

## Proposal Details

Proposal Name	100681794
Proposal Description	Erection of 2 semi-detached dwellings
Address	PRIMROSE COTTAGE, SMITHY COTTAGES, INNERWICK, DUNBAR, EH42 1SA
Local Authority	East Lothian Council
Application Online Reference	100681794-002

## Application Status

Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete

## Attachment Details

Post Submission Additional Documents	System	A4
Primrose Cottage Garden 01 RevA Location and Proposed Site Plan	Attached	A3
Primrose Cottage Garden 02 RevA Proposed G FI Plan and Elevations	Attached	A3
Post_Submission_Additional_Documents-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Post Submission Additional Documents-002.xml	Attached	A0



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 100681794-002

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.

## Site Address Details

Planning Authority:

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

Northing

Easting

## 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:	John A Fyall Bsc(Hons)Bld.Eng. C.Build.E, FCABE		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	John A	Building Name:	<input type="text"/>
Last Name: *	Fyall	Building Number:	12
Telephone Number: *	01368 863752	Address 1 (Street): *	Beachmont Court
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Dunbar
Fax Number:	<input type="text"/>	Country: *	Scotland
		Postcode: *	EH42 1YF
Email Address: *	jfyall@buildingcompliance.org.uk		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	Lautrec
First Name: *	B	Building Number:	<input type="text"/>
Last Name: *	Poerteous	Address 1 (Street): *	North Road
Company/Organisation	BJP Properties Ltd	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	Dunbar
Extension Number:	<input type="text"/>	Country: *	Scotland
Mobile Number:	<input type="text"/>	Postcode: *	EH42 1AY
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

## Proposal/Application Details

Please provide the details of the original application(s) below:

Was the original application part of this proposal? \*

Yes  No

## Application Details

Please select which application(s) the new documentation is related to.

Application: \*

100681794-001, application for Planning Permission, submitted on 15/08/2024

## Document Details

Please provide an explanation as to why the documentation is being attached after the original application was submitted: \* (Max 500 characters)

Additional information requested. It is also confirmed that the main subject of the submission is owned by the applicant and confirmed access is as defined on the Location and Site Plan as defined in the Deed Plans for the subject property along with the joint nature of use and maintenance. Actual superior ownership is undefined in the Deed Plans and the access is used by ELC Innerwick Cemetery, East Lodge residents and the farmer from Woodhal who bought the field adjacent to the site.

## Checklist – Post Submission Additional Documentation

Please complete the following checklist to make sure you have provided all the necessary information in support of your application.

