, Stenton, Dunbar, East Lothian**

I refer to the above named planning applications.

I have now received the consultation assessment from the Independent Agricultural and Rural Business Advisor, and I attach a copy for your information.

There are two principle considerations in the assessment of this application and they are whether or not there is a direct operational requirement for a house(s) (i.e. for additional worker(s)) and whether or not the business is viable and robust enough to support that additional worker(s) and associated house(s). The relevant Local Development Plan policy is DC4.

On reading the consultation response, it is clear that there are queries relating to the financial information that has been provided and that from that information the Agricultural and Rural Business Advisor cannot draw a firm conclusion on the viability of the business to support the proposed additional worker(s). I therefore ask that the applicant provides a current or future budget for a 12 month period that shows full profit and loss, balance sheet, cash flow, and livestock movements for the business. This budget should include provision for an additional worker. Such information could be held confidential on the application (subject to current FOI legislation).

On the matter of the operational need for two additional workers, the consultation response finds that it has not been demonstrated that there is an operational need for two additional workers. Rather, subject to the viability issue being resolved there may be a case for one additional worker and associated house.

I appreciate that the applicant may wish to endeavour to demonstrate the need for two additional workers and if this is the case, then I would ask that the current or future budget requested above is provided taking account of one additional worker and that a second current or future budget is provided taking account of two additional workers.

I would therefore be grateful if the applicant could please provide a current or future budget for a 12 month period that shows full profit and loss, balance sheet, cash flow, and livestock movements for the business. This budget should include an additional worker. Once I receive this information, I will then proceed to re-consult with the Agricultural and Rural Business Advisor and, based on responses received to date, if concerns regarding viability of the business are addressed, I advise that one of the proposed two houses may be supported.

If this is the case, I would be grateful if you could advise which application the applicant would wish to be reported for approval and whether or not he is willing to withdraw the other application, or whether he wishes it to be reported for its decision, which would be for refusal.

We have agreed extensions to the timescale for the determination of the applications, as a form of processing agreement, until 8<sup>th</sup> April 2022. However, in light of the request for further information and the need for further consultation thereafter, on behalf of East Lothian Council, I enquire whether the applicant would be agreeable to an extension to the timescale for the determination of the applications, as a form of processing agreement, until 6<sup>th</sup> May 2022? I would be grateful if you could please confirm if the applicant would be agreeable to this.

Could you please let me have your response to this matter at your earliest convenience. Please upload any new or amended information or drawings to the application via the e-Planning portal.

I trust that this is of assistance to you however if you require any further information or assistance regarding this matter please do not hesitate to contact me by email.

You will appreciate that the content of this email is an expression of officer opinion only which is given without prejudice to any decision taken by the Council in respect of the applications for planning permission.

Regards,  
Stephanie

Stephanie McQueen | Planner | Planning Delivery | East Lothian Council | John Muir House |  
Haddington EH41 3HA  
T. 01620 827210 | E. [smcqueen@eastlothian.gov.uk](mailto:smcqueen@eastlothian.gov.uk) Visit our website at [www.eastlothian.gov.uk](http://www.eastlothian.gov.uk)



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\*\*\*\*\*

18 March 2022

Stephanie McQueen

Planning Officer

East Lothian Council

By Email: [smcqueen@eastlothian.gov.uk](mailto:smcqueen@eastlothian.gov.uk)

Dear Stephanie

**Applications for 2 New Dwellings – Land To The South of Ruchlaw West Mains Farm Dunbar East Lothian – Paddy & Sheila Crerar – 21/01072/PP and 21/01073/PP**

**Review of Planning application**

I have reviewed the information on this case detailed in the Design & Access Statement prepared by GCA+D, the Operational Needs Assessment prepared by SAC, additional supporting information supplied by Mr Crear in note form and the Summary of Financial Performance for the YE 31 March 2021 and make the following points.

The Design & Access Statement and Operational Needs Assessment put forward a number of arguments in favour of the development. However, as an Agricultural and Rural adviser I confine my comments to the questions of operational need and viability as set out under policy DC4: New Build Housing in the Countryside which states: -

***“New Build Housing in the Countryside” will only be supported .....***

***.....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 by Policy DC1.”***

The application is for the provision of two dwelling houses in support of Mr & Mrs Crerar's farming activity which is based around a 180-hectare farm with 4 enterprises: suckler cows, red deer, finishing lambs and arable.

### **Viability**

I have reviewed the financial information submitted with the application and would make the following points: -

- 1) Subsidy income appears high, by approximately £4-5k. During the timeframe of the accounting period, the business probably received additional convergence payments which were one off in nature and will not be available to the business on an ongoing nature. I suspect this accounts for the difference between £46.5k shown in the submitted profit and Loss and my estimate of between £41k and £42.5k for BPS and Scottish Suckler Beef Support Scheme Income. It is assumed the land is non-LFA.
- 2) Output from the deer enterprise is stated as £67,720. Assuming 200 breeding hinds, the actual figure appears not to be mentioned in the reports and taking the output for Red Deer – Lowground Breeding and Feeding of £21,951 per 100 hinds (£43,902 for 200) output appears to be 54% above expected levels this would be unusually high.
- 3) Output from the oats over 40 hectares at 8 tonnes per hectare and £150/t would be circa £48k which agrees broadly the £49k stated in the P&L but, in his note (p2) Mr Crerar suggests that this was untypically low with value of 81k annually being achievable. Unless there is a misunderstanding regarding the cropped area, I find this difficult to reconcile.
- 4) Lamb output appears low at £6k for 550 finished lambs at £65/head
- 5) Feed costs appear to be low compared to the levels shown in the relevant gross margins taken from the SAC farm management handbook. Deer concentrate costs are £4k per the profit and loss as opposed to an expectation of £12k but there are "bulky" concentrates included at £3k which probably refers to bought in hay or straw. Cattle concentrates are £7k with an additional £4k of bulky feed compared to an expectation of 11k for concentrates alone.
- 6) Looking at Mr Crerar's note, page 2 where he adjusts his figures, I cannot agree the adjustment for the arable performance without additional information in support. I am also sceptical that the £26.5k in savings mentioned is realistic as specialist equipment for example combine harvesting would still require either contract assistance or additional capital investment. Mr Crerar's profit and loss also includes no provision for interest, or depreciation.

Given all of the above I find it difficult to draw a firm conclusion on the viability of the business from the figures provided.

### **Operational Need**

The operational need or labour requirement calculation also poses difficult issues. The SAC report correctly uses accepted methodology, but the conclusion reached of 4.5 to 5 full time staff being required is simply outdated in relation to today's business structures. Using Mr Crerar's assessment of employment costs of £30k each, which I believe to be fair, this would add be £135 to £150k of additional cost via wages or drawings. This level of cost would be unviable for the level of stocking proposed.

Looking at all of the above, I think we have to look at what would be reasonable in today's environment taking account of how a "normal" farming business might operate with family labour and also Mr Crerar's circumstances which whilst being unusual in that he also operates a hotel business should not count against his application.

On this, my conclusion is that a business of this size and complexity could not justify the employment of two additional farm staff and the associated costs of housing. However, one additional employee to allow a reasonable level of cover and quality of life is reasonable in terms of operational need. In terms of viability, this will place the business under additional pressure and reduce profits, but my view is that a business with the level of livestock proposed should still be capable of returning a reasonable profit with one employed man if they operate effectively.

The volatility of agricultural inputs and outputs currently makes it extremely difficult to forecast long term viability. Grain prices have doubled in recent months, fertiliser prices quadrupled, and fuel prices trebled. Markets will stabilise once the current levels of uncertainty reduce and in the context of this application, we have to assume markets adjusting to reward only the most efficient producers. The level of livestock in the business will, as the labour requirement calculation shows, be labour intensive no matter what measure is used to assess this aspect of the business and my conclusion that one additional dwelling house is reasonable is based on a need for more than one person to provide a reasonable level of cover, operate the business safely and the ability to secure labour when required to ensure good animal welfare standards. The viability issue is much more complex, but my view is that a business of this scale and enterprise mix should be viable with one additional labour unit if operated effectively

If you have any further queries, please do not hesitate to make contact.

Yours sincerely



Ian Thompson

Associate Director

Response to consultation assessment from the Independent Agricultural and Rural Business Advisor, Laurence Gould and delivery of further information requested by Planning Council

Subject: Planning applications 21/01072/PP and 21/01073/PP at Land. To South Of Ruchlaw West Mains Farm, Dunbar, East Lothian and at Land To South West Of Newmains, Stenton, Dunbar, East Lothian

Planning application 21/01072/PP – Planning permission in principle for the erection of one house and associated works at Land. To South Of Ruchlaw West Mains Farm, Dunbar, East Lothian and Planning application 21/01073/PP – Planning permission in principle for the erection of 1 house and associated works at Land To South West Of Newmains, Stenton, Dunbar, East Lothian

Terms of Reference

1. To clarify the context within which the application has been made
  
2. To respond to the consultation comments made by the Council's Independent Agricultural and Rural Advisor:
  - 2.1.1. Legitimacy of advice
  - 2.1.2. Response to comments on operational need
  - 2.1.3. Response to comments on business viability
  
3. Conclusion

Annexes to report (Submitted separately for reasons of confidentiality on 28 May 2022)

1. Profit and Loss Accounts for 2021 and 2022
2. Laurence Gould: Whole Farm Review 2010

## Context of this document

### Background

Newmains and Ruchlaw West Mains farm is now a 181.49ha mixed livestock and arable holding, stocking a 128 head suckler herd, 313 hinds' calves and stags, 575 breeding ewes and store lambs and 30ha arable crops.

The owners (Paddy and Sheila Crerar) have been and continue to be, fully committed to the farm. They have now however reached an age where they wish to limit their involvement in undertaking manual farm operations. They however remain committed to the running the business side of the farm operations. As well as age being a limitation on their abilities to undertake the manual work, the support of family assistance has reduced over time and none of the family are now available to assist. There are also health and safety matters relating to handling of livestock that need to be considered as well.

The owners have decided therefore to restrict their time solely to relief work and administration duties for the Farm. These important activities are more aligned with their physical capabilities, their age and the inherent risk factors associated with working amongst livestock.

The purpose of this Report therefore is to clarify that, as a standalone working farm with the aforementioned stock, and a proven financial record and outlook, there is a clear justification for the need for two full time employees.

These two employees will take on the work currently undertaken by Paddy and Sheila Crerar. Given the rural and remote location of the farm and in order to fulfil their animal husbandry duties and responsibilities, these two employees will require to be sited on the farms to care for the livestock.

### Validity of Laurence Gould's assessment of application

The Report commissioned by the Council from Laurence Gould could not draw a firm conclusion on the viability of the business from the figures provided but held the view that a business of this scale and enterprise mix should be viable with one additional labour unit to the two full labour unit equivalents derived from Paddy and Sheila Crerar's input.

The Council should be aware that Laurence Gould was commissioned by the present owners in 2010 to undertake a whole farm review (Annex 2) for only part of this farm. At that time, Paddy and Sheila Crerar only owned and operated the 140ha pertaining to Newmains Farm. This was before Ruchlaw Farm was purchased and the deer herd introduced two years later.

The main finding of the whole farm review at that time in 2010, was the need for 2.47 workers to carry out the operations and was derived from the standard costings data for just 818 head of stock being the beef and sheep only. The calculation Laurence Gould used in that report is shown in Table 1:

**Table 1**

*Table highlighting the labour requirement at Newmains Farm.*

	Area (Ha)	Hours per annum	Factor (for adjustment of time in year)	Total
<b>Crop and Grass</b>				
Arable Ground	10.00	20	1	200.00
Grassland Management	120.00	4	1	480.00
Allowance for woodland management*	10.00	1.50	1.00	15.00
* assumed to be same time input as rough grazing land				
Sub Total for Crops and Grass	140.00			695.00
Newmains Labour Requirement Estimate				
	Numbers	Hours per annum	Factor (for adjustment of time in year)	Total
<b>Livestock</b>				
Suckler Cows	60	12	1	720.00
Other Cattle	123	9	1	1,107.00
Sheep	500	4.2	1	2,100.00
Other Sheep (170 Replacement ewe Hoggs)	135	2.6	1	351.00
Sub Total for Livestock				4278.00
Allowance for record keeping (10% of total time)				427.80
<b>TOTAL LABOUR HOURS</b>				4705.80
<b>STANDARD MAN YEAR</b>				1,900.00
<b>TOTAL LABOUR REQUIREMENT OF FARM</b>				<b>2.47</b>

From that previous assessment of the need for 2.47 labour units in 2010, one would expect a proportionally higher requirement to be reported most recently given the acquisition of Ruchlaw farm and significantly more livestock. The Applicant therefore questions the strength of the findings made to the Council in advising on the future labour requirements for this now enlarged farm and operation.

