

**REPORT TO:** Planning Committee  
**MEETING DATE:** 3 September 2024  
**BY:** Executive Director – Place  
**SUBJECT:** Application for Planning Permission for Consideration

**3**

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Application No. **24/00672/P**  
 Proposal Erection of 3 houses and associated works  
 Location **Land West of The Stables  
 Main Street  
 Elphinstone  
 East Lothian**

Applicant Mrs Carol Auld  
 Per Apt Planning & Development

**RECOMMENDATION** Application Refused

## **REPORT OF HANDLING**

This application relates to a 1,390 square metre area of land on the south side of the B6414 public road currently in agricultural use as a paddock for the grazing of sheep. The application site is located to the west of the village of Elphinstone and is defined as being located within the countryside by Policy DC1 of the adopted East Lothian Local Plan 2018. It is bound to the south by agricultural land to the west by a working farm and agricultural land to the north by the B6414 public road on the opposite side of which lies an allocated housing site currently being developed by Bellway Homes. To the east it is bound by the former Old Chapel and Church Hall which has been converted to residential use.

The application site is designated as prime quality agricultural land grade 3.1. It is also within a Coal Authority Development Risk Area, the majority of the site being in a low risk area but with the south eastern part of the site being within a high risk area.

## **BACKGROUND**

A pre-application enquiry ref: 23/00026/PREAPP was submitted in 2023 by the applicant's agent for the erection of three new build houses on the current application site. A pre-application meeting was held and follow up detailed written pre-application advice was sent to the agent which detailed the site's planning policy designations and as such that the principle of the erection of three houses on this site would be contrary to development plan policies and would be unlikely to be supported. Internal consultations where also

undertaken in relation to the pre-application enquiry and the applicant was also provided with the pre-application comments of ELC Road Services, Policy and Projects Manager, Senior Environmental Health Officer and ELC Contaminated Land Officer with regards to their requirements should an application be submitted.

Following the pre-application enquiry and advice given, the applicant submitted planning application 24/00123/P for the erection of 3 houses on the current application site. Planning application 24/00123/P was refused planning permission in April 2024. The reasons for refusal being:

1 The erection of three houses on the application site would be new build housing development in the countryside of East Lothian on land which is not allocated for housing development, is not brownfield land where a return to a natural state will not happen without intervention, does not reuse a redundant or unused building, and 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 Policy 17 of NPF4 and Policies DC1 and DC4 of the adopted East Lothian Local Development Plan 2018 and Government policy guidance regarding the control of new housing development in the countryside expounded in Scottish Planning Policy: June 2014.

2 The erection of three houses 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 an appropriate use of a historic environment asset or 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 17 of NPF4 and Policy DC5 of the adopted East Lothian Local Development Plan 2018.

3 The proposed scheme of development would not provide on-site resident and visitor parking in line with ELC's parking standards. It has not been demonstrated that the required visibility splay could be achieved and none of the proposed houses would be provided with an on-site turning area such that vehicles would be capable of accessing or egressing the site in a forward gear and as proposed vehicles would require to reverse onto or off the classified B6414 public road to the detriment of pedestrian and road safety. The proposal is therefore contrary to Policy T2 of the adopted East Lothian Local Development Plan 2018.

4 The proposed scheme of development would result in the formation of three residential houses with no evidence submitted that the future occupants of these houses could be adequately protected from noise from existing neighbouring agricultural businesses, contrary to Policy NH13 of the adopted East Lothian Local Development Plan 2018.

## **PROPOSAL**

Notwithstanding the advice given for pre-application enquiry 23/00026/PREAPP and the refusal of planning permission for application 24/00123/P this application has been submitted by the same applicant and agent and seeks planning permission for the erection of three new build houses on the same application site as that which was the subject of pre-application enquiry 23/00026/PREAPP and planning application 24/00123/P.

The current application site is the same application site as that which was the subject of the pre-application enquiry and previous application 24/00123/P it has a largely rectangular footprint measuring at most some 28.5 metres by some 51.5 metres. The three proposed houses are the same as those proposed through the previous scheme of development the subject of planning application 24/00123/P which was refused planning permission. The proposed houses would provide living accommodation over two floors and would have a ridge height of some 8.5 metres. Their walls would be finished externally in white render with anthracite tiled roofs and rainwater goods and UPVC windows and doors. Each of the three houses would be accessed directly off the B6414 public road and provided a garden to the rear. The layout of the proposed scheme of development has been altered slightly from the scheme of development which was the subject of planning application 24/00123/P in that the current scheme of development indicates the provision of hard surfaced vehicle turning areas now proposed between the house frontages and the B6414 public road rather than the front gardens which were proposed to serve the three houses in the previously proposed scheme of development the subject of planning application 24/00123/P.