The additional documents have been attached to this submission. \*

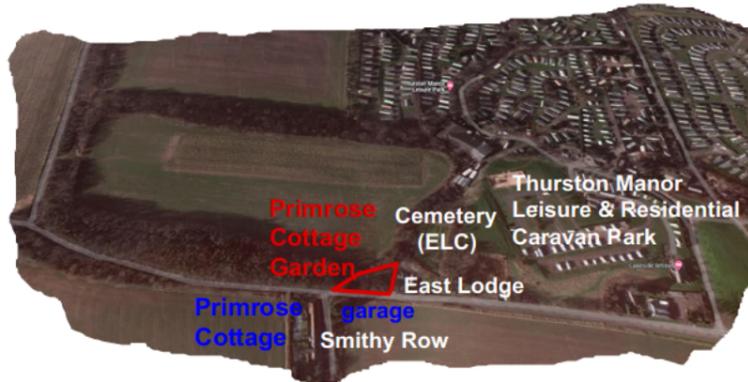
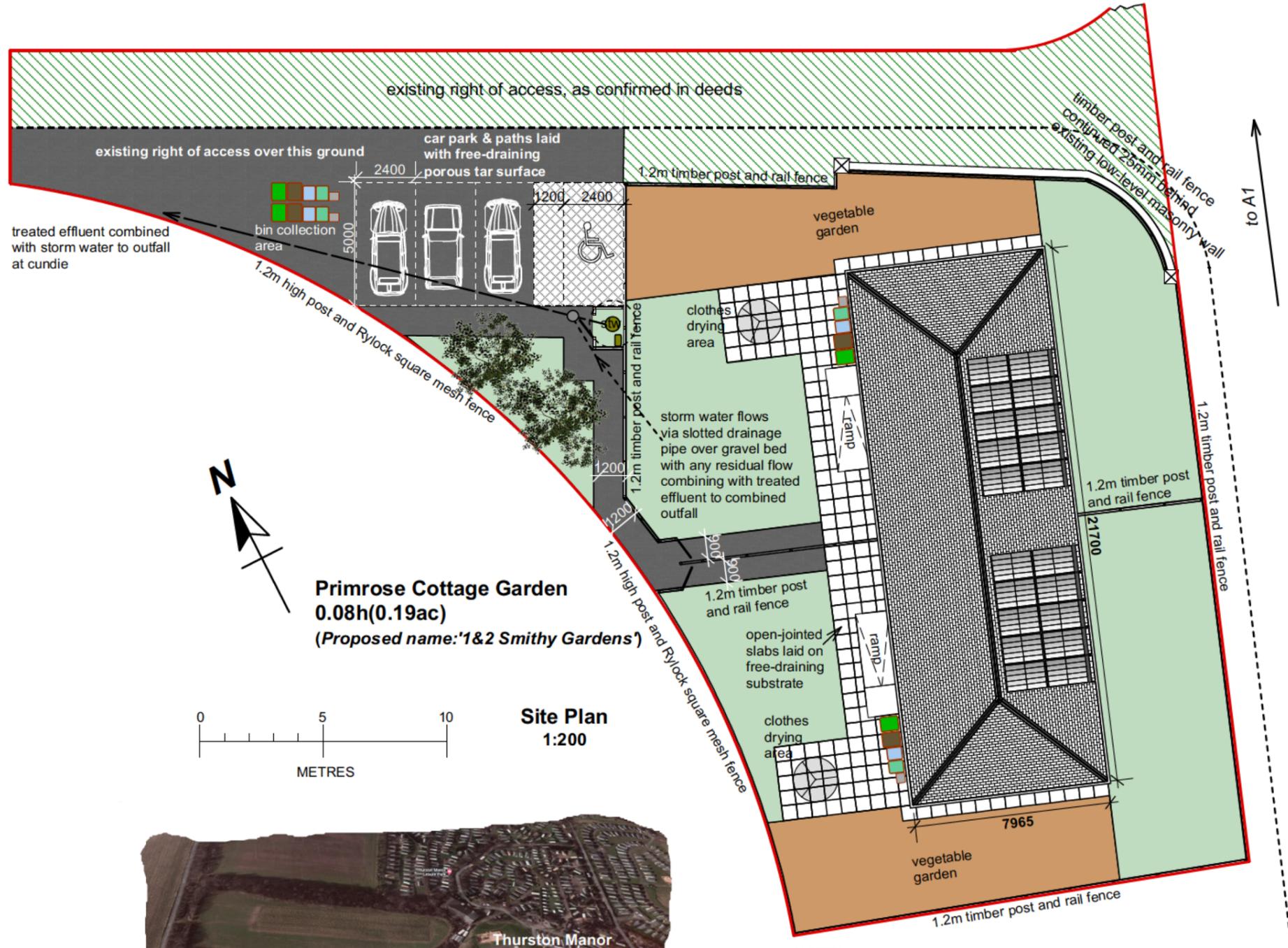
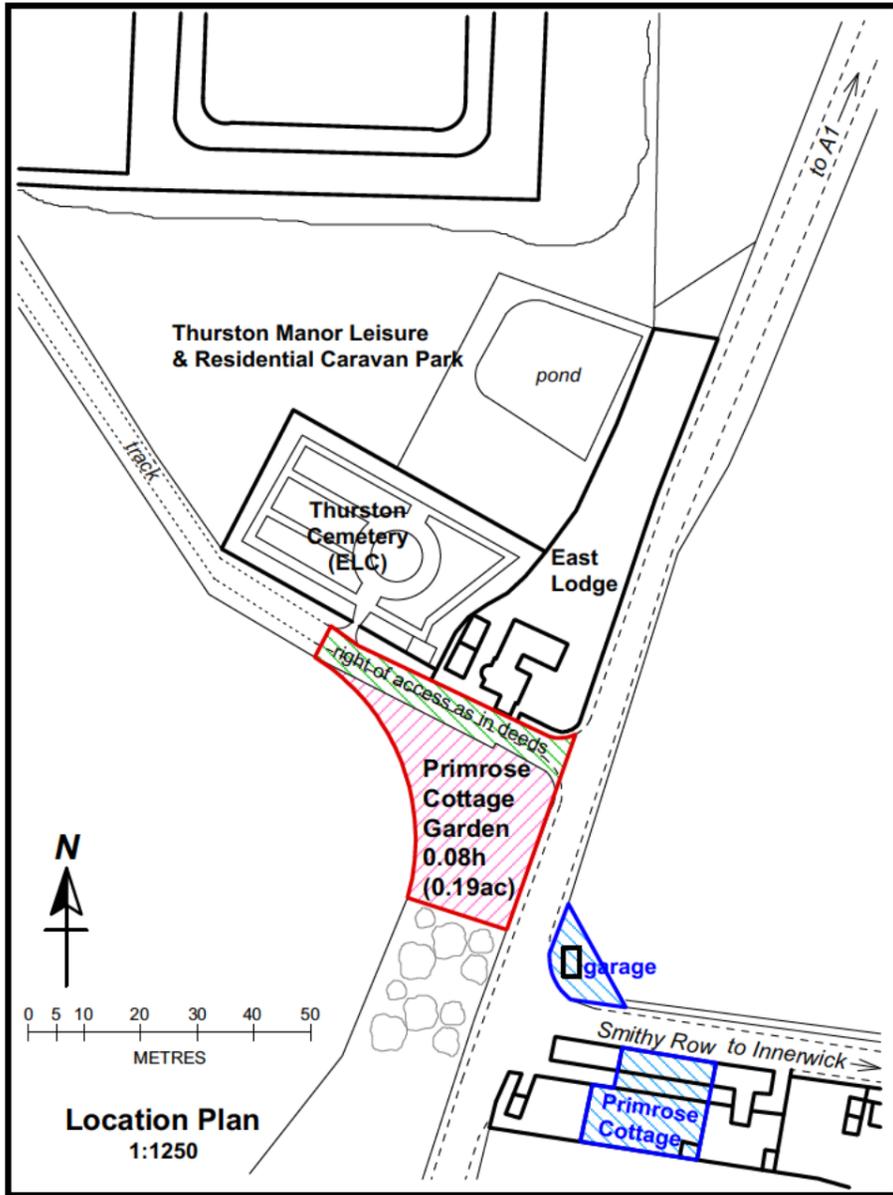
Yes  No