The findings from Laurence Gould's 2010 Report does however underpin SAC Consulting's subsequent summary in 2021 (Table 2). In this, SAC Consulting calculated a labour requirement of 4.42 labour units, having re-run the calculation to include both the purchase of Ruchlaw farm and the introduction of the deer herd giving a total of 1,070 head of stock on 188ha.

Table 2

Appendix 1 Stock Type	2020			Current year 2021			2022 - planned		
	Number	Standard Labour Unit	Hours Required	Number	Standard Labour Unit	Hours Required	Number	Standard Labour Unit	Hours Required
Breeding Herd	31	26	806	41	26	1066	45	26	1170
Retained Heifers	10	12	120	6	12	72	5	12	60
Bulls/Yearling bulls	5	12	60	5	12	60	6	12	72
Yearling Heifers	6	12	72	10	12	120	11	12	132
Yearling Steers	20	12	240	14	12	168	10	12	120
Calves	33	12	396	31	12	372	43	12	516
Deer - hinds, calves, stags	369	15	5535	370	15	5550	400	15	6000
Sheep - stores	569	3.1	1029	549	3.1	993	550	3.1	995
Total annual hours required			8258			8401			9065
1 labour unit = 1900 hrs									
Labour units required			4.35			4.42			4.77

The two reports reconcile by virtue of the additional 5,550 hours attributable to the introduction of the deer herd. It is noted that the hours/annum figures used by Laurence Gould in their 2020 review are low by comparison to those adopted by SAC.

The commercial relationship between the owners and Laurence Gould was ended a number of years ago.

What is important is that Laurence Gould's two reports should have provided consistent advice about the number of workers required on farm. Further, Laurence Gould's previous advice to the owners should have been highlighted to the Council. In our opinion, Laurence Gould had a duty to the Council to reference the recommendations they, as advisory consultants, made in 2010.

Worthy of note, however, are the comments made by Laurence Gould in the 2010 report:

- ***"In my view it is crucial that there is the facility to house a stockman on site throughout the year if the farm is to be taken in hand. This is particularly important during the winter months, when the cattle are housed and require feeding daily, bedded two to three times per week and physically looked (inspected) to ensure that there are no problems within the herd at least twice per day."***
- ***"In addition, it is crucial that you have a man on site during the calving season (spring) as calving cows require to be inspected regularly to ensure that any problems during calving are minimised and the welfare of the herd maximised at all times. This is also true for the lambing period during April."***
- ***"Through the summer months the herd will be looked at least daily in order to ensure that any potential disease issues, including mastitis, are minimised and***

*your employee also undertakes work on the woodland during the summer months."*

- *"The success of any livestock enterprise depends on the quality of the stockman and the attention to detail they are able to give to the herd. Good stockmen are able to run a herd with a much higher level of animal welfare, leading to a more profitable and sustainable unit. It is crucial that they are on site throughout the year in order to ensure that any problems within the herd can be dealt with quickly and effectively. It also ensures that the risk of potential breakout of stock is minimised."*
- *"By building a house at Newmain's would allow the business to attract a quality stockman to the area to undertake the daily management of the proposed herd and flock. '*

These comments and recommendations are fully supported by SAC Consulting.

Taking these comments into consideration and then applying the labour requirements for the subsequent purchase of Ruchlaw and deer enterprise, further validates the indicative labour requirement assessed in Table 2, as submitted in the original SAC report in 2021.

Response to comments on operational need:

Regarding Laurence Gould's key statement ...***'On this, my conclusion is that a business of this size and complexity could not justify the employment of two additional staff'***

- the critical error to correct in this statement is Laurence Gould's misunderstanding of the application for two additional homes for two workers on the farm. What seems to be misunderstood by Laurence Gould is that the application does not seek two **additional** farm staff but to demonstrate the need for two replacement farm staff to undertake the physical day-to-day work required by the owners. This will allow them to withdraw from their day-to-day manual involvement and continue with the administrative duties only.

Laurence Gould's misinterpretation is further demonstrated by the statement:

***"The SAC report correctly uses accepted methodology, but the conclusion reached of 4.5 to 5 full time staff being required is simply outdated in relation to today's business structures"***

- at no time has there been a supposition by SAC Consulting that the engagement of 4.5 to 5 full time staff would be economically sound. The accepted methodology applied by both Laurence Gould and SAC Consulting attributes a 'man hour' requirement for the different classes of livestock and the differing types of field operation but this is calculated 'in isolation' for each of the classes and types of operation. It is a guide for budgetary purposes. It is, thereafter, the owner's ability to integrate those enterprises in the optimal way to enhance labour productivity and

efficiency such that it both underpins and contributes to the viability of the business and can be financially demonstrated as sound practice through the accounts by way of profits generated.

- Furthermore, Laurence Gould's conclusion that there is an operational need for one further employee (on the premise of Paddy and Sheila's perceived continuing full-time manual commitment) inadvertently supports this application for a minimum of two employees to enable Paddy and Sheila Crerar to step back to administrative duties only.

Regarding Laurence Gould's statement:

***"We have to look at what would be reasonable in today's environment taking account of how a "normal" farming business might operate with family labour and also Mr Crerar's circumstances which whilst being unusual in that he also operates a hotel business should not count against his application."***

- As mentioned, the owners have lost the support of family support/labour
- the inference here is that 'family' labour is negatively prejudiced in relation to pay and employment terms compared to the terms and conditions under which an external worker(s) might be engaged.

SAC Consulting considers an operational need decision should not be distorted with such an argument. It is not ethical and should have no place in the assessment process, nor would I expect East Lothian Council approve an application on this basis. Neither should the term 'unusual' be applied to any interests/activities beyond the farm; it is certainly not 'unusual' for farmers to exercise external business interests aside from their farming activities.

#### Responses to comment on business viability

##### 1. Subsidy income

The work undertaken by Lawrence Gould is deficient in terms of the income available on the farm.

Subsidy income was claimed on 172.65 eligible ha of the 181.35 total holding ha. 128.37 ha are eligible for LFASS payments. Laurence Gould assumed incorrectly that there was no LFASS eligibility.

## 2021 SAF Summary

Land Use	Land use area	BPS Claim	LFASS Claim
<b>Generic Exclusion</b>	8.37	0.00	0.00
<b>Kale and Cabbages for Stock Feed</b>	1.99	1.99	1.99
<b>Spring Peas for human consumption</b>	40.04	40.04	0.00
<b>New Woodland and Forestry - Arable</b>	4.57	4.24	0.00
<b>Permanent Grassland</b>	100.84	100.84	100.84
<b>Rotational Grass Year 1</b>	25.54	25.54	25.54
<b>Total</b>	181.35	172.65	128.37

Subsidy income is also derived from woodland planting grants on 4.24 ha, and also excluded by Laurence Gould.

Option	Contract Units	Total Claimed	Units
RP22301FS - RP	4.24	4.24	HA

Suckler Beef Support Scheme subsidy is also claimable (2020 = £100.72/head). Typically, this in the region of thirty-five animals/annum equating to £3,500.

Excluding convergence payments (£1,911), annualised subsidy income is £47,593 (Table 1) and exceeds the £46,585 reported and the estimate of £41-42,000 by Laurence Gould.

Table 1. Subsidy income summary 2021

BPS	£42,931
LFASS	£484
RP forestry	£678
SSBSS	£3500
Total	£47,593

## 2 Output from the deer enterprise

Deer carcasses are sold to the restaurant trade (through Braehead foods) and on contract with M&S and Waitrose. The business has sightline of annual advance pricing structures on venison to M&S and Waitrose. The earlier the finish the higher the price and the business is amongst the earliest finishers. The demand for UK venison from M&S and Waitrose far exceeds current UK supply. Currently the business cannot come close to meeting the combined demand from Braehead, M&S or Waitrose.

By selling on direct retailer contracts and selling early the business does indeed exceed standard comparative cost data (as alluded to by Laurence Gould) and by more than the 50% questioned. In fact, SAC Consulting confirms that is by over 65%. Hinds, for example sold at £335/head against a standard cost comparison value of £225/head. Looking ahead, the expectation on demand is such that new season prices will likely rise a further 18%.

### 3 Output for the oats

The income of £49,323 for the year to March 2021 is correct and as agreed by Laurence Gould.

The income achieved from the following wheat crop off the same area and sold in the year to March 2022 however was £68,466 (excluding straw sale revenues). This reflects the continued strengthening of grain Futures prices over the past 18 months.

With November 2022 Wheat Futures prices at £347/ton (as of 18<sup>th</sup> May), the value of the current oat crop in the ground, due to be harvested this summer 2022, has a cash value currently, if sold forward, of circa £102,000. This budgeted income is based on 8tons/ha oats on 39ha at a £20/ton discount to wheat Futures of £347/ton.

The farm grows peas, oats and wheat in rotation and a current budget for this year would be using the following data:

Crop	Ha grown	Yield (t/ha)	£/ton	£ Total
Oats	40	7.5	270	81,000
Peas	40	4	380	60,800
Wheat	40	8.75	290	101,500

Taking the average of the 4-year rotation (wheat, peas, wheat, oats) gives an annualised budgeted income expectation currently of £86,200 and substantiates Mr Crerar's comments that £81,000 annually is achievable.

SAC Consulting does not understand therefore the difficulty Laurence Gould has expressed in reconciling to this value.

### 4 Lamb output

The Laurence Gould report states 'Lamb output appears low at £6,000 for 550 finished lambs at £65/head. I am unable to ascertain where these figures were derived from, and they do not tally.

From the accounts however, the following annual income is derived:

for the 12 months to 31st March 2022, 366 lambs sold to a value of £35,534 (£97/head)

for the 12 months to 31st March 2021, 404 lambs sold to a value of £36,027 (£89/head)

## 5 Feed costs

There is no valuable conclusion to be drawn from Laurence Gould's comments in referencing input costs by associating them with standard costings data when the production system in question is not known or understood, as is the case here.

Livestock production systems work on varying regimes, whether they be, high input: high output, or low input : low output. Understanding the success/profitability of a livestock enterprise can only be measured when the relative output and input values are quantified. In this instance Laurence Gould should have referenced the need to understand the ratio of forage to concentrate fed to make a valid judgement as to whether feed costs are 'low' or 'high'.

## 6 Contractor cost savings

In the context of this application, SAC Consulting (notwithstanding the potential to improve operational efficiencies) does not consider that brings adds any further weight to the case already being made for two full time employees. There will be inevitable savings in contractors' costs when in-hand labour is available to utilise. The capital investment in machinery, not yet owned, to undertake the operations, brings with it a depreciation charge and operational cost to the accounts which should be less than the contractor costs saved to make it worthy of change.

In reply to Laurence Gould's summary statement:

***'Given all of the above I find it difficult to draw a firm conclusion on the viability of the business from the figures provided'***

SAC Consulting has sought to clarify and correct observations made by Laurence Gould, which appear by their own admission, to be based predominantly on supposition without having the relevant accurate financial information to hand.

The conclusion reached by Laurence Gould is however a contradiction to the observations made in their earlier farm review in 2010 and further compromised by the fact that at the time of that report in 2010, the business covered far less land and ran less livestock than it does today.

## Concluding remarks

This case is about two additional workers necessary to replace the physical activity undertaken by the owners and consequently, requiring accommodation on the farm for those workers for the betterment of their livestock husbandry duties.