A supporting statement has been submitted with the application that states that 'given the scale of development to the north redefining the shape and size of the Elphinstone settlement the applicant wishes to create three new homes for her and her daughters on land they own immediately to the south of the Bellway development site and on land that would be within the new extent of Elphinstone. The context of the site has changed dramatically. It no longer has the character of a grass field/paddock just outside the village, but will be very much part of the western edge of Elphinstone providing visual (and stylistic) balance to the development on the north of the road into the village. The village sign lies adjacent to the site and the speed limit changes to 20mph further to the west. Further context is provided by the existing buildings to the west of the site that also signify a more built up environment we acknowledge that they are more agricultural in appearance but do reflect a busy site on the edge of the built environment. They will soon be very much part of the village as the Bellway site is completed. There is evidence that the site previously accommodated a row of workers cottages known as Top Row. We are unsure when they were demolished but historically the site was very much part of Elphinstone.'

A Noise Impact Assessment report has also been submitted with this current application.

## **DEVELOPMENT PLAN**

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

The development plan is the approved National Planning Framework 4 (NPF4) which was adopted by The Scottish Government on 13 February 2023 and the adopted East Lothian Local Development Plan 2018.

The relevant policies contained within the National Planning Framework 4 consist of Policies 1 (Tackling the climate and nature crises), 2 (Climate mitigation and adaption), 3 (Biodiversity), 4 (Natural Places), 5 (Soils), 14 (Design, quality and place), 16 (Quality Homes) 17 (Rural Homes) and 29 (Rural Development). Policies DC1 (Rural Diversification), DC4 (New Build Housing in the Countryside), DC5 (Housing as Enabling Development), DP1 (Landscape Character), DP2 (Design), NH5 (biodiversity and Geodiversity Interests), NH7 (Protecting Soils), T1 (Development Location and Accessibility) and T2 (General Transport Impact) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of the application.

The application site is defined as being located within a countryside location within East Lothian by Policy DC1 of the adopted East Lothian Local Development Plan 2018. It is not identified in the adopted East Lothian Local Development Plan 2018 as being within a residential area nor is defined as being within the settlement of Elphinstone. The Local Development Plan does not allocate the land of the site for housing development.

Consequently, the principle of the erection of three houses on the application site must be assessed against national, strategic and local planning policy relating to the control of new housing development in the countryside.

It is stated in Policy 17 of NPF4 that:

(a) development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area and the development: (i) is on a site allocated for housing within the Local Development Plan (LDP); (ii) reuses brownfield land where a return to a natural state has not or will not happen without intervention; (iii) reuses a redundant or unused building; (iv) is an appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets; (v) is demonstrated to be necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work; (vi) is for a single home for the retirement succession of a viable farm holding; (vii) is for the subdivision of an existing residential dwelling; the scale of which is in keeping with the character and infrastructure provision in the area; or (viii) reinstates a former dwelling house or is a one-for-one replacement of an existing permanent house;

(b) Development proposals for new homes in rural areas will consider how the development will contribute towards local living and take into account identified local housing needs (including affordable housing), economic considerations and the transport needs of the development as appropriate for the rural location;

(c) Development proposals for new homes in remote rural areas will be supported where the proposal: (i) supports and sustains existing fragile communities; (ii) supports identified local housing outcomes; and (iii) is suitable in terms of location, access, and environmental impact;

(d) Development proposals for new homes that support the resettlement of previously inhabited areas will be supported where the proposal: (i) is in an area identified in the LDP as suitable for resettlement; (ii) is designed to a high standard; (iii) responds to its rural location; and (iv) is designed to minimise greenhouse gas emissions as far as possible.