## Declare – Post Submission Additional Documentation

I/We the applicant/agent certify that this is a submission of Additional Documentation, and that all the information given in this submission is true to the best of my/the applicants knowledge.

Declaration Name: Mr John A Fyall

Declaration Date: 21/08/2024

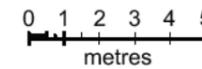
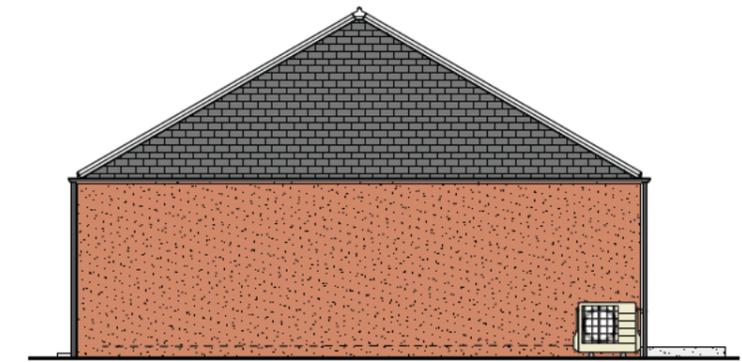
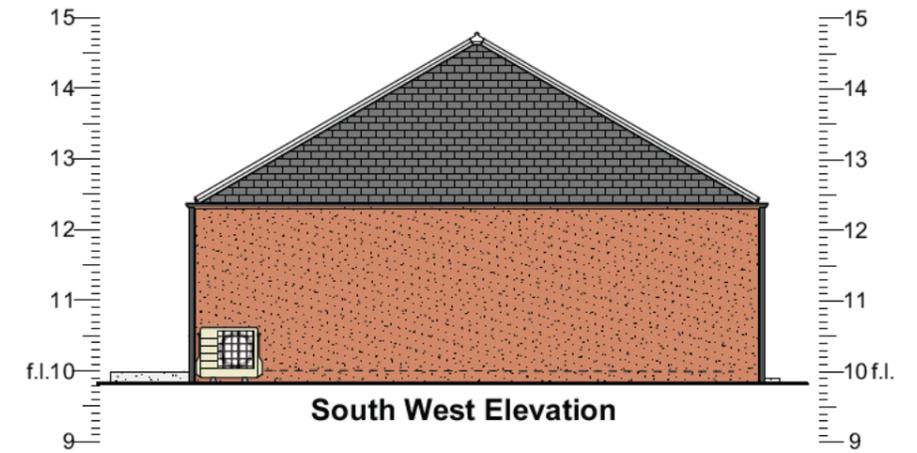
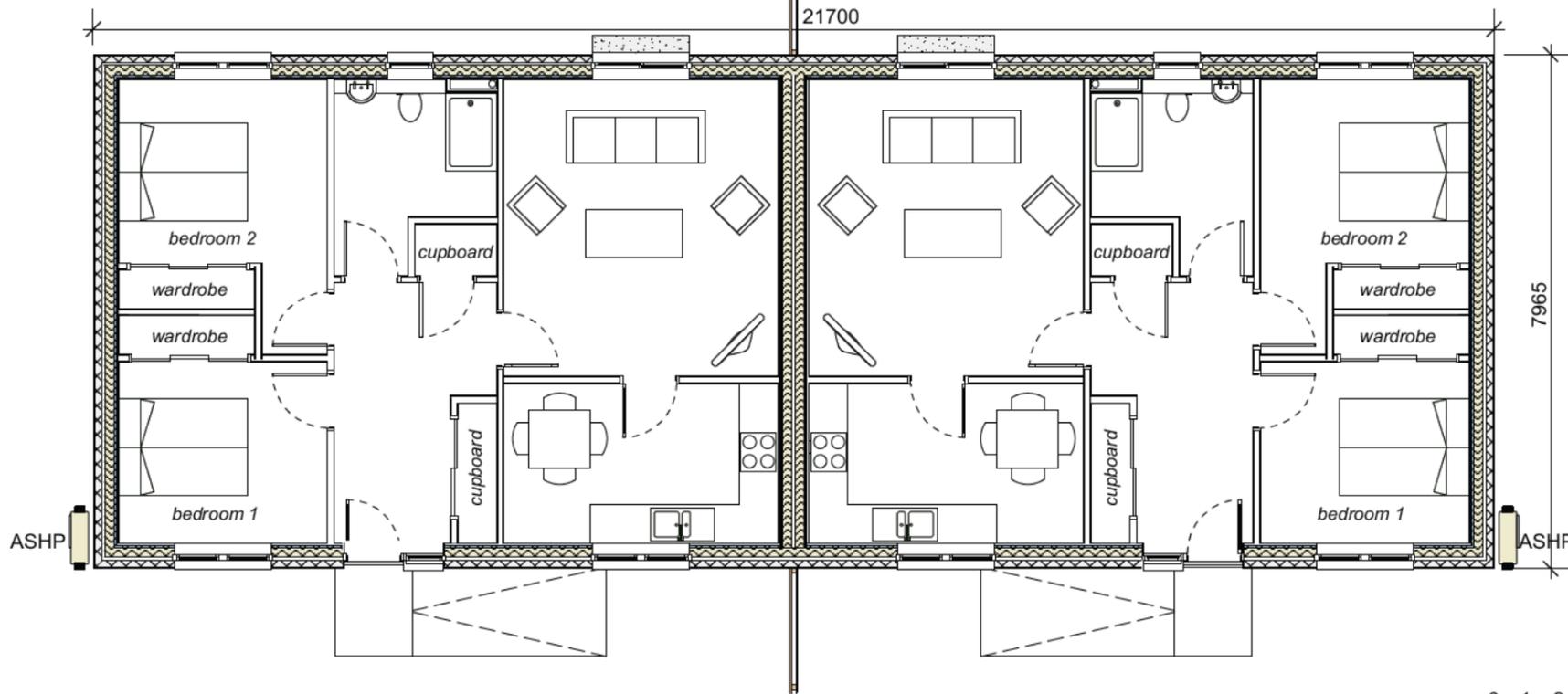