Both Laurence Gould's in-depth business review in 2010 and SAC Consulting's subsequent review in 2021 have delivered consistency through conclusion that there has always been a minimum requirement of 2.47 full time labour units. Since the acquisition of Ruchlaw Farm and the addition of the deer enterprise, this operational requirement not only continues, but has increased and with the loss of family support, requires additional contractual labour employed to assist through all times of the year.

The annual Profit and Loss Account summaries (Annex 1) for the 2021 and 2022 trading years demonstrate the financial viability of the business having accounted for the annual depreciation charge previously omitted and for the salaries that would pertain to the future employment of two full-time livestock persons.



## Jane Tennant

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**From:** McQueen, Stephanie <smcqueen@eastlothian.gov.uk>  
**Sent:** 02 June 2022 11:58  
**To:** [REDACTED]  
**Subject:** FW: Planning applications 21/01072/PP and 21/01073/PP at Land To South Of Ruchlaw West Mains Farm, Dunbar, East Lothian and at Land To South West Of Newmains, Stenton, Dunbar, East Lothian

Good Afternoon Graeme,

Further to my email of 27<sup>th</sup> May, I advise that I have reviewed the information you have uploaded to the application and the two Annex documents attached to your email of 27<sup>th</sup> May. In your email of 27<sup>th</sup> May you refer to a matter, which you state is of a sensitive nature, and which relates to the timing of these applications and the Applicants' own desire to step back from the labour intensive aspects of the farm business. You state that the reasons are of a personal nature and therefore are underplayed in the public documents submitted with the application. In order for the Council to fully assess the case put forward for the two proposed houses, I would be grateful if you could please provide a comprehensive statement which sets out the Applicants' (Paddy and Sheila Crerar) reasons. This document can be held confidentially (within current Data Protection legislation) but would be shared with the Council's Independent Rural Business Advisor.

Once I have received such a statement from the Applicants I will proceed to re-consult with the Council's Independent Rural Business Advisor on that statement and the other information received 27<sup>th</sup> and 30<sup>th</sup> May.

Could you please let me have your response to this matter at your earliest convenience.

I trust that this is of assistance to you and will await the submission of the additional information.

You will appreciate that the content of this email is an expression of officer opinion only which is given without prejudice to any decision taken by the Council in respect of the applications for planning permission in principle.

Regards,  
Stephanie

Stephanie McQueen | Planner | Planning Delivery | East Lothian Council | John Muir House |  
Haddington EH41 3HA  
T. 01620 827210 | E. [smcqueen@eastlothian.gov.uk](mailto:smcqueen@eastlothian.gov.uk) Visit our website at [www.eastlothian.gov.uk](http://www.eastlothian.gov.uk)



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**From:** McQueen, Stephanie  
**Sent:** 27 May 2022 12:56  
**To:** [REDACTED]  
**Subject:** FW: Planning applications 21/01072/PP and 21/01073/PP at Land To South Of Ruchlaw West Mains Farm, Dunbar, East Lothian and at Land To South West Of Newmains, Stenton, Dunbar, East Lothian

Good Afternoon Graeme,

## Jane Tennant

---

**From:** McQueen, Stephanie <smcqueen@eastlothian.gov.uk>  
**Sent:** 29 July 2022 14:19  
**To:** [REDACTED]  
**Subject:** Planning application 21/01072/PP at Land To South Of Ruchlaw West Mains Farm, Dunbar, East Lothian and planning application 21/01073/PP at Land To South West Of Newmains, Stenton

Good Afternoon Graeme,

I refer to the above named planning applications, and thank you for your email of earlier today.

In response to the additional information received 27<sup>th</sup> and 30<sup>th</sup> May and 3<sup>rd</sup> June 2022, I advise that I have now received comments from the Council's Independent Agricultural Advisor regarding the proposed development the subject to the two planning applications.

On reading these further consultation comments, the Agricultural Advisor finds that on the matter of operational need the evidence provided to date by the applicant is sufficient to demonstrate an operational need for one additional dwelling only, and that although the financial information is not complete or thorough, taking a blunt analysis of the information provided and using his knowledge of the sector, he concludes that in terms of viability the business could support that one additional dwelling.

I have some queries relating to the Agricultural Advisor's comments and I intend to discuss the response with him and, depending upon his availability, I hope to do that next week.

In the meantime I felt it prudent to set out the position at this stage. Assuming that my discussions with the Agricultural Advisor do not change the advice set out earlier in this email, I advise that I am in a position where I can report one of the applications with a recommendation for approval and the other would be recommended for refusal, unless the applicant wishes to withdraw one of the applications. If the applicant wishes to continue to pursue the second application, further information would be required to demonstrate the operational need of the business and the viability of the business to support that further labour unit and house. At this time I therefore enquire which application the applicants' would wish to be reported for approval?

In respect of your query regarding the process for determining the applications, I confirm that there are no public objections to either of the applications and therefore they would be determined through delegated powers.

Finally, we have agreed an extension to the timescale for the determination of the application until 29<sup>th</sup> July 2022, and in order to work through this matter and to report the application(s), on behalf of East Lothian Council, I enquire whether the applicant would be agreeable to a further extension to the timescale for the determination of the application, as a form of processing agreement, until 31<sup>st</sup> August 2022? I would be grateful if you could please confirm if the applicant would be agreeable to this.

Could you please let me have your response to this matter at your earliest convenience. Please upload any new or amended information or drawings to the application via the e-Planning portal.

I trust that this is of assistance to you however if you require any further information or assistance regarding this matter please do not hesitate to contact me by email.

You will appreciate that the content of this email is an expression of officer opinion only which is given without prejudice to any decision taken by the Council in respect of the applications for planning permission in principle.

Regards,  
Stephanie

Stephanie McQueen | Planner | Planning Delivery | East Lothian Council | John Muir House |  
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**Jane Tennant**

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**From:** McQueen, Stephanie <smcqueen@eastlothian.gov.uk>  
**Sent:** 01 September 2022 16:06  
**To:** [REDACTED]  
**Subject:** Planning application 21/01072/PP at Land To South Of Ruchlaw West Mains Farm, Dunbar, East Lothian and planning application 21/01073/PP at Land To South West Of Newmains, Stenton  
**Attachments:** 3202369-Consultations-AGRICULTURAL ADVISOR.pdf

Good Afternoon Graeme,

**Re: Planning application 21/01072/PP - Planning permission in principle for the erection of 1 house and associated works at Land To South Of Ruchlaw West Mains Farm, Dunbar, East Lothian ; and  
Re: Planning application 21/01073/PP - Planning permission in principle for the erection of 1 house and associated works at Land To South West Of Newmains, Stenton**

I refer to the above named planning applications and to your emails of 1<sup>st</sup>, 10<sup>th</sup> and 19<sup>th</sup> August 2022.

Following further discussion with the Council's Independent Agricultural Advisor I advise that the supporting information provided to date in support of the applications is sufficient to demonstrate a justification of need and financial viability for one additional house. On that basis, and as I advised in my email of 29/7/22, at this time I am in a position where I could report one of the applications with a recommendation for approval and the other would be recommended for refusal. However, if the applicant is agreeable to providing further information I would be happy to continue to consider both applications.

I would recommend that in any further submission the applicant and/or the SAC on their behalf, do not focus only on rebutting the comments made by the Council's Independent Agricultural Advisor but rather focus on providing sufficient detailed information to demonstrate that the business could financially support the proposed houses and labour units as well as there being justification for the two labour units. In this regard, the financial information provided to-date is extracts from an accounting software package, it is not in the form of final prepared accounts which would show the full picture of the business activities and they do not include all of the assumptions on which the figures are based. In addition, to date there has been no mention of how the business would support the additional borrowing associated with the building of one or two houses, which should be accounted for as well as understanding the level of debt that may or may not be present already. I would suggest that a 3 year budget going forward (including assumptions) is provided for the business to show the impact of the labour units and house(s) on the business and how this would affect cashflow, rather than profit.

I would also be grateful if you could please confirm if the existing house in which the applicant's live is an asset of the business or not?

I have attached a copy of the comments received from the Council's Independent Agricultural Advisor.

In respect of your query regarding the process for determining the applications, I confirm that there are no public objections to either of the applications and therefore they would be determined through delegated powers.

Finally, we have agreed an extension to the timescale for the determination of the applications as a form of processing agreement until 31/8/22. In light of the outstanding matter set out in this email, on behalf of East Lothian Council, I seek a further extension to the timescale for the determination of the applications, as a form of processing agreement, until 7<sup>th</sup> October 2022? I trust that the application is agreeable to this. Please be assured that if the applications can be determined earlier than this date I will endeavour to do so.

I trust that this is of assistance to you however if you require any further information or assistance regarding this matter please do not hesitate to contact me by email.

You will appreciate that the content of this email is an expression of officer opinion only which is given without prejudice to any decision taken by the Council in respect of the applications for planning permission in principle.

Regards,  
Stephanie

Stephanie McQueen | Planner | Planning Delivery | East Lothian Council | John Muir House |  
Haddington EH41 3HA  
T. 01620 827210 | E. [smcqueen@eastlothian.gov.uk](mailto:smcqueen@eastlothian.gov.uk) Visit our website at [www.eastlothian.gov.uk](http://www.eastlothian.gov.uk)



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8 July 2022

Stephanie McQueen

Planning Officer

East Lothian Council

By Email: [smcqueen@eastlothian.gov.uk](mailto:smcqueen@eastlothian.gov.uk)

Dear Stephanie

**Applications for 2 New Dwellings – Land To The South of Ruchlaw West Mains Farm Dunbar East Lothian – Paddy & Sheila Crerar – 21/01072/PP and 21/01073/PP**

**Response to Supplementary Information**

I have reviewed the additional information submitted regarding these two applications which I believe identical in both cases and as such I intend to deal with them in the same letter.

The information consisted of 4 items:-

- A report containing actual Profit & Loss information for the YE 31 March 2021 and 2022
- A personal statement written by Mr Crerar as to his reasons for wishing to reduce his practical involvement in the farming activities. This is contained in an attachment to an email from Mr Cook of GCA Design covering several administrative points.
- A response to my earlier report from SAC
- A “Whole Farm Review” prepared by my Colleague Peter Hall in 2010 for Mr Crerar

There are a number of matters that have been raised in this correspondence which require clarification

- 1) Mr Cook in his correspondence with Stephanie McQueen planning officer raises the possibility that I have “reported on something that goes beyond that policy remit”. My belief is that Mr Cook is taking issue with my comments regarding business viability. If I have understood correctly he seems to be inferring that I should confine my comments to operational need. For the avoidance of doubt I have copied below the whole of policy DC4.

#### **Policy DC4: New Build Housing in the Countryside**

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.
- (iii) The proposal satisfies the terms of Policy NH1.

I have completed assessments of planning applications for several councils across Scotland in excess of 10 years. The policy is quite clear in that it links the assessment of operational need to the viability of rural businesses. My expertise is regarding both viability and operational need of rural businesses and I believe my reporting on these matters is well within my remit. I am happy to be corrected on this matter if the Council feels this is appropriate.

I now turn to the issues raised in the SAC response to my initial review of the application although I deal with the points in a slightly different order.

#### **Legitimacy of Advice / Validity of Laurence Gould's Assessment of Application**

A "Whole Farm Review" was completed by my colleague Mr Peter Hall for Mr Crerar in 2010 now some 12 years ago. I was not personally involved in the preparation of this report although I was aware that my colleague provided consultancy to Mr Crerar for a period, I was not fully aware of exactly what services were provided. Prior to undertaking my work for East Lothian Council I did consult with Mr Hall and we reached the conclusion that; as the work was completed some considerable time ago and; that this relationship had terminated many years ago and; that I had no personal involvement in the work conducted, that I was free to act in this matter.

The whole farm review gave 14 separate recommendations two of which are relevant, firstly that a stockman should be employed and secondly that a planning application should be sought to house this employee.

The SAC report then goes on to detail the similarity between the outcomes from the standard labour units assessments carried out. That they are similar is unsurprising is that the same methodology was used throughout. The differences arise from a larger area being farmed and a different farming system being employed i.e. the introduction of farmed venison.