It is stated in paragraphs 5.1 and 5.2 of the adopted East Lothian Local Development Plan 2018 that while the LDP's spatial strategy guides the majority of new development to existing settlements in the interests of promoting sustainable travel patterns, it also seeks to support the diversification of the rural economy and the ongoing sustainability of the countryside and coast through support in principle for agriculture, horticulture, forestry and countryside recreation, as well as other forms of appropriate business, leisure and tourism developments. New rural development should be introduced sensitively to avoid harming the characteristics that attract people to live, work and visit East Lothian's countryside and coast.

Paragraph 5.10 of the adopted East Lothian Local Development Plan 2018 states that the LDP 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. In such circumstances, appropriate evidence clearly demonstrating the need for a new dwelling on the particular site in association with the business will be required. Such evidence should include that no suitable existing dwelling has been recently made unavailable for that purpose and that there is no existing building that could be converted to a house.

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, and allows for new build housing development in the countryside where the Council is satisfied that a new house is a direct operational requirement of an agricultural, horticultural, forestry or other employment use. Policy DC4 also allows for other small scale housing proposals that form a logical addition to an existing small scale rural settlement where they are promoted for affordable housing and evidence of need is provided and the registered affordable housing provider will ensure that the dwelling(s) will remain affordable for the longer term.

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. In all cases, the benefits of the proposed development must outweigh the normal presumption against new build housing development in the countryside.

On the matter of Policy DC5, the principle of the erection of three houses on the application site is not promoted to enable a desirable primary use supported in principle by criterion b of Policy DC1. Thus, there are no benefits of such a primary use that would outweigh the normal presumption against new build housing in the countryside. Nor is the principle of the erection of three houses on the application site promoted to fund the restoration of a listed building.

## **REPRESENTATIONS**

Three letters of public written representation have been received to the application objecting to the proposed scheme of development.

The main grounds of objection are:

- i) The proposed site lies beyond the settlement boundary and is designated as a countryside location, consequently the proposal fails to comply with planning policies regarding residential development in such areas;
- ii) Contrary to development plan, land not allocated for development;
- iii) The application proposes the construction of three properties, which constitutes a development that should be subject to the same planning regulations as other local developments. Elphinstone's current housing stock is more than adequate, making further development on this site unnecessary;

- iv) The proposed development is not set 10m back from the road, encroaching on this sensitive area of the village. The front facing parking bays will create an unsightly line of cars along the B6414. This development of two-storey houses is at odds with the single-storey bungalows which surround the site on the south side of the B6414;
- v) Under section 12 of the application written statement it appears APT (the agent) are suggesting that any land adjacent to the development plan boundary should be available for development. Approving this project may set a precedent for larger-scale development;
- vi) In the proposed development each property will have a driveway creating three new entrances onto the B6414 rather than sharing a single dedicated site entrance. The site is next to a blind bend in the road which can be seen on approach to the village. Speeding issues have been prevalent in the village for a number of years and while there has been improvement the issue still persists. Vehicles turning onto the road from driveways or parking kerbside in front of the proposed development causing blockage could be a serious safety issue;
- vii) The Noise Impact Assessment report states "The Applicant has also confirmed that there are no operational activities during the night-time period (23:00-07:00); as such, this assessment only considers evaluation of these noise impacts during the daytime period (07:00-23:00)." The noise survey is not complete as the above statement is incorrect. Alongside agricultural activities this business also operates as an Evri parcel delivery depot and receives lorry deliveries 24/7;
- viii) The proposed development poses a significant privacy concern for residents of Primrose View by allowing the new two-storey structures to directly overlook these existing homes. The proximity of the proposed buildings to the road exacerbates the issue, potentially compromising the current amenity and seclusion enjoyed by the neighbours;
- ix) Currently walkers and cyclists heading west to access the Right of Way leading to Faside and Elphinstone Football Ground are greeted by beautiful views towards the Lammermuir Hills and the south as they travel along the edge of the village. The construction will result in the loss of important public views that contribute to the character and enjoyment of the area, which is protected under the Local Development Plan;
- x) The proposed development site is regularly visited by many mammals and birds including a Common Buzzard. The land clearly provides a rich source of food and is a good hunting ground. This development poses a direct threat to this habitat and the overall biodiversity of the area. Any planned development should avoid disturbance of local and protected wildlife species;
- xi) Increase in traffic, congestion, noise, pollution which will be problematic in the future for all Elphinstone residents;
- xii) Road safety;
- xiii) Objector makes rebuttals to points raised in this new application statement:
  - (a) Character of the Area (Point 3): The claim that the area no longer resembles a grass field/paddock is inaccurate. Objector alleges from their vantage point, only paddocks and fields are visible;
  - (b) Appearance of the Location (Point 4): Contrary to the application's assertion, the area retains a distinctly rural and agricultural character, with sheep and horses housed permanently;
  - (c) Housing Stock and Scenic Views (Point 13): The ongoing Bellway development across the road provides ample housing. Additional homes would obstruct scenic views of the rolling hills and landscapes, detracting from the village's appeal without the benefit of a 10-meter landscaped edge like the Bellway development. This is clearly the most scenic view in the area;
  - (d) Parking and Access (Point 14): The road and virtually non-existent pavement are too narrow to accommodate the revised plans. The absence of a soft landscaped approach, unlike the Bellway development, exacerbates this issue. Existing and entering the proposed driveways could be dangerous as any on street parking down the road would obscure any car pulling out as the road is so narrow;
  - (e) Noise Concerns (Point 15): The