**NOTE\*:**  
All trees & shrubs currently on-site are either self-seeded or unpruned ornamentals, such as Leylandii, as a result of garden having not been required for over 20 years by tenants. The site will necessarily be cleared to facilitate the beneficial erection of rural homes, as I am sure ELC will appreciate, as similar work has been undertaken to clear-fell mature woodland to facilitate the benefit of such as new cycle tracks in Dunbar. **Two Rowan trees** will be planted in the communal green area adjacent to car parking area.



**Notes:**  
Existing garden was included with purchase of Primrose Cottage, Smithy Row but never used by tenants of the cottage. The plot remains as original with a timber fence & gate and the once decorative Leylandii trees now grown to 7m+ and the garden overgrown with numerous various self-seeded trees & bushes. All services are adjacent including watercourse flowing through existing cundie to West edge of site outwith built-over area. Installation of a dedicated SEPA-compliant WPL(WCS) DMS3 treatment sewage treatment plant is proposed. Storm water to flow via slotted drainage pipe over gravel bed with any residual flow combining with treated effluent to combined outfall. Existing access and parking as currently used on the track and verges of the track to the Cemetery, during commitments would not be reduced.

<b>Title:</b> Location & Proposed Site Plan	<b>Applicant:</b> BJP Properties Ltd(Dunbar)	<b>Drawing by:</b> <i>John A. Fyall</i> Bsc(Hons) Bld.Eng. & Mgt., C.Build E.FCABE & RIAS-regd Bld.Sids. Sect.6 Energy, Scottish Government Accredited Certifier of Design <b>Building Design Service</b> 12 Beachmont Court Dunbar EH42 1YF Tel: 01368-863752
<b>Dr.Ref:</b> JAF/BJP/P/01/Rev.A	<b>Proposal:</b> Erection of 2No. semi-detached rural dwellings in existing redundant domestic garden ground at:	
<b>Scale:</b> 1:1250 & 1:200 @A3	<b>Date:</b> 21.08.2024	<b>Address:</b> Primrose Cottage Garden Thurston Dunbar EH42 1SA



min' 4kWp TRINA Vertex TSM DE09 PV array      min' 4kWp TRINA Vertex TSM DE09 PV array



**South East Elevation**

traditional slate on Tyvek Supro roofing membrane on 19mmx125mm sarking boards with min' 2mm gap between each, to permit moisture egress, with galvanised ridge and hips



traditional roughcast walls (colour to be agree with ELC) with Corshill stone or equivalent rybats, sills & lintels around openings

**North West Elevation**

all external RW goods to be black Marley Deep Flow, with matching exposed foul and grey water pipes

**NOTE\*:**

The dwellings are designed to emulate the size and form of the existing cottages and similar traditional farm cottages in East Lothian only now with the modern highly energy efficient fabric and systems expected in modern good quality housing for all, and are intended to be provided as much needed affordable rented rural homes, a sector of the housing needs within and beyond the county which appears to have been given low priority, if not ignored entirely, due to necessary concentration on bulk building which is achieving disproportionately little to improve the reduction in the county's waiting lists, especially for such homes.

No new land has been made available for the required small developments needed to satisfy this desperate neglected need and therefore it is regarded that this rural domestic garden area should be brought into use as the need is not satisfied by the large scale developments on greenfield and highly productive agricultural land necessarily built over in order, it appears, to meet the numerical targets imposed by central government which appear to completely ignore traditional and once cohesive social structures and communities being destroyed in this and other counties.

The site was previously the subject of a Planning Enquiry some years ago(2001-01/00256/OUT) as to the possible granting of Outline Planning Consent but it was advised that this would, at that time, constitute 'Development in the Countryside', and as such contrary to ENV16 of the Lothian Structure Plan & DC1 of E.L. Local Plan and Government policy guidance on the Control of Housing Development in the Countryside as, Policy Guidelines 3 & 15.