The SAC then reference several points made by Mr Hall the thrust of which was setting out the routine tasks that had to be undertaken and the level of supervision required to husband the livestock appropriately. It appears to me as though Mr Hall was concerned that the challenge of looking after livestock on a daily basis would have been difficult for someone with other commitments. It is to Mr and Mrs Crerar's credit that they took up the challenge of operating the livestock with limited help and have made a real success of it.

The SAC report infers that the advice given by Mr Hall 12 years ago contradicts the conclusions I reached in my recent review of the submitted planning application. I find this somewhat disingenuous given the long time period between the two pieces of work and the different nature of both pieces of work.

### **Response to Comments on Operational Need**

There is a fundamental issue which appears to be causing confusion at work here. The applicant and SAC seem to believe that the new dwellings are to house staff that replace existing staff is a relevant issue. Unfortunately I do not believe it is relevant. As far as I am aware East Lothian Council does not have a policy that allows retiring farmers the right to erect a new dwelling house. This means that the labour requirement has to be tied to the available dwellings irrespective of who is residing where. My position is that I can see the argument for two dwellings in support of the current activities, I believe the case for a third is much more difficult to make. Furthermore that the evidence provided so far is not sufficient to support permission for more than one additional dwelling.

I believe my comment regarding family labour was taken out of context. My point was in regard to Mr Crerar's other interests and the restriction that places on his involvement in the business rather than compared to a "normal" farmer who is 100% engaged on his "family" farm. There was no suggestion that additional labour from close family should be seen as a cheap alternative which I believe is what the SAC response implies.

For the avoidance of doubt, I see the existing dwellinghouse as historically supporting one labour unit which has been made up of a combination of Mr and Mrs Crear working in harmony in an environment they clearly love. I also see a sound argument for an additional dwelling house meaning the farming business would operate with two labour units located on farm and supported where necessary by additional outside help.

The farm has clearly operated in this way to date although how the labour supplied by Mr and Mrs Crerar and associated family help compares to what would be supplied by a dedicated stockman I am not sure. The problem is that by wishing to reduce their involvement with the day to day farming the linkage between the existing dwelling and the ongoing farming operations is broken.

At this point I have to say I fully understand the concerns expressed by Mr Crerar as to the difficulty of working with livestock as one ages (especially after injuries have been sustained). Indeed on a personal level I do have sympathy with the planning system providing a route to retiring farmers. Unfortunately the current policy does not provide a solution to this problem and I have to interpret the policy as is.

### **Responses to Comments on Business Viability**

Unfortunately the information submitted with the application was poorly presented and limited in detail, there were no supporting assumptions all of which made it difficult for me to assess the validity of what was presented.

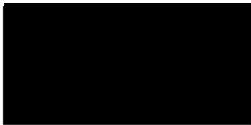
It was difficult to understand the farming system, and the advantages that Mr Crerar has over other businesses for example I cannot infer that the venison might be being sold on an advantageous contract, it is for the applicant to furnish me with this evidence. Indeed it is critical in the case where returns are so far removed from the norm.

My comments on viability were a way for me to get to the point where I was comfortable with supporting one additional dwelling on a very blunt analysis of the figures provided when balanced against my knowledge of the sector.

It is therefore for the applicant and his professional advisers to present the case for a third dwelling in a suitable format that would lead me to a different conclusion.

In fact, it appears to me that the applicant, and his advisers are in agreement with me that the farming business requires two labour units to reside on farm and be engaged in daily operations. That one of these homes is occupied by Mr Crear and his family is a matter for the business / family to resolve.

Yours sincerely



Ian Thompson

Associate Director

**Jane Tennant**

---

**From:** [REDACTED]  
**Sent:** 26 September 2022 15:57  
**To:** 'McQueen, Stephanie'  
**Subject:** RE: Planning application 21/01072/PP at Land To South Of Ruchlaw West Mains Farm, Dunbar, East Lothian and planning application 21/01073/PP at Land To South West Of Newmains, Stenton  
**Attachments:** Cash Flow projections 220922.pdf



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[gcadesign.co.uk](http://gcadesign.co.uk)

Dear Stephanie,

**Applications for two new dwellings - Land to the South of Ruchlaw West Mains Farm, Dunbar and Land to Southwest Newmains Farm, Stenton – Ref. nos. 21/01072/PP and 21/01703/PP**

In response to your email dated 1.9.22 including supplementary information from Laurence Gould, Rural Business Consultants, dated 8.7.22, I am now writing to provide further information and clarifications in respect of the above two planning applications.

**Crerar's home is not the farmhouse**

Firstly, I would like to clarify a possible misunderstanding about the Crerar's accommodation. This has been explained before but for the avoidance of doubt, there is no farmhouse associated with either Newmains or Ruchlaw land holdings. As you know, the farm's land holdings are owned exclusively by Paddy Crerar. However, the house he lives in is neither tied to the farm and is owned in joint names with his wife. Indeed, the Crerars have lived in the same house for close to 25 years but have only owned the farm for 14 years.

As a point of information, the farm's previous two owners in last 30+ years, both lived at Tanderlane, a farm approximately a mile from Newmains - where all "Newmains" livestock were overwintered/calved/lambled at that larger unit in purpose-built sheds. Tanderlane had six cottages and a farmhouse.

As a private dwelling house, it is not an option for the farm to acquire this home as a farmhouse given its - recent valuation at £1.2M.

The farm business has no connection with or legal control over the Crerar's home.

It is a perhaps understandable but mistaken assumption to have presumed the Crerar's home to be connected to the farm. As there are no dwelling houses owned by the farm, there is no "existing linkage" to be broken. What is being sought is two new dwellings to accommodate the additional farm labour of two stockmen. There are not three dwellings as suggested by Laurence Gould.

Individual title deeds in respect of the existing house, Ruchlaw and Newmains Farms can be provided and evidenced if required.

**Funding the two new dwellings**

Regarding your request for further financial details in the form of cash flow projections for the next 3 years, these have been prepared and attached to confirm the viability of the business. This financial information also demonstrates how the business will be able to financially support the wages of two stockmen and any costs associated with the maintenance of the two new dwellings.

The cost of building the new dwellings for the farm will be met in full by Paddy Crerar's assets. No investment is required from the revenue costs from the farm business to fund the capital costs of the new homes. Funding the new dwellings will not therefore impact on the viability of continuing farm operations.

### **New dwellings are part of the farming business**

At the risk of reiterating previous arguments made in relation to the Applications, we note that Mr Crerar does not intend to reduce his involvement with the Farm. However, he is no longer able to provide a physical support and will continue therefore to focus instead on management and administrative roles.

One person cannot manage the stock for a variety of reasons e.g., holidays, sickness, injury, size of herds, peak season husbandry and animal welfare etc. Both agricultural consultants, SAC, and Laurence Gould, agree that two labour units is the absolute minimum requirement, and that the nature of livestock farming requires that labour to be on site.

Both new houses will have standard agricultural tenancies and will be part of the farming enterprise's assets. To clarify, the applicant is willing to accept a legal agreement restricting occupancy to workers related to the farming business.

### **Evidence of Financial Viability**

A detailed financial assessment for last year and non-inflated, cash flow projections for the next three years are enclosed, showing the ongoing viability of the business. Contracts of employment for additional stockmen will allow rent free use of homes provided and, although not included within the projected figures attached, it is anticipated that the introduction of two dedicated labour units will greatly enhance operational efficiencies and enable future expansion and profitability of the farm business going forward.

To further support the financial details, we can clarify and confirm that the venison sales have been principally to M&S, Waitrose, and Braehead Foods in Ayrshire (for traceable supply to restaurant trade). M&S/Waitrose agree prices in advance with a syndicate of producers including Newmains Farm and the returns provided on venison sales are the "norm" for those in the syndicate. The price increase for current years slaughter rose by an agreed 18%. Indeed, such is the demand from M&S, and their long term aims/commitment, all the stock available is now committed to them. With strong encouragement for growth in herd size. No invoices or contracts for any of the stock/crop sales had been previously requested but can be supplied if required.

Should it be beneficial at this stage to set up a 'Teams' meeting to review and provide any further clarifications that may assist you in determining the Applications I would be pleased to arrange this at a time of your convenience. Also please let me know if you require this email or associated attachment to be uploaded to the eplanning portal.

Regards,

**Graeme Cook**

Director

Dip Arch RIBA RIAS

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**From:** McQueen, Stephanie <smcqueen@eastlothian.gov.uk>

**Sent:** 01 September 2022 16:06

**To:** [REDACTED]

**Subject:** Planning application 21/01072/PP at Land To South Of Ruchlaw West Mains Farm, Dunbar, East Lothian and planning application 21/01073/PP at Land To South West Of Newmains, Stenton

Good Afternoon Graeme,

**Re: Planning application 21/01072/PP - Planning permission in principle for the erection of 1 house and associated works at Land To South Of Ruchlaw West Mains Farm, Dunbar, East Lothian ; and**

**Re: Planning application 21/01073/PP - Planning permission in principle for the erection of 1 house and associated works at Land To South West Of Newmains, Stenton**

I refer to the above named planning applications and to your emails of 1<sup>st</sup>, 10<sup>th</sup> and 19<sup>th</sup> August 2022.

Following further discussion with the Council's Independent Agricultural Advisor I advise that the supporting information provided to date in support of the applications is sufficient to demonstrate a justification of need and financial viability for one additional house. On that basis, and as I advised in my email of 29/7/22, at this time I am in a position where I could report one of the applications with a recommendation for approval and the other would be recommended for refusal. However, if the applicant is agreeable to providing further information I would be happy to continue to consider both applications.

I would recommend that in any further submission the applicant and/or the SAC on their behalf, do not focus only on rebutting the comments made by the Council's Independent Agricultural Advisor but rather focus on providing sufficient detailed information to demonstrate that the business could financially support the proposed houses and labour units as well as there being justification for the two labour units. In this regard, the financial information provided to-date is extracts from an accounting software package, it is not in the form of final prepared accounts which would show the full picture of the business activities and they do not include all of the assumptions on which the figures are based. In addition, to date there has been no mention of how the business would support the additional borrowing associated with the building of one or two houses, which should be accounted for as well as understanding the level of debt that may or may not be present already. I would suggest that a 3 year budget going forward (including assumptions) is provided for the business to show the impact of the labour units and house(s) on the business and how this would affect cashflow, rather than profit.

I would also be grateful if you could please confirm if the existing house in which the applicant's live is an asset of the business or not?

I have attached a copy of the comments received from the Council's Independent Agricultural Advisor.

In respect of your query regarding the process for determining the applications, I confirm that there are no public objections to either of the applications and therefore they would be determined through delegated powers.

Finally, we have agreed an extension to the timescale for the determination of the applications as a form of processing agreement until 31/8/22. In light of the outstanding matter set out in this email, on behalf of East Lothian Council, I seek a further extension to the timescale for the determination of the applications, as a form of processing agreement, until 7<sup>th</sup> October 2022? I trust that the application is agreeable to this. Please be assured that if the applications can be determined earlier than this date I will endeavour to do so.

I trust that this is of assistance to you however if you require any further information or assistance regarding this matter please do not hesitate to contact me by email.

You will appreciate that the content of this email is an expression of officer opinion only which is given without prejudice to any decision taken by the Council in respect of the applications for planning permission in principle.

Regards,  
Stephanie

Stephanie McQueen | Planner | Planning Delivery | East Lothian Council | John Muir House |  
Haddington EH41 3HA  
T. 01620 827210 | E. [smcqueen@eastlothian.gov.uk](mailto:smcqueen@eastlothian.gov.uk) Visit our website at [www.eastlothian.gov.uk](http://www.eastlothian.gov.uk)



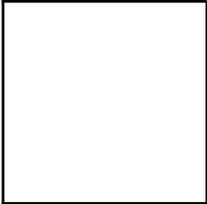
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**From:** McQueen, Stephanie <[smcqueen@eastlothian.gov.uk](mailto:smcqueen@eastlothian.gov.uk)>

**Sent:** Monday, March 6, 2023 4:58 PM

**To:** [REDACTED]

**Subject:** Planning application 21/01072/PP at Land To South Of Ruchlaw West Mains Farm, Dunbar, and planning application 21/01073/PP at Land To South West Of Newmains, Stenton

Good Afternoon Graeme,

**Re: Planning application 21/01072/PP - Planning permission in principle for the erection of 1 house and associated works at Land To South Of Ruchlaw West Mains Farm, Dunbar, East Lothian ; and**

**Re: Planning application 21/01073/PP - Planning permission in principle for the erection of 1 house and associated works at Land To South West Of Newmains, Stenton**

I refer to the above named planning applications.