adjacent green agricultural buildings serve as a delivery depot, generating noise late into the night. This would undoubtedly disturb new residents, a factor seemingly overlooked in the noise impact assessment. The depot is very busy and noisy, objector alleges his family are often disturbed by the noise;

(f) Urbanization Limits (Points 17-20): Sufficient new housing stock is already being built. Continuous development threatens to encroach upon the countryside, which should not be deemed inevitable. The planning application's photographs fail to capture the agricultural nature of the land and the breath-taking views from the opposite side of the road;

Matters raised regarding the loss of a private view are not material considerations in the determination of this planning application.

## **COMMUNITY COUNCIL**

Tranent and Elphinstone Community Council have been consulted on the application but have provided no comments.

## **PLANNING ASSESSMENT**

The Coal Authority as a consultee on the application advise that they have reviewed the proposals and confirm that part of the application site falls within the defined Development High Risk Area. The Coal Authority records indicate that within that part of the application site and surrounding area there maybe coal mining features and hazards which should be considered as part of development proposals. The Coal Authority's general approach in cases where development is proposed within the Development High Risk Area is to recommend that the applicant obtains coal mining information for the application site and submits a Coal Mining Risk Assessment to support the planning application. However, when considering this particular proposal; the specific part of the site where the buildings are proposed actually falls outside the defined Development High Risk Area, as such the Coal Authority do not consider that a Coal Mining Risk Assessment is necessary for this proposal and do not object to this planning application.

Scottish Water as a consultee on the application raise no objection to it.

ELC Waste Services as a consultee on the application advise they have no objection to the proposed scheme of development however residents would have to present containers at the kerbside for collection.

ELC Contaminated Land Officer as a consultee on the application advises that while there is no direct evidence to suggest any previous contaminative uses associated with the site, with the current use being a rough grazing paddock. It should be noted that according to the latest Radon Mapping data the site falls within a Radon Affected Area (Class 5: 10-30% of properties are at or above the radon action level). This means that the any new builds would potentially require full radon protection measures to be installed. It should be noted that this will be picked up by Building Standards as an issue to be addressed when considering the granting of a Building Warrant for the development. The southern part of the site may also be underlain by shallow coal mine workings thus there is the potential for mine gas to impact on the proposed development. Given the above and due to the nature of the proposed development (residential), further information will be required to determine the ground conditions and potential contamination issues impacting on the site (with the minimum of a Phase I Geo-environmental Assessment being carried out). As such the Council's Contaminated Land Officer recommends that a condition be attached to any grant of planning permission requiring a suitable Geo-Environmental Assessment to be carried out prior to any site development. This matter could be controlled through a

condition of a grant of planning permission.

The Council's Senior Environmental Health Officer has been consulted on the application and advises that he has perused the noise impact assessment that was requested due to the proximity of existing operational agricultural buildings to the proposed housing. Operational noise from the existing agricultural buildings have been assessed per BS4142 methodology and noise impacts are within the required 5dB limit above background for daytime activities. In event of any nighttime operations within the agricultural buildings, the LAmax limit of 45dB within the bedrooms of proposed housing will be met with closed window attenuation. Accordingly, The Council's Senior Environmental Health Officer advises that a condition be attached to any grant of planning permission requiring the installation of standard double-glazed units incorporating acoustic trickle vents be provided to any habitable rooms (bedrooms/living rooms) within the proposed housing. This matter could be controlled through a condition of a grant of planning permission.