In view of the recent demands placed upon ELC for the satisfaction of housing targets and consequent sites to be defined within the new Local Plan, set as a result of Government Policy, imposing the necessity to build on prime agricultural land and the recent requirement to meet new rural housing targets, this redundant garden ground within an already established small group of dwellings may assist ELC in some small way in achieving both general land available whilst also going some way to satisfying the separate rural housing target percentage imposed without the necessity, in this case, to take yet more highly productive agricultural land permanently out of use.

**Applicant:**

BJP Properties Ltd(Dunbar)

**Proposal:**

Erection of 2No. semi-detached rural dwellings in existing redundant domestic garden ground at:

Primrose Cottage Garden  
Thurston  
Dunbar  
EH42 1SA

**Title:**

Proposed Ground Floor Plan & Elevations

**Dr.Ref:**

JAF/BJP/P/02/Rev.A

**Scale:**

1:100@A3

**Date:**

21.08.2024

**Drawing by:**

*John A. Fyall*  
Bsc(Hons) Bld.Eng. & Mgt., C.Build E.FCABE & RIAS-regd Bld.Stds. Sect.6 Energy, Scottish Government Accredited Certifier of Design

**Building Design Service**  
12 Beachmont Court  
Dunbar  
EH42 1YF

Tel: 01368-863752

# LAND OWNERSHIP CERTIFICATES

Town and Country Planning (Scotland) Act 1997  
Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

## CERTIFICATE A, B, C, D OR CERTIFICATE E MUST BE COMPLETED BY ALL APPLICANTS

### CERTIFICATE A

Certificate A is for use where the applicant is the only owner of the land to which the application relates and none of the land is agricultural land.

**I hereby certify that -**

- (1) No person other than myself \_\_\_\_\_ was owner 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 application.
- (2) None of the land to which the application relates constitutes or forms part of agricultural land.

Signed: \_\_\_\_\_

On behalf of: \_\_\_\_\_

Date: \_\_\_\_\_

### CERTIFICATE B

Certificate B is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where all owners/agricultural tenants have been identified.

**I hereby certify that -**

- (1) I have \_\_\_\_\_ served notice on every person other than myself \_\_\_\_\_ who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. These persons are:

Name	Address	Date of Service of Notice

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

or

- (3) The land or part of the land to which the application relates constitutes or forms part of agricultural land and I have \_\_\_\_\_ served notice on every person other than myself \_\_\_\_\_ who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are:

Name	Address	Date of Service of Notice

Signed:

On behalf of:

Date:

**CERTIFICATE C**

Certificate C is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where it has not been possible to identify ALL or ANY owners/agricultural tenants.

(1) I have  been unable to serve notice on **every** person other than myself who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates.

or

(2) I have  been unable to serve notice on **any** person other than myself who, at the beginning of the period of 21 days ending with the date of the accompanying application, was owner of any part of the land to which the application relates.

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

or

(4) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have  been unable to serve notice on any person other than myself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant.

or

(5) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding I have  served notice on each of the following persons other than myself who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are:

Name	Address	Date of Service of Notice

(6) I have taken reasonable steps, as listed below, to ascertain the names and addresses of all other owners or agricultural tenants and have been unable to do so.

Steps taken:

A search of the Land Registry and Register of Sasines was undertaken ref: CSN 24/563166 (NT 71179 73931 at centre)-Private road to Thurston Estate and result returned as follows:  
The subject access track forms part of a larger land holding Ref.No.401/64 recorded on 31.12.1945 of which the Register search returned described as being disposed of in several and various lots of various sizes and locations around the East of East Lothian, one of which remains in the Sasines as registered to Cadogan Estates 10 Duke of York Square, London, SW3 4LY, Deed Ref.No.567/157 which was recorded on 14.11.1964.  
The Registers of Scotland also stated however: "**Various parts have been sold out of the above title.**"  
ELC Estates Dep't, as ELC share the access to a Cemetery, and ELC deeds were checked but owner was unconfirmed

Signed:  (John A Fyall)

On behalf of: Mr B Porteous (BJP Properties Ltd)

Date: 19th September 2024

**CERTIFICATE D**

Certificate D is for use where the application is for mineral development.