I have received draft further consultation comments from the Council's Independent Agricultural Advisor to the applications. Following consideration of those draft comments I advise that we remain of the opinion that the supporting information provided to date in support of the applications is sufficient to demonstrate a justification of need and financial viability for one additional house. On that basis, and as I advised in my emails of 29/7/22 and 1/9/22, at this time I am in a position where I could report one of the applications with a recommendation for approval and the other would be recommended for refusal, unless the applicant wishes to withdraw one of the applications. This position is the same as set out in my emails of 29<sup>th</sup> July 2022 and of 1<sup>st</sup> September 2022. Given that the information submitted in support of the applications is the same for each application, I would be grateful if you could please advise if the applicant would have a preference on which application is reported for approval? Once I have received your response on this matter I will proceed to complete my assessment reports on the two applications.

In order to allow time for the finalised further consultation comments of the Council's Independent Agricultural Advisor to be received and for the reporting of the applications, on behalf of East Lothian Council as Planning Authority and as a form of processing agreement, I write to agree that the period within which the Council may give notice of their decision on the above named planning applications be extended to the 14<sup>th</sup> April 2023. Please be assured that if the applications can be determined earlier than this date I will endeavour to do so.

I trust that this is of assistance to you however if you require any further information or assistance regarding this matter please do not hesitate to contact me by email.

You will appreciate that the content of this email is an expression of officer opinion only which is given without prejudice to any decision taken by the Council in respect of the applications for planning permission in principle.

Regards,  
Stephanie

Stephanie McQueen | Planner | Planning Delivery | East Lothian Council | John Muir House |  
Haddington EH41 3HA  
T. 01620 827210 | E. [smcqueen@eastlothian.gov.uk](mailto:smcqueen@eastlothian.gov.uk) Visit our website at [www.eastlothian.gov.uk](http://www.eastlothian.gov.uk)



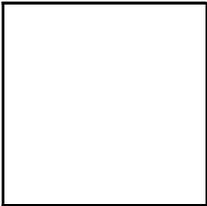
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## Jane Tennant

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**From:** McQueen, Stephanie <smcqueen@eastlothian.gov.uk>  
**Sent:** 24 March 2023 09:47  
**To:** [REDACTED]  
**Subject:** RE: Planning application 21/01072/PP at Land To South Of Ruchlaw West Mains Farm, Dunbar, and planning application 21/01073/PP at Land To South West Of Newmains, Stenton  
**Attachments:** SKMBT\_C284e23032311000.pdf

Good Morning Graeme,

Further to my emails of 6<sup>th</sup> and 22<sup>nd</sup> March 2023 regarding the above named planning applications, please find attached for your information the most recent comments received from the Council's Independent Agricultural Advisor.

As I advised in my email of 6<sup>th</sup> March 2023 we remain of the opinion that the supporting information provided to date in support of the two applications is sufficient to demonstrate a justification of need and financial viability for one additional house. On that basis, and as I advised in my emails of 29/7/22 and 1/9/22, at this time I am in a position where I could report one of the applications with a recommendation for approval and the other would be recommended for refusal, unless the applicant wishes to withdraw one of the applications. Given that the information submitted in support of the applications is the same for each application, I would be grateful if you could please advise if the applicant would have a preference on which application is reported for approval?

I am aware that the applicant wishes to submit a statement regarding the policies of NPF4. Thus, once I have received that statement and your response to the matter raised above in this email, I will then proceed to complete my assessment reports on the two applications.

I trust that this is of assistance to you however if you require any further information or assistance regarding this matter please do not hesitate to contact me by email.

You will appreciate that the content of this email is an expression of officer opinion only which is given without prejudice to any decision taken by the Council in respect of the applications for planning permission in principle.

Regards,  
Stephanie

Stephanie McQueen | Planner | Planning Delivery | East Lothian Council | John Muir House |  
Haddington EH41 3HA  
T. 01620 827210 | E. [smcqueen@eastlothian.gov.uk](mailto:smcqueen@eastlothian.gov.uk) Visit our website at [www.eastlothian.gov.uk](http://www.eastlothian.gov.uk)



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**From:** McQueen, Stephanie  
**Sent:** 22 March 2023 14:14  
**To:** 'graeme@gcadesign.co.uk' <graeme@gcadesign.co.uk>

17 March 2023

Stephanie McQueen

Planning Officer

East Lothian Council

By Email: [smcqueen@eastlothian.gov.uk](mailto:smcqueen@eastlothian.gov.uk)

Dear Stephanie

**Applications for 2 New Dwellings – Land To The South of Ruchlaw West Mains Farm Dunbar East Lothian – Paddy & Sheila Crerar – 21/01072/PP and 21/01073/PP**

**Response to Email Correspondence and Additional Budgets**

I have reviewed the additional information submitted by email by GCA&D Design. The information covered the following points which I have responded to in turn.

**Crerar Home as the Farmhouse**

GCA&D suggest that there is some misunderstanding regarding the status of the house occupied by Mr and Mrs Crerar. When approaching this issue, we have to look at the situation as we find it on the ground at the current time. Historical factors can be relevant and if so should be considered. My understanding is that Mr & Mrs Crerar bought the farmhouse and then added the farm and, they then farmed the land from this house for 14 years. In my opinion there can be no other conclusion other than the house being determined as the farmhouse. The farm business has been operated from that dwelling for a substantial period of time ergo it is the farmhouse.

If one takes the opposite view then the farming business has been operated successfully from a remote location with no requirement for on site labour. If this is the case then the case for additional accommodation is weak.

The argument posed by GCA&D that the farm business has no legal control is flawed. The “farmhouse” has been available to the farming business for 14 years. Mr & Mrs Crerar are in control of both the farmhouse and the farming business.

My conclusion is that the existing house is in fact a “farmhouse” flowing from its historic availability to the farming business and that the farmhouse has to be counted as one dwelling available to the business.

## **Financial Viability**

GCA&D have supplied an additional forecast based on actual performance in 2022. Followed by budgets for 2023, 2024 and 2025.

My problem is that there are no assumptions behind these figures making it impossible to assess their accuracy or context. This is the third time I have made similar comments. GCA&D suggest in their latest email that "No invoices or contracts for any of the stock/ crop sales had been previously requested". It is not for the council to lead the applicant through the application process whereby each area of difficulty is focussed on and then the applicant has the opportunity to "deal" with this area until all issues are dealt with. Rather it is for the application to submit his strongest case which the council finds on. I quote from my previous letter.

*"It was difficult to understand the farming system, and the advantages that Mr Crerar has over other businesses for example I cannot infer that the venison might be being sold on an advantageous contract, it is for the applicant to furnish me with this evidence. Indeed, it is critical in the case where returns are so far removed from the norm."*

*"It is therefore for the applicant and his professional advisers to present the case for a third dwelling in a suitable format that would lead me to a different conclusion".*

Unfortunately, the financial information is still lacking in assumptions that engender confidence in the budgets submitted. However, I can see that there has been attempts to assess the impacts of lower grain prices and inflationary pressures on costs and I understand that premium markets are available. I am therefore prepared to accept that profits in the region of between £20,000 and £25,000 are possible if the underlying assumptions regarding pricing of the venison is as stated. I am not prepared to accept that profits are likely to be higher.

I see this level of profit as being the absolute minimum that might be associated with a business for it to be classified as viable.

What remains is the issue of funding the build price of the additional houses. If the full build price amortised over a period with interest is calculated, and a reasonable level of profit remains to cover drawings, capital investment and other finance charges on top of the amortised build cost, then there can be no argument that the business is viable and able to fund the new dwellings from profits generated by the business.

In my view it is perfectly reasonable for an individual or business to have capital which can be introduced. Indeed, it generally aids the viability case as interest charges are lower. However, in this scenario where all of the required funding is introduced and there is no prospect of a return on that investment being generated from the farming activity then the reason for the investment has to be questioned. If there is no return on the investment, then the investment activity or decision is not commercial and by definition the viability test is not met.

**Conclusion**

In conclusion, I remain of the opinion that there is an argument for permission for one additional house to be granted, even this, is I believe finely balanced based on the viability argument.

Yours sincerely



Ian Thompson  
Associate Director

## Jane Tennant

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**From:** [REDACTED]  
**Sent:** 04 April 2023 17:52  
**To:** 'McQueen, Stephanie'  
**Cc:** 'Paddy Crerar'  
**Subject:** RE: Planning application 21/01072/PP at Land To South Of Ruchlaw West Mains Farm, Dunbar, and planning application 21/01073/PP at Land To South West Of Newmains, Stenton



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[gcadesign.co.uk](http://gcadesign.co.uk)

Afternoon Stephanie,

I refer to your emails below, in particular, your email dated 6<sup>th</sup> March 2023.

After further consideration my Client would be grateful if you could now report one of the applications with a recommendation for approval and the other for refusal.

The applicant's preference is for Planning application 21/01072/PP - Planning permission in principle for the erection of 1 house and associated works at Land To South Of Ruchlaw West Mains Farm, Dunbar, East Lothian, to be reported for approval.

I hope that is in order but please do not hesitate to contact me if you have any queries.

Regards,

### Graeme Cook

Director  
Dip Arch RIBA RIAS

If files are attached please note that, as work is continually progressing, these files may not be an exact reflection of the currently issued drawings, which should take precedence, and no liability can be accepted for any errors inherent in the digital information. If you should have any problems with the files, please contact the writer. This e-mail together with any attachments is intended solely for the confidential use of the addressee. Any other distribution, use or reproduction without the sender's prior consent is unauthorised. If you are not the intended recipient please notify the sender by e-mail immediately and delete the message from your computer. Any views expressed by the sender of this message are not necessarily those of GCA + D LTD.

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**From:** McQueen, Stephanie <[smcqueen@eastlothian.gov.uk](mailto:smcqueen@eastlothian.gov.uk)>

**Sent:** Friday, March 24, 2023 9:47 AM

**To:** [graeme@gcadesign.co.uk](mailto:graeme@gcadesign.co.uk)

**Subject:** RE: Planning application 21/01072/PP at Land To South Of Ruchlaw West Mains Farm, Dunbar, and planning application 21/01073/PP at Land To South West Of Newmains, Stenton

Good Morning Graeme,

Further to my emails of 6<sup>th</sup> and 22<sup>nd</sup> March 2023 regarding the above named planning applications, please find attached for your information the most recent comments received from the Council's Independent Agricultural Advisor.

# OFFICER REPORT

**19th June 2023**

App No. **21/01073/PP**

Application registered on **20th August 2021**  
Target Date **19th October 2021**

Proposal	<b>Planning permission in principle for the erection of 1 house and associated works</b>	SDELL	N
		CDEL	N
Location	<b>Land To South West Of Newmains Stenton Dunbar East Lothian</b>	Bad Neighbour Development	N

APPLICANT: **Newmains Farm**

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

**c/o GCA+D Ltd  
Per Graeme Cook  
10 South St  
Andrew Street  
Edinburgh  
EH2 2AZ**

DECISION TYPE:

**Application Refused**

## PLANNING ASSESSMENT

The application site consists of an irregular shaped area of land, measuring some 0.2 of a hectare in area that is located in the countryside on the south side of the U179 public road. The site is some 65 metres to the west of the agricultural buildings of Newmains and some 580 metres to the southwest of the residential properties of the former Newmains Steading, including Newmains Farmhouse which is occupied by the applicants. The application site is some 2.0 miles to the southwest of the village of Stenton and some 1 mile to the east of the village of Garvald. The land of the application site is prime agricultural land (class 3.2), being land defined as capable of being used to produce a moderate range of crops, including cereals, forage crops and grass.

The nearest neighbouring residential properties are The Carthouse, The Bothy, 1 Newmains Cottages, Tups Cottage, Steading Cottage, The Mill House, The Gallery, Cantilever Barn and Newmains Farmhouse, some 580 to 670 metres away to the northeast (all of these properties are at the former Newmains Farm Steading), and Stoneypath Farmhouse some 700 metres away to the northwest.