Road Services as a consultee on the application advise that drawings submitted with the application indicate that:

- o an adoptable 2m wide footway will be provided along the full length of the site to tie into the footway being installed by Bellway on the south side of its access junction. This is welcome to ensure each property has pedestrian access into the town.
- o parking for each dwelling will be provided in line with ELC's parking standards.
- o in line with ELC standards for direct access taken from a classified road, a turning area will be provided within the driveway of each dwelling to enable vehicles to access and egress the properties in a forward gear.
- o the height of the boundary walls of each property are appropriate in relation to ELC requirements for visibility splays, i.e. below a height of 1.05m.

Drawings also indicate that the required westward (left) visibility splay of 2.5m by 70m from the driveways of Plots 2 and 3 crosses enclosed land that is not within the site boundary. Vehicles have been observed to park within the enclosed area and land within the splays contains a number of trees. The applicant confirms that the land crossed by these splays is within their ownership and any works required to achieve visibility splays can be undertaken without third party consent.

On this basis Road Services therefore advise they have no objection to the proposals but were consent to be granted, Road Services request that conditions be attached to any grant of planning permission in relation to the requirement for the installation of EV chargers on each house, the requirement for the visibility splay as indicated in Drawing 0823-PL-21 to be provided and retained and the requirement for a Construction Method Statement to be submitted and agreed with the Roads Authority before commencement of construction.

These matters could be controlled through conditions of a grant of planning permission.

The Council's Policy and Projects Manager has been consulted on this application however has not provided a response. However, the Council's Policy and Projects Manager previously provided a detailed response to the pre-application enquiry submitted by the applicant for the erection of three houses on the application site. The Council's Policy and Projects Manager stated that the main planning policy consideration is the principle of allowing the development of housing in the countryside. Policy DC3 and DC4 set out a number of caveats for allowing housing in the countryside. These include the housing being linked to a rural business, being for affordable housing or is a replacement for an existing, or substantially complete existing house. None of these criteria apply to this proposal. There is a reference in the submission that the housing would be for family use but without any linkage to rural business this is not a relevant consideration. The case



is also made that the site is not that rural due to the development across the road. However, this does not change the fact that the proposals site is in the countryside. Development elsewhere does not change the sites status and it cannot be considered less of a countryside location. NPF 4 policy 14 allows housing development in the countryside where it 'reinstates a former dwelling house or is a one for one replacement', assuming the proposal fits with the character of the settlement. It appears from the information provided that there was housing on this site previously but there is no evidence of this now. The buildings here have been demolished for many decades. The planning statement comments on the possibility of the site being farmed and dismisses this due to its fragmented nature from the other areas of farmland, not for any other previously developed reasoning. This highlights that the area has long been restored to agricultural use and should be seen as such. It is too tenuous a link to the past to justify that these houses are restoring previous village form. The site is in the countryside and as there is no justification presented that highlights a need for housing in this countryside location as such the proposal as presented would be contrary to NPF and LDP policy with regards to the erection of new build houses in the countryside.

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 windows within the rear elevations of the houses to be erected on plots 1 and 2 would be less than 9 metres from the proposed rear garden boundaries while the closest windows within the rear elevation of the house to be erected on plot 3 would be some 9.5 metres from the proposed rear boundary. While the closest windows within the rear elevations of the houses to be erected on plots 1 and 2 would be less than 9 metres from the rear garden boundary given that the land to the south is in agricultural use there are no buildings located on the land to the rear of these proposed houses and as such there be no would directly facing windows on any buildings to the rear. Given the proposed location and orientation of the proposed houses there are no neighbouring houses with directly facing windows within 18 metres as such the proposed houses would not result in harmful overlooking and therefore loss of privacy to existing neighbouring residential properties.

Policies DP2 and DP7 require, amongst other considerations, that new development should not result in any significant loss of daylight, sunlight or privacy to adjoining properties as a result of overshadowing or overlooking.

On the matter of the impact of the proposed house on daylight and sunlight on neighbouring properties, guidance is taken from "Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice" by P.J. Littlefair.

In their position and due to their orientation the proposed houses would not have a harmful impact on the sunlight and daylight received by the any neighbouring residential properties.