(1) No person other than myself was an owner 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.

or

(2) I have served notice on each of the following persons other than myself who, at the beginning of the period of 21 days ending with the date of the accompanying application, was to the applicant's knowledge, the owner, of any part of the land to which the application relates. These persons are:

Name	Address	Date of Service of Notice

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

or

(4) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have served notice on each of the following persons other than myself who, at the beginning of the period of 21 days ending with the date of the application, was an agricultural tenant.

(5) Notice of the application as set out below has been published and displayed by public notice

Signed:

On behalf of:

Date:

### CERTIFICATE E

Certificate E is required where the applicant is the sole owner of all the land and the land to which the application relates is agricultural land and there are or are not agricultural tenants.

**I hereby certify that -**

(1) No person other than myself \_\_\_\_\_ was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) The land to which the application relates constitutes or forms part of an agricultural holding and there are no agricultural tenants.

or

(1) No person other than myself \_\_\_\_\_ was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) The land to which the application relates constitutes or forms part of an agricultural holding and there are agricultural tenants. These people are:

Name	Address	Date of Service of Notice

(3) I have \_\_\_\_\_ taken reasonable steps, as listed below, to ascertain the names and addresses of the other agricultural tenants and have \_\_\_\_\_ been unable to do so.

Steps taken:

Signed:

On behalf of:

Date:

**Any personal data that you have been asked to provide on this form will be held and processed in accordance with Data Protection Legislation.**

# NOTICE TO OWNERS AND AGRICULTURAL TENANTS

Town and Country Planning (Scotland) Act 1997  
Regulation 15 (1) of the Town and Country Planning (Development Management Procedure)  
(Scotland) Regulations 2013

Name [Note 1]	
Address	

Proposed development at [Note 2]	

Notice is hereby given that an application is being made to

[Note 3]		Council by	
----------	--	------------	--

For planning permission to [Note 4]

--

If you wish to obtain further information on the application or to make representations about the application, you should contact the Council at [Note 5]

--

(The grant of planning permission does not affect owners' rights to retain and dispose of their property unless there is some provision to the contrary in an agreement or lease. The grant of planning permission for non-agricultural development may affect agricultural tenants security of tenure.)

Signed	
On behalf of	
Date	

\*Delete where appropriate

[Note 1] – Insert name and address of owner or agricultural tenants

[Note 2] – Insert address or location of proposed development.

[Note 3] – Insert name of planning authority.

[Note 4] – Insert description of proposed development.

[Note 5] - Insert planning authority address.

# NOTICE TO OWNERS AND AGRICULTURAL TENANTS

The Town and Country Planning (Scotland) Act 1997  
The Town and Country Planning (Development Management Procedure) (Scotland)  
Regulations 2013 (Regulation 15)

## NOTES FOR GUIDANCE

Before applying for planning permission or planning permission in principle under regulations 9 to 11, applicants should notify all persons who (other than themselves), were the owners of any of the land to which the application relates, or were agricultural tenants at the beginning of the prescribed period (in effect 21 days ending with the date on which the application was submitted).

Notices to owners and agricultural tenants should be in the form set out in schedule 1 of the regulations and must include:

1. The name of the applicant
2. The address or location of the proposed development
3. A description of the proposed development and
4. The name and address of the planning authority who will determine the application.

The grant of planning permission will not affect the rights of an owner, or tenant under a lease which has at least 7 years to run, to dispose of the consented property unless there is express provision in the lease/Agreement.

### **Applications for the working and winning of underground minerals**

The notification of site owners and agricultural tenants regarding applications for the working and winning of underground minerals may be both onerous and complex. In addition to those owners and agricultural tenants with rights in relation to the relevant surface land, there may be other people with ownership rights to minerals, other than those vested in the Crown (oil, gas, coal, gold and silver), who may be difficult to identify and notify.