The application site is outwith the Whittingehame to Deuchrie Special Landscape Area, which at its closest is some 430 metres away to the north, and is also outwith the Danskin to Whitecastle Special Landscape Area, which at its closest is some 630 metres away to the west.

The application site is not within a biodiversity site however the Biel Water Valley local biodiversity site is some 400 metres away to the west.

The Whittingehame Local Garden and Designed Landscape is some 430 metres away to the north.

The application site is part of larger grassed agricultural fields that are part of the agricultural unit of Newmains, which alongside further land at Ruchlaw West Mains, is operated by the applicant under the sole trader name of 'Newmains Farm'.

The application site comprises a roughly 'L-shaped' area of land, the main body of which is the northeast part of a larger agricultural field. The remaining part of the application site comprises a narrow strip of the adjoining field to the east, including an existing field access. This part of the application site slopes upwards gently in a southerly direction. The main body of the application site is generally level. The remainder of the field of which the main body of the application site is a part rises steeply to the south of the application site. To the southeast of the application site is an area of woodland. There are further woodland areas some 200 metres away to the southwest and northwest of the application site. The surrounding countryside is undulating and comprises agricultural fields and woodland areas.

The application site is bounded to the north in part by the U179 public road and in part by further agricultural land, to the south by the remaining land of the agricultural fields of which the application site is a small part, and to the east and west by further agricultural land.

The application site is enclosed along its north (partly roadside boundary with the U179 public road) and part of its west boundary by a combination of rubble stone wall of varying heights, stock proof post and wire fencing and a field gate. There are no means of enclosure of its east and south boundaries and the remaining parts of its west boundary.

Through this application, planning permission in principle is sought for the erection of a new house and associated works on the land of the application site. The proposed house is sought as living accommodation in association with the operation of the existing agricultural business that operates from Newmains, which alongside further land at Ruchlaw West Mains, is operated by the applicant under the sole trader name of 'Newmains Farm'.

An indicative layout plan for the proposed development has been submitted with the application to show how a house and associated vehicular access, driveway, parking and hardstanding areas could be accommodated on the application site. The indicative layout plan shows how a house could be positioned on the site with its longest elevation facing the northwest and positioned roughly parallel with the northwest boundary of the field of which the application site is a part, and how garden ground for the proposed house could be provided to all sides of it, and how a driveway and parking area could be positioned to the east of the proposed house on the site. The indicative drawings further show how vehicular access to the proposed house could be taken via a driveway on the east part of the site, with access to the U179 public road being taken via an existing field gate access in the north boundary of the site.

This application (Ref. 21/01073/PP) is one of two applications for planning permission in principle submitted by the applicant, 'Newmains Farm', being Mr Paddy and Mrs Sheila Crerar, to provide residential accommodation for two agricultural workers in association with the agricultural business of 'Newmains Farm'. The second application for planning permission in principle (Ref. 21/01072/PP) seeks planning permission for the principle of the erection of one house on land at Ruchlaw West Mains of the agricultural business of 'Newmains Farm'. The principle of this second house is sought in addition to the proposed house the subject of planning application 21/01073/PP. Planning application 21/01072/PP stands to be determined on its own merits.

A Design Statement prepared by the applicant's agent and further supporting statement prepared by SAC Consulting (SRUC) have been submitted with this application (Ref. 21/01073/PP). Also submitted with the application on a confidential basis are two personal statements from the Applicant, Profit and Loss Accounts, a labour requirement assessment, a confidential Operational Needs Assessment, and a farm review scheme assessment dated 2010.

In the Design Statement it is explained that the overall proposals are for the erection of a total of two houses to provide residential accommodation for two agricultural workers in association with the agricultural business of 'Newmains Farm' and that the supporting documents have been drawn up to address both application sites (Planning application Refs. 21/01073/PP and 21/01072/PP).

The Design Statement explains that the agricultural business comprises of two farms: Ruchlaw West Mains and Newmains, and is a mixed livestock and arable holding, with a total area of some 166 hectares of land, and including the rearing of suckler cows, red deer, ewes and store lambs, and the growing of arable and forage crops. The Statement explains that the applicant, 'Newmains Farm', being Mr Paddy and Mrs Sheila Crerar, have lived in their family home at Newmains for some two decades and that the house does not belong to the farm business. The Statement goes on to explain that they purchased the land at Newmains approximately 12 years ago and some 10 years ago they purchased land at Ruchlaw West Mains. No houses were purchased with either parcels of land.

The Statement explains that the applicant has expanded the business over the last 10 years and that the business has been managed by Mr and Mrs Crerar with occasional assistance from their children and with arable work out-sourced to contractors. It is explained that the applicant's children are now pursuing further education and careers outwith the farm, and that other than the applicants there are no employees on the farm. Mr and Mrs Crerar also have other employment outwith the farm business.

It is explained that there are no houses associated with the two farm steadings that comprise 'Newmains Farm', being Ruchlaw West Mains and Newmains, and no buildings suitable for conversion to housing. Each steading comprises livestock shed(s), and storage for feedstuffs and machinery.

The Design Statement sets out the relevant planning policies and other material considerations relevant to the proposed development and the Applicant's Agent's interpretation of those policies and considerations relative to the proposed development, and makes a case for justification for the proposed two houses.

The Design Statement, together with the labour requirement assessment and confidential Operational Needs Assessment, conclude that the agricultural business of 'Newmains Farm' has a requirement of 4.2 labour units for the management of the deer, cattle and arable enterprises of 'Newmains Farm'.

In respect of the specific site at Newmains (planning application Ref. 21/01073/PP), the Design Statement explains that the site sits on relatively level ground, with the ground levels rising steeply to the south of the site. It is located some 65 metres to the west of the existing livestock shed at Newmains and adjacent to stock fields. The existing field gate is proposed to be upgraded to form a new vehicular access from the public road. It is explained that the site is currently used as permanent pasture for grazing cattle and deer and benefits from partial screening to the southeast by mature mixed woodland planting. It is further explained that this site has been selected for its proximity to livestock locations of the business.

The further statement from SAC Consulting explains that following changes in the availability of family assistance and for health and safety reasons, and due to their age and physical abilities, the applicants wish to limit their involvement in the undertaking of manual farm operations but are fully committed to managing the farm. This supporting statement finds that the existing farm operations have a justification for two full-time employees who would take over the work currently undertaken by the applicants, Paddy and Sheila Crerar. The applicants' would continue to manage the administrative duties of the farm but would no longer undertake the physical day-to-day work. The statement goes on to explain that due to the remote location, especially during inclement weather and the requirements for animal husbandry duties, the two workers would require to live on the site in order to manage the animal husbandry duties.

The confidential Operational Needs Statement submitted with the application describes the land and livestock farmed by the business, provides an assessment of the land capability, details the current housing and labour on the farm, sets out the proposed farm policy, undertakes an assessment of the labour requirement of the business and the functional requirements for the two dwelling houses proposed through planning applications Refs. 21/01072/PP and 21/01073/PP. The confidential personal statements and operational needs assessment report submitted with the application provide further details underlying the applicants' reasons for stepping back from the physical day-to-day work of the farm business.

Since the application was registered, errors on the application drawings have been corrected and details of visibility splays at the proposed vehicular access have been provided, and these changes are shown on amended indicative drawings submitted for the application. In addition, further information has been submitted to clarify a number of matters relating to the operation of the agricultural business of 'Newmains Farm' operated from Ruchlaw West Mains and Newmains and the justification for the proposed house.

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application for planning permission in principle be determined in accordance with the development plan, unless material considerations indicate otherwise.

The development plan is the adopted National Planning Framework 4 (NPF4) and the adopted East Lothian Local Development Plan 2018.

Policies 1 (Tackling the climate and nature crises), 2 (Climate mitigation and adaptation), 3 (Biodiversity), 4 (Natural Places), 5 (Soils), 7 (Historic assets and places), 14 (Design, quality

and place), 17 (Rural homes), 22 (Flood risk and water management) and 29 (Rural development) of NPF4 are relevant to the determination of this application.

Also relevant to the determination of the application are Policies DC1 (Rural Diversification), DC4 (New Build Housing in the Countryside), DC5 (Housing as Enabling Development), DC9 (Special Landscape Areas), CH4 (Scheduled Monuments and Archaeological Sites), CH6 (Gardens and Designed Landscapes), DP2 (Design), T1 (Development Location and Accessibility), T2 (General Transport Impact), NH3 (Protection of Local Sites and Areas), NH7 (Protecting Soils) and OS2 (Change of use to Garden Ground) of the adopted East Lothian Local Development Plan 2018 and the Council's Local Development Plan 2018 Supplementary Planning Guidance on Countryside and Coast (adopted 29th October 2018) and Special Landscape Areas (adopted 30th October 2018).

Also material to the determination of the application is the Scottish Government's policy on housing and rural development given in Planning Advice Note 72: Housing in the Countryside.

PAN 72 states that: "Buildings in rural areas can often be seen over long distances and they are there for a long time. Careful design is essential. Traditional buildings can be an inspiration but new or imaginative re-interpretation of traditional features should not be excluded. Where possible, the aim should be to develop high quality modern designs which maintain a sense of place and support local identity."

With regard to archaeological sites and monuments, Planning Advice Note 2/2011: Planning and Archaeology advises that they are an important finite and non-renewable resource and should be protected and preserved in situ wherever feasible. The presence and potential presence of archaeological assets should be considered by planning authorities when making decisions on planning applications. Where preservation in situ is not possible planning authorities should through the use of conditions or a legal agreement ensure that developers undertake appropriate excavation, recording, analysis, publication and archiving before and/or during development. If archaeological discoveries are made during any development, a professional archaeologist should be given access to inspect and record them.

No public representations to the application have been received.

Dunpender Community Council have been consulted on the application however no response has been received from them.

Scottish Water has been consulted on the application and raises no objection to the principle of the erection of a house on the application site. A copy of Scottish Water's comments have been provided to the applicant's agent.

The Council's Biodiversity Officer raises no objection to the principle of the erection of a house on the application site being satisfied that the proposals would not have a significant impact on any designated sites and the nature of the existing habitat is of low biodiversity value. Accordingly, the proposals do not conflict with Policy NH3 of the adopted East Lothian Local Development Plan 2018.

NPF4 Policy 3 states that proposals for local development types will include appropriate measures to conserve, restore and enhance biodiversity. The proposals do not include any details of the measures to be taken in the proposed development to conserve, restore and

enhance biodiversity. This matter could reasonably be controlled by a condition on a grant of planning permission in principle. Subject to the imposition of such control, the proposals do not conflict with NPF4 Policy 3.

The Council's Archaeology Officer advises that the site is part of an agricultural field and although the site has a moderate potential for unknown remains, the adjacent historic quarrying to the southeast of the site indicates that these have a high potential to have been disturbed in the past. Furthermore, the relatively small footprint of the proposals suggest that there is unlikely to be any impact on buried archaeological remains, and the location in the landscape also suggests that there is unlikely to be any indirect or setting impacts from the proposals. Accordingly, the Council's Archaeology Officer raises no objection to the proposed development, which would not conflict with NPF4 policy 7, ELLDP 2018 policy CH4 or Planning Advice Note 2/2011.

The Council's Environmental Protection Officer (Contaminated Land) advises that there may be localised contamination of the soils on the site as a result of potentially contaminative former land use. Investigation and mitigation to ensure that a suitable geo-environmental assessment of the site is carried out prior to the development of the site could be controlled by a condition attached to a grant of planning permission in principle.

The Council's Senior Environmental Health Officer has no comment to make regarding the proposed development.

Indicative details for the layout of the site and vehicular access to the site have been provided with the application. They show how the site could be accessed from the U179 public road via a new vehicular access taken from the south side of the public road. The indicative site layout drawing also shows how a parking and turning area with a capacity for at least two parking spaces could be formed on the east side of the site.