The application site is located within the countryside as defined by Policy DC1 of the adopted East Lothian Local Plan 2018. The site is not located within the residential settlement of Elphinstone rather it is part of a wider area of agricultural land located on the south side of the B6414 which is prime quality agricultural land category 3.1.

The supporting statement submitted with the application is seeking to justify the development of the application site for the proposed three houses on the basis that there is a housing development currently under development on the opposite side of the B6414

public road. However, that site is an allocated housing site under proposal TT11 Elphinstone West of the adopted East Lothian Local Plan 2018. The application site the subject of this application which is located on the opposite side of the B6414 public road is not allocated for development either as a housing site or for any other use, rather the application site and the surrounding land to the west and south are classified as prime quality agricultural land which are in agricultural use, as such they are defined by Policy DC1 of the adopted East Lothian Local Plan 2018 as being within the countryside and it is against these relevant Development Plan Policies the application requires to be assessed.

NPF4 sets out the intent to minimise disturbance to soils from development while the adopted East Lothian Local Plan 2018 sets out the Council's aims to reduce adverse impacts on soils, avoid where possible development on prime agricultural land, and consider climate changes impacts of developing certain soil types. The proposal would result in the loss of the entire application site which is an area of Prime Agricultural Land currently in agricultural use to a residential land use. As such the proposal would not be consistent with Policy 5 of NPF4 or Policy NH7 of the adopted East Lothian Local Plan 2018.

Policy 17 of NPF4 sets out the circumstances in which new homes in rural areas will be supported. Policy 17 (a) (i) echoes the LDP policy approach in that development will be allowed on a site that is allocated for housing within the LDP. The proposed site is not allocated in the current LDP for development, rather it lies within the designated countryside area. Policy 17 (a) (ii) relates to brownfield land which by definition is land that has been previously developed. While the supporting statement states that the application site historically contained a row of workers cottages it acknowledges that it is not known when they were demolished, the site does not have the appearance of a previously developed brown field site, it is an area of mature grassland which is used for the agricultural grazing of animals.

Policy 17 (a) (iv) and (v) also states that the development is necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker to live permanently at or near their place of work or a single home for the retirement succession of a viable farm holding. This is in line with Policies DC1 (Rural Diversification) and DC4 (New Build in the Countryside) of the LDP. Rural economic agility, innovation and diversification should be encouraged. The proposal for three houses does not meet the requirements of the relevant Policies in NPF4 or the LDP. Also Policy 16 (Quality Homes) (f) states 'Development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where: (f) (iii) the proposal is consistent with policy on rural homes. In conclusion having assessed the application against NPF4, specifically Policy 17, and the existing LDP, the proposal is contrary to the Development Plan and is therefore not supported in policy terms.

The site is not allocated for housing development in the adopted East Lothian Local Development 2018, nor is it a brownfield, vacant or derelict site as it is currently agricultural land in use for the grazing of sheep. The proposed three houses do not reuse a redundant or unused building(s). The proposed three houses are not an appropriate use of a historic environment asset. There is no agricultural or other employment use presently in operation to justify the need for three new houses on the application site. Neither has the applicant advanced any such case of justification of need for the principle of the proposed three houses, it is stated only that the three houses are proposed for the applicant and her daughters. No case has been put forward that the three proposed houses have an operational requirement for their countryside location or that they would be required to support a use which in principle requires a countryside location. In the absence of any such direct operational requirement or justified supporting case for the erection of three houses on the application site, the principle of such proposed development on the site 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 three new build houses on the application site is in principle contrary to Policy 17 of NPF4 and Policies DC1 and DC4 of the adopted East Lothian Local Development Plan 2018.

The adopted East Lothian Local Development Plan 2018 states that designs for new development must evolve from and respond to an analysis of the proposed development site and its wider context. Furthermore it states that the designs, materials and finishes proposed must complement those of existing buildings in the local area.