The Council's Road Services raises no objection to the principle of the erection of a house on the application site, subject to: (i) the provision of on-site parking at a rate of 150% for a house of up to 5 habitable rooms and 225% for a house of 6 or more habitable rooms with a minimum of two on-site parking spaces, and each of those parking spaces having minimum dimensions of 5 metres long by 2.5 metres wide; (ii) the provision of on-site turning space to enable vehicles to enter and exit the property in a forward gear; (iii) a minimum of the first 2 metres of the proposed vehicular access measured back from its junction with the U179 public road and for its full width shall be hardformed across its full width; and (iv) the provision of visibility splays measuring 2 metres by 120 metres at the vehicular access. Subject to these matters being made conditional of a grant of planning permission in principle, Road Services are satisfied that in principle a house built on the site could be provided with a sufficient space for on-site parking and turning, and a safe means of vehicular access, and would not raise any road safety hazard. Subject to these recommendations, Roads Services raise no objection to the principle of the erection of a house on the site, being satisfied that a house on the application site could be safely accessed and adequate parking provided. Thus, the principle of the erection of one house on the site is consistent with Policies T1 and T2 of the adopted East Lothian Local Development Plan 2018.

Moving on to matters of the design of a house erected on the site, although the application is for planning permission in principle, an indicative layout drawing is submitted with the application.

The site of the proposed house is located close to a minor public road within open countryside and within the bottom of a valley. In such positional circumstances, the site of the proposed house would be readily visible in views from the U179 public road when approaching from the east and north. It would not be readily visible in views from the south and west due to the containment afforded to the site from the rising landform and woodland area to the south, and the woodland areas further away to the west.

The application site is not within a Special Landscape Area. It is some 430 metres away from the Whittingehame to Deuchrie Special Landscape Area (SLA) to the north, and some 630 metres away from the Danskine to Whitecastle Special Landscape Area (SLA) to the west.

The nearest residential buildings in the locality of the application site vary between single storey and two storey in height and are of a traditional vernacular design with dual pitched roofs, chimneys, roof copes, and traditionally proportioned window openings. Many are formed from the conversion of former agricultural buildings. Their external walls are predominantly finished with natural red sandstone and their roofs are finished with natural slates or natural red clay pantiles. Where pantiles are used they are predominantly used on subservient lower roof slopes. Where roof windows are incorporated into the roof space, these are small in size and scale so as to sit discreetly on the roof slope.

An indicative layout plan for the proposed development has been submitted with the application to show how a house and associated vehicular access, driveway, parking and hardstanding areas could be accommodated on the application site. The indicative layout drawing is submitted to illustrate how a house, comprising two rectangular shaped components, could be positioned on the site with its longest elevation facing northwest and positioned roughly centrally on the application site. It is also shown on the indicative site layout drawings how a driveway could be accommodated on the eastern part of the site with a vehicular access taken from the south side of the U179 public road.

The submitted indicative layout drawing demonstrates, in principle, that the site is physically capable of accommodating one house, and vehicular access, car parking and vehicle turning space and a sufficient sized garden without there being an overdevelopment of it.

In respect of the impact of a house built on this site within this countryside location, the Council's Landscape Officer comments that the site is located in the Eastern Lammermuir Fringe landscape character area and is located alongside a minor public road within open countryside and within the bottom of a valley formed during the ice age that runs in a west to east direction. The land rises sharply to the south with an area of mixed mainly broadleaved woodland to the southeast, enclosing the site to its south. Trees within the west end of the valley separate the site visually from the Danskine to Whitecastle SLA and the landform separates the site visually from the Whittingehame to Deuchrie Special Landscape Area to the north/east.

The Landscape Officer further comments that the built character of the area is described in the Special Landscape Area SPG as a scattering of traditional farmsteads, often dwarfed by large modern sheds.... all constructed in local deep pink sandstone. Houses and settlements are also mainly set within the valley bottoms close to the minor road network.

Accordingly the Landscape Officer advises that a house built on this site, alongside and close to the public road and on the valley floor would be in keeping with the principle of the location of existing buildings and the character of the area.

The Landscape Officer further advises that, subject to a house on the site:

- (i) having external walls that shall be finished either wholly with natural local red/pink sandstone or a combination of natural local red sandstone and a wet dash or textured render, and that any render to be used shall not be a white or pale coloured render; and
- (ii) being designed to complement the existing local traditional architectural vernacular, character and appearance of neighbouring and nearby buildings, and shall include traditional components and styles of design.

These design criteria could be secured through a condition of a grant of planning permission in principle.

Given the long range views of the application site, if large areas of glazing or solar photovoltaic panels were proposed in the design of a house built on the site, such areas of glazing and photovoltaic panels have the potential to result in reflection and in the case of windows light spill, which could result in the development appearing overly prominent and harmfully visually intrusive within its landscape setting. It would therefore be prudent to ensure that the size of the glazed openings of a house built on the site are generally of a traditional size and scale, and are positioned to minimise their visual impact within the landscape setting of the site, and that if any solar photovoltaic panels are proposed for a house built on the site, these should also be positioned to minimise their visual impact within the landscape setting of the site. Such design criteria could be secured through a condition of a grant of planning permission in principle.

Subject to the design criteria set out by the Council's Landscape Officer regarding form and design and external finishes, all of which are design criteria that could be secured through a condition of a grant of planning permission in principle, it should be possible to design a house for the site such that the principle of the development of one house on the application site would be sufficiently well integrated into its landscape setting and such that on matters of design, the principle of the development of one house on the application site would not appear harmfully intrusive or incongruous within its landscape setting and thus would not be harmful to the landscape character of the area. These principles of development of a new build house on the application site can be controlled by a condition on the grant of planning permission in principle.

Due to the intervening distances and the rising landform and existing woodland areas to the north and west, the principle of the development of one house on the application site would not be harmful to the setting of the Danskine to Whitecastle SLA and the Whittingehame to Deuchrie SLA.

Due to the intervening distance and the rising landform and woodland areas to the north, the principle of the development of one house on the application site would not have a detrimental impact on elements justifying designation of the Whittingehame Local Garden and Designed Landscape, some 430 metres away to the north.

It should be possible to design a house for the site that would incorporate appropriate drainage and would manage surface water/rainwater through appropriate sustainable urban drainage systems (SUDS).

On all of these foregoing considerations of design and layout, and subject to the aforementioned design controls relating to form, design, and external finishes, it should be possible to design a house in a position on the site that would not be harmful to the character and appearance of the area, including the setting of the Danskine to Whitecastle SLA and the Whittingehame to Deuchrie SLA or to the setting of the Whittingehame Local Garden and Designed Landscape. Accordingly, on matters of design and layout, the principle of the development of the site for the erection of one house would not significantly change the layout and design characteristics of the area and would not be an overdevelopment of the site and accordingly does not conflict with National Planning Framework 4 (NPF4) policies 4, 7, 14, and 22, and Policies DC9, CH4, CH6, and OS2 of the adopted East Lothian Local Development Plan 2018, East Lothian Council's Supplementary Planning Guidance on Special Landscape Areas (adopted 30th October 2018), and Planning Advice Note 72: Housing in the Countryside, Planning Advice Note 2/2011: Planning and Archaeology.

In assessing whether or not a proposed new development would result in harmful overlooking and therefore loss of privacy to existing neighbouring residential properties it is the practice of the Council, as Planning Authority to apply the general rule of a 9 metres separation distance between the windows of a proposed new building and the garden boundaries of neighbouring residential properties and an 18 metres separation distance between directly facing windows of the proposed new building and the windows of existing neighbouring residential properties.

The nearest neighbouring residential properties are The Carhouse, The Bothy, 1 Newmains Cottages, Tups Cottage, Steading Cottage, The Mill House, The Gallery, Cantilever Barn and Newmains Farmhouse, some 580 to 670 metres away to the northeast (all of these properties are at the former Newmains Farm Steading), and Stoneypath Farmhouse some 700 metres away to the northwest. Thus, there are no nearby neighbouring residential properties to be affected by overlooking or overshadowing from a new build house erected on the application site. Therefore, it should be possible to design a house on the site without harming the privacy and amenity of any neighbouring residential properties through loss of sunlight, daylight or through overlooking and loss of privacy. It should also be possible to design a house for the site which would afford the occupants of it with a sufficient amount of privacy and amenity. Accordingly on these considerations of sunlight, daylight, privacy and amenity it should be possible to design a house for the site which would be consistent with the requirements of NPF4 policy 14 and Policy DP2 of the adopted East Lothian Local Development Plan 2018.

Notwithstanding all of the above design, visual impact, amenity, transportation, archaeology and biodiversity considerations, the application site is not within an existing settlement of East Lothian or any area within an area designated as one of residential character and amenity by Policy RCA1 of the adopted East Lothian Local Development Plan 2018. Thus it is not within an existing residential area where the principle of the building of a house is acceptable. Rather the application site is in a countryside location within East Lothian and is part of a much larger area characterised by a low density dispersed built form within an agricultural landscape. Therefore it is now necessary to consider whether the principle of the proposed building of a new house on the application site in a countryside location is consistent with national, strategic and local planning policy relating to the control of new housing development in the countryside.

For avoidance of doubt the site is not within an area of land allocated by the adopted East Lothian Local Development Plan 2018 for housing or for any other use. Consequently, the

erection of a house on the site must be assessed against NPF4 policies 17 and 29, and adopted East Lothian Local Development Plan 2018 policy DC1: Rural Diversification, Policy DC4: (New Build Housing in the Countryside) and DC5 (Housing as Enabling Development), all of which relate to the control of new housing development in the countryside.

NPF4 Policy 17 (Rural homes) in principle supports new homes in rural areas where the development is suitably scaled, sited and designed to be in keeping with the character of the area and the development is demonstrated to be necessary to support the sustainable management of a viable rural business and there is an essential need for a worker to live permanently at or near their place of work.

Paragraph 5.8 of Section 5 of the adopted East Lothian Local Development Plan 2018 states that "In general, East Lothian's countryside and coast is not an area that requires regeneration, renewal or action to address population decline". It is not a remote rural area where a more permissive planning policy approach to new housing in the countryside might be appropriate on these grounds. Rather, it is an area where "few, if any, locations are more than an hour's drive time from Edinburgh or 30 minutes drive time from Musselburgh or Tranent, towns of over 10,000 people". On the whole it is characterised by increasing population and economic growth and a continuing pressure for housing development both within and outwith its towns and villages. Characteristic of the countryside is its wide range of types and sizes of attractive vernacular buildings that contribute greatly to its character. "As an accessible area where mobile demand for housing from Edinburgh will continue, it is important to protect against unsustainable growth in car-based commuting and the suburbanisation of the countryside. Most new housing development is therefore directed to towns and villages or planned extensions of these."

Paragraph 5.10 of Section 5 of the adopted East Lothian Local Development Plan 2018 states that the ELLDP has a general presumption against new housing in the countryside but exceptionally a new house may be justified on the basis of an operational requirement of a rural business that justifies the need for permanent accommodation.

Policy DC1 sets out specific criteria for new development in the countryside, stating that there will be support in principle for new development 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.

Policy DC4 sets out specific criteria for the erection of new build housing in the countryside whereby such development will only be supported 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;
- (iii) The proposal satisfies the terms of Policy NH1.

Policy DC5 sets out specific criteria for the exceptional circumstances where the erection of housing as enabling development in the countryside may be supported. Any such new housing development in the countryside should:

- (a) enable a desirable primary use supported in principle by criterion by Policy DC1 and the benefits of the primary use outweighs the normal presumption against new build housing in the countryside; or
- (b) fund the restoration of a listed building or other buildings of recognised heritage value, or other significant designated feature of the built or natural environment, the retention of which is desirable, and should satisfy the terms of Policies CH1 and where relevant CH6, and can be clearly demonstrated to be the only means of preventing the loss of the asset and secure its long-term future; and
- (c) the proposal satisfies the terms of Policy NH1.

Policy DC5 states that in all cases, the benefits of the proposed development must outweigh the normal presumption against new build housing development in the countryside.

The adopted East Lothian Local Development Plan 2018 does not allocate the land of the application site for residential development. Neither does the Local Development Plan define any part of it as being a settlement. The main material consideration in the determination of this application is therefore whether or not there is a direct operational requirement for the house that derives from a viable agricultural, horticultural, forestry or other employment use within the countryside. Thereafter, the principal determining factors in this case are whether or not, having regard to national, strategic and local planning policy and guidance and other material considerations, the principle of fitting a house on the application site, is acceptable, with due regard to the impact such development would have on the character and appearance of the area, including its impact on the setting of the Whittingehame Local Garden and Designed Landscape, and on the setting of the Whittingehame to Deuchrie and Danskine to Whitecastle Special Landscape Areas, on local biodiversity sites, and its impact on neighbouring residential properties, and whether or not such a new house could be acceptably accessed.

A Design Statement and other supporting information have been submitted by the applicants. In these documents it is explained that the proposed house is one of two new houses (planning application Refs. 21/01072/PP and 21/01073/PP) proposed by the applicant and is required in association with the existing agricultural business of 'Newmains Farm'. The documents explain that the two new houses and thus, the house the subject of this application, are required to enable two new farm workers to be employed to allow the applicant's, Mr Paddy and Mrs Sheila Crerar, to step back from their involvement in the undertaking of manual farm operations for reasons related to their physical abilities and for health and safety reasons. It is stated that the business trades as a sole trader in the name of 'Newmains Farm'. It is further stated that the proposed two houses (one being the subject of this application - Ref. 21/01073/PP - and the other being the subject of planning application Ref. 21/01072/PP) are not required to facilitate expansion of the business but rather they are to allow the farm to operate in a safe and effective manner.

The Design Statement explains that the agricultural business comprises of two farms: Ruchlaw West Mains and Newmains, and is a mixed livestock and arable holding, with a total area of some 166 hectares of land, and including the rearing of suckler cows, red deer, ewes and store lambs, and the growing of arable and forage crops. The Statement explains that the applicant,

'Newmains Farm', being Mr Paddy and Mrs Sheila Crerar, have operated the business for 12 years from Newmains and 10 years from Ruchlaw West Mains. The applicant's each have other separate sources of employment as well as the farm operations, and the statement explains that much of the arable work is carried out by out-sourced contractors.

The Design Statement, together with the labour requirement assessment and confidential Operational Needs Assessment, conclude that the agricultural business of 'Newmains Farm' has a requirement of 4.42 labour units for the management of the deer, cattle and arable enterprises of 'Newmains Farm'.

The further statement from SAC Consulting explains that following changes in the availability of family assistance and for health and safety reasons, and due to their age and physical abilities, the applicants wish to limit their involvement in the undertaking of manual farm operations but are fully committed to managing the farm. This supporting statement finds that the existing farm operations have a justification for two full-time employees who would take over the work currently undertaken by the applicants, Paddy and Sheila Crerar. The applicants would continue to manage the administrative duties of the farm but would no longer undertake the physical day-to-day work. The statement goes on to explain that due to the remote location, especially during inclement weather and the requirements for animal husbandry duties, the two workers would require to live on the site in order to manage the animal husbandry duties.

The development of the application site for the erection of one house would be related to the existing agricultural business that operates from Newmains, which alongside further land at Ruchlaw West Mains, is operated by the applicant under the sole trader name of 'Newmains Farm'.

The labour requirement of the existing agricultural business of 'Newmains Farm' is currently met by the applicants, Mr Paddy and Mrs Sheila Crerar, with much of the arable work being carried out by out-sourced contractors. It is proposed that the applicants, Mr Paddy and Mrs Sheila Crerar, would continue to administer and manage the farm operations but would limit their involvement in the undertaking of manual farm operations.

The existing house of Newmains Farmhouse, which the applicants have occupied for some two decades, does not belong to the farm business but is nonetheless located close to the two farm units and has enabled the applicants to manage the farm business over the last 12 years. There are no houses associated with the agricultural business of 'Newmains Farm' at either Ruchlaw West Mains or Newmains, and thus no houses are available to the applicant to house the new agricultural workers.

There are few other existing buildings associated with the agricultural business of 'Newmains Farm' operated from Ruchlaw West Mains and Newmains, and those existing buildings are functional buildings associated with the housing of the livestock, feed and machinery. Thus, no appropriate building suitable for conversion to a house is available in the locality to the applicant.

The Council's Agricultural and Rural Development Consultant has carried out a rural business appraisal of the proposed development based on an assessment of their supporting statements, Operational Needs Assessment and financial information (confidential and non-confidential).

The Council's Agricultural and Rural Development Consultant advises that there is a clear need for a livestock business of this nature to have access to on-site accommodation and thus there is a direct operational justification of need for a person to live on site in support of the business. The Council's Agricultural and Rural Development Consultant further comments that the level of livestock in the business will be labour intensive. However, the Agricultural and Rural Development Consultant disagrees with the labour requirement calculations submitted with the application, finding them outdated. His assessment of the information provided is that there is a labour requirement for two labour units and that the applicants' together would comprise one of those labour units.

He comments that, based on the financial information provided with the application, the business is not sufficiently financially robust and could not support the employment of two additional agricultural workers and the associated costs of housing. Rather he is of the opinion that a business of this size and complexity and with this level of livestock, could support one additional agricultural worker, and that although this would add pressure on the business and reduce profits, the business, if operated effectively, should still be capable of returning a reasonable profit taking into account the costs involved with one new agricultural worker and associated house.

From this assessment of the information provided with the application, the Council's Agricultural and Rural Development Consultant finds that the existing agricultural business demonstrates that there is a need for an on-site presence for the management and well-being of the livestock, and the requirement for a total of two labour units, and that the applicants' together would comprise one of those labour units. Thus although there is a need for two houses to support the existing business, the applicants' existing house is considered to be one of those houses and the applicants, who would remain involved in the agricultural business, would comprise one of the labour units.

Notwithstanding that the applicants advise that their existing house is not an asset of the agricultural business of 'Newmains Farm' they have nonetheless been operating that agricultural business from their house for some 12 years.

Accordingly, the Agricultural and Rural Development Consultant advises that there is justification for only one additional house and therefore that justification for only one of the new houses proposed through this application (Ref. 21/01073/PP) and through application Ref. 21/01072/PP has been demonstrated.

The applicants' supporting statements comprise information covering the whole farm business trading as 'Newmains Farm' and do not make any case specifically in respect of each of the agricultural units of Newmains and Ruchlaw West Mains. The applicants have therefore been advised that a case for justification for only one of the proposed two houses has been demonstrated, and they have expressed a preference for the house the subject of planning application Ref. 21/01072/PP to be reported for approval.

In these circumstances, the Council's Agricultural and Rural Development Consultant concludes that it has not been demonstrated that there is an operational justification of need for the new house the subject of this application (Ref. 21/01073/PP) in support of the agricultural business of 'Newmains Farm' operated from Newmains and Ruchlaw West Mains, and nor has it been demonstrated that the existing business is financially robust and capable of supporting that additional proposed house and new agricultural worker.

Accordingly, without the operational justification of need for it, the principle of the building of one new house in association with the existing agricultural business of 'Newmains Farm' operated from Newmains and Ruchlaw West Mains, that operates at Newmains conflicts with NFP4 policy 17 and with Policy DC1 and Part (i) of Policy DC4 of the adopted East Lothian Local Development Plan 2018.

The application site would be some 0.2 of a hectare in area and the land of the application site is prime agricultural land (class 3.2), being land defined as capable of being used to produce a wide range of crops.

Policy 5 of NPF4 does not support development on prime agricultural land unless the development: (i) is for essential infrastructure, (ii) is small scale and is directly linked to a rural business or for an essential worker for the rural business to be able to live on site, (iii) is for production and processing facilities associated with land produce, and (iv) is for the generation of energy from renewable sources or the extraction of minerals and there is secure provision for restoration. In all of these cases, the layout and design of the proposals should minimise the amount of protected land that is required.

At some 0.2 of a hectare in area, the site is relatively small, and the erection on it of one house would not prejudice any well-defined settlement boundary or landscaped edge. Thus, the proposed development would not conflict with Policy OS2 of the adopted East Lothian Local Development Plan 2018.

However, a case for operational justification of need of an existing agricultural business has not been demonstrated. Accordingly, the proposed development would conflict with NPF4 policy 5 and Policy NH7 of the adopted East Lothian Local Development Plan 2018.

Notwithstanding all of the earlier design, visual impact, amenity, transportation, archaeology and biodiversity considerations, it has not been demonstrated to the satisfaction of the Planning Authority that a new house is required at Newmains to meet a direct operational requirement of the agricultural business of 'Newmains Farm' or any other agricultural, horticultural, forestry or other employment use as required by Policies DC1 and Policy DC4 of the adopted East Lothian Local Development Plan 2018. Neither is the house proposed as affordable housing development of an existing rural settlement.

Finally the proposed new house is (a) not being promoted as enabling development to enable a desirable primary use supported in principle by criterion Policy DC1 and the benefits of the primary use outweighs the normal presumption against new build housing in the countryside; or (b) fund the restoration of a listed building or other buildings of recognised heritage value, or other significant designated feature of the built or natural environment, the retention of which is desirable.

Therefore the principle of building a new house on the site which is in a countryside location is inconsistent with national, strategic and local planning policy and guidance concerning the control of development of new build houses in the countryside. Specifically, the proposal to erect a house on the site is in principle contrary to Policies 5, 17 and 29 of NPF4 and Policies DC1, DC4 and DC5 of the adopted East Lothian Local Development Plan 2018.

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

In conclusion, the proposed development does not accord overall with the relevant provisions of the Development Plan and there are no material considerations which outweigh the proposals discordance with the Development Plan.

#### REASONS FOR REFUSALS:

- 1 The erection of a house on the application site would result in the loss of prime agricultural land and 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, countryside recreation, or other business, leisure or tourism use has not been demonstrated, and which is not proposed as affordable housing development of an existing rural settlement. The proposal is therefore contrary to Policies 5, 17 and 29 of National Planning Framework 4 and DC1 and DC4 of the adopted East Lothian Local Development Plan 2018.
  
- 2 The erection of a house on the application site would be new build housing development in the countryside of East Lothian for which a desirable primary use supported in principle by criterion b of Policy DC1 and with benefits that outweigh the normal presumption against new build housing in the countryside has not been demonstrated; and which is not promoted to fund the restoration of a listed building, building of recognised heritage value or significant designated feature of the built or natural environment, the retention of which is desirable. The proposal is therefore contrary to Policy DC5 of the adopted East Lothian Local Development Plan 2018.

#### LETTERS FROM

19th June 2023

**App No. 21/01073/PP**

**EAST LoTHIAN COUNCIL  
DECISION NOTICE**

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

**Newmains Farm  
c/o GCA+D Ltd  
Per Graeme Cook  
10 South St  
Andrew Street  
Edinburgh  
EH2 2AZ**

APPLICANT: Newmains Farm

With reference to your application registered on 20th August 2021 for planning permission in principle under the above mentioned Acts and Regulations for the following development, viz:-

**Planning permission in principle for the erection of 1 house and associated works  
at  
Land To South West Of Newmains  
Stenton  
Dunbar  
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 IN PRINCIPLE** for the said development.

The reasons for the Council's refusal of planning permission in principle are:-

- 1 The erection of a house on the application site would result in the loss of prime agricultural land and 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, countryside recreation, or other business, leisure or tourism use has not been demonstrated, and which is not proposed as affordable housing development of an existing rural settlement. The proposal is therefore contrary to Policies 5, 17 and 29 of National

Planning Framework 4 and DC1 and DC4 of the adopted East Lothian Local Development Plan 2018.

- 2 The erection of a house on the application site would be new build housing development in the countryside of East Lothian for which a desirable primary use supported in principle by criterion b of Policy DC1 and with benefits that outweigh the normal presumption against new build housing in the countryside has not been demonstrated; and which is not promoted to fund the restoration of a listed building, building of recognised heritage value or significant designated feature of the built or natural environment, the retention of which is desirable. The proposal is therefore contrary to Policy DC5 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>
DS127(PA2)001	-	17.08.2021
DS127(PA2)002	-	17.08.2021
DS127(PA2)004	A	06.09.2021
DS127(PA2)005	A	06.09.2021
DS127(PA2)006	-	01.10.2021

**21st June 2023**



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.