In relation to this the development brief for the allocated housing site Proposal TT11 Elphinstone West of the adopted East Lothian Local Plan 2018 currently under development by Bellway Homes on the opposite side of the B6414 classified public road to this current application site states that 'Vehicular site access to be taken from the B6414. A high quality, minimum 10m deep formal, structured landscape edge with grass and specimen tree planting is required to the west of this access to create a gateway or landscape edge to the village. The gateway landscape edge may be continued part way up the western boundary opposite the existing playing field to help accommodate development on this sensitive edge. A shared use footpath should be provided along the B6414. Built form along the B6414 should front towards the road with front gardens defined by hedging. Buildings should not be overly dominant in terms of scale or impact on the wider village character on this important approach and should reflect the nearby built form.' Consistent with the requirements of this development brief the approved scheme of development for the Bellway site has a landscape strip measuring some 10 metres deep between the main approach into the village of Elphinstone along the B6414 and the houses within the southern part of the site which front towards the B6414 are set back from the road frontage. While the main access into the allocated Bellway site is taken off the B6414 classified public road all houses within the allocated Bellway site are provided with vehicle accesses off the internal site road network there are no houses accessed directly off the B6414.

The proposed scheme of development the subject of this application proposes three detached two storey houses. The house proposed for plot 1 would be a detached 5 bedroom house which would provide an entrance vestibule, hall, lounge, bedroom with ensuite, w.c., open plan dining/kitchen/sitting room and utility room at ground floor level and four further bedrooms, one with an ensuite, family bathroom and store cupboard at first floor level. The house proposed for plot 2 would be a detached 4 bedroom house which would provide an entrance vestibule, hall, lounge, single garage, w.c., open plan dining/kitchen/sitting room and utility room at ground floor level and four further bedrooms, one with an ensuite, family bathroom and store cupboard at first floor level. The house proposed for plot 3 would be a detached 4 bedroom house which would provide an entrance vestibule, hall, lounge, study, w.c., open plan dining/kitchen and utility room at ground floor level and four further bedrooms, one with an ensuite, family bathroom and store cupboard at first floor level. The three proposed houses would be positioned on the south side of the B6414 public road with vehicle accesses in the form of three individual driveways directly off the B6414 public road. It is proposed that each of the three houses would be provided with a hard surfaced drive and turning area between the front elevations of the proposed houses and the B6414 public road. The proposed scheme of development indicates the formation of a new 2-metre-wide footpath along the south side of the B6414 public road with and front boundary walls to be formed immediately behind the proposed footpath.

Given the depth of the site which is at most some 28.5 metres the site is not of a sufficient size to enable a 10-metre landscape strip to be provided between the front elevations of

the proposed houses and the road frontage. With such an arrangement the three proposed houses would be visually prominent on the south side of the B6414 public road and rather than being set back from the road frontage with an area of landscaping between the road and the proposed houses to minimise their visual impact and create a gateway or landscape edge to the village as has been required on the allocated Bellway Homes site on the opposite side of the road the proposed houses would front directly onto the main approach road into the village. Existing buildings on the south side of the B6414 road are the agricultural buildings to the west of the application site which are set back from the B6414 and the former Old Chapel and Church Hall buildings which are now in residential use located to the east of the application site, with the exception of these buildings all other buildings on the south side of the B6414 public road are located to the east of Bellyford Road within the historic village of Elphinstone and while these buildings front directly onto the public footpath they are predominantly terraced buildings single storey in height or single storey with living accommodation within the roofspace.

While there is an allocated housing development of two storey houses under development on the opposite side of the B6414 to the application site this development is set back from the main approach into the village on the north side of the B6414 road with a 10 metre wide landscape area and tree planting to soften the approach into the village. The scheme of development proposed through this application of three detached two storey houses directly fronting and accessed off the B6414 would not be in keeping with or complement the existing buildings on the south side of the B6414 road. As such the proposed houses would be inappropriate to their setting and would be out of keeping with its surroundings contrary to Policies 14, 16 and 29 of NPF4 Policies DP1 and DP2 of the adopted East Lothian Local Development Plan 2018.

In conclusion the proposed scheme of development is not in accordance with the Development Plan and there are no material planning considerations that outweigh the fact that the proposed scheme of development is not in accordance with the Development Plan.

## **REASONS FOR REFUSAL**

- 1 The erection of three houses on the application site would be new build housing development in the countryside of East Lothian on land which is not allocated for housing development, is not brownfield land where a return to a natural state will not happen without intervention, does not reuse a redundant or unused building, and 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 Policy 17 of NPF4 and Policies DC1 and DC4 of the adopted East Lothian Local Development Plan 2018.
- 2 The erection of three houses 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 an appropriate use of a historic environment asset or 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 17 of NPF4 and Policy DC5 of the adopted East Lothian Local Development Plan 2018.