For the purposes of these applications, regulation 15(4) amends the requirement to notify owners to relate to those who "to the applicant's knowledge" are owners

**Any personal data that you have been asked to provide on this form will be held and processed in accordance with Data Protection Legislation.**

**Proposal Details**

Proposal Name	100681794
Proposal Description	Erection of 2 semi-detached dwellings
Address	PRIMROSE COTTAGE, SMITHY COTTAGES, INNERWICK, DUNBAR, EH42 1SA
Local Authority	East Lothian Council
Application Online Reference	100681794-003

**Application Status**

Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete

**Attachment Details**

Post Submission Additional Documents	System	A4
24_00868_P Land ownership Certificate C2	Attached	A4
Post_Submission_Additional_Docum-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Post Submission Additional Documents-003.xml	Attached	A0



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

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Thank you for completing this application form:

ONLINE REFERENCE 100681794-003

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.

### Site Address Details

Planning Authority:

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

Northing

Easting

### 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:	John A Fyall Bsc(Hons)Bld.Eng. C.Build.E, FCABE		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	John A	Building Name:	<input type="text"/>
Last Name: *	Fyall	Building Number:	12
Telephone Number: *	01368 863752	Address 1 (Street): *	Beachmont Court
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Dunbar
Fax Number:	<input type="text"/>	Country: *	Scotland
		Postcode: *	EH42 1YF
Email Address: *	jfyall@buildingcompliance.org.uk		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	Lautrec
First Name: *	B	Building Number:	<input type="text"/>
Last Name: *	Porteous	Address 1 (Street): *	North Road
Company/Organisation	BJP Properties Ltd	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	Dunbar
Extension Number:	<input type="text"/>	Country: *	Scotland
Mobile Number:	01368 237490	Postcode: *	EH42 1AY
Fax Number:	<input type="text"/>		
Email Address: *	bjp@bjpproperties@gmail.com		

## Proposal/Application Details

Please provide the details of the original application(s) below:

Was the original application part of this proposal? \*

Yes  No

## Application Details

Please select which application(s) the new documentation is related to.

Application: \*

## Document Details

Please provide an explanation as to why the documentation is being attached after the original application was submitted: \* (Max 500 characters)

Ownership of verge to access required to which applicant already has full access included in Deeds - no ownership was established despite Registrars of Scotland Research and by owners of Cemetery sharing access, ELC Estates Department, following search of ELC Deeds.

## Checklist – Post Submission Additional Documentation

Please complete the following checklist to make sure you have provided all the necessary information in support of your application.

The additional documents have been attached to this submission. \*

Yes  No

## Declare – Post Submission Additional Documentation

I/We the applicant/agent certify that this is a submission of Additional Documentation, and that all the information given in this submission is true to the best of my/the applicants knowledge.

Declaration Name: Mr John A Fyall

Declaration Date: 19/09/2024

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Local Authority	East Lothian Council
Application Online Reference	100681794-004

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### Attachment Details

Post Submission Additional Documents	System	A4
Primrose Cottage Land Ownership Certificate C2	Attached	A4
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Primrose Cottage Garden 02RevB Proposed G FI Plan and Elevations	Attached	A3
Primrose Cottage Garden 03Rev A Proposed Windows and Doors	Attached	A3
Primrose Cottage Garden 04Rev A Pictures as Currently Existing	Attached	A3
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Post Submission Additional Documents-004.xml	Attached	A0



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Planning Authority:

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

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Last Name: *	Fyall	Building Number:	12
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Email Address: *	jfyall@buildingcompliance.org.uk		

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Please enter Applicant details

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Other Title:	<input type="text"/>	Building Name:	Lautrec
First Name: *	B	Building Number:	<input type="text"/>
Last Name: *	Porteous	Address 1 (Street): *	North Road
Company/Organisation	BJP Properties Ltd	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	Dunbar
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## Document Details

Please provide an explanation as to why the documentation is being attached after the original application was submitted: \* (Max 500 characters)

Further information requested by ELC PLanning Registration: Ownership of verge to access required to which applicant already has full access included in Deeds - no ownership was established despite Regiators of Scotland Research and by owners of Cemetery sharing access, ELC Estates Department, following search of ELC Deeds. Ownership Cert' C2 now provided. Laterations to boundary now added.Finishes calrified.Fence detailed.

## Checklist – Post Submission Additional Documentation

Please complete the following checklist to make sure you have provided all the necessary information in support of your application.

The additional documents have been attached to this submission. \*

Yes  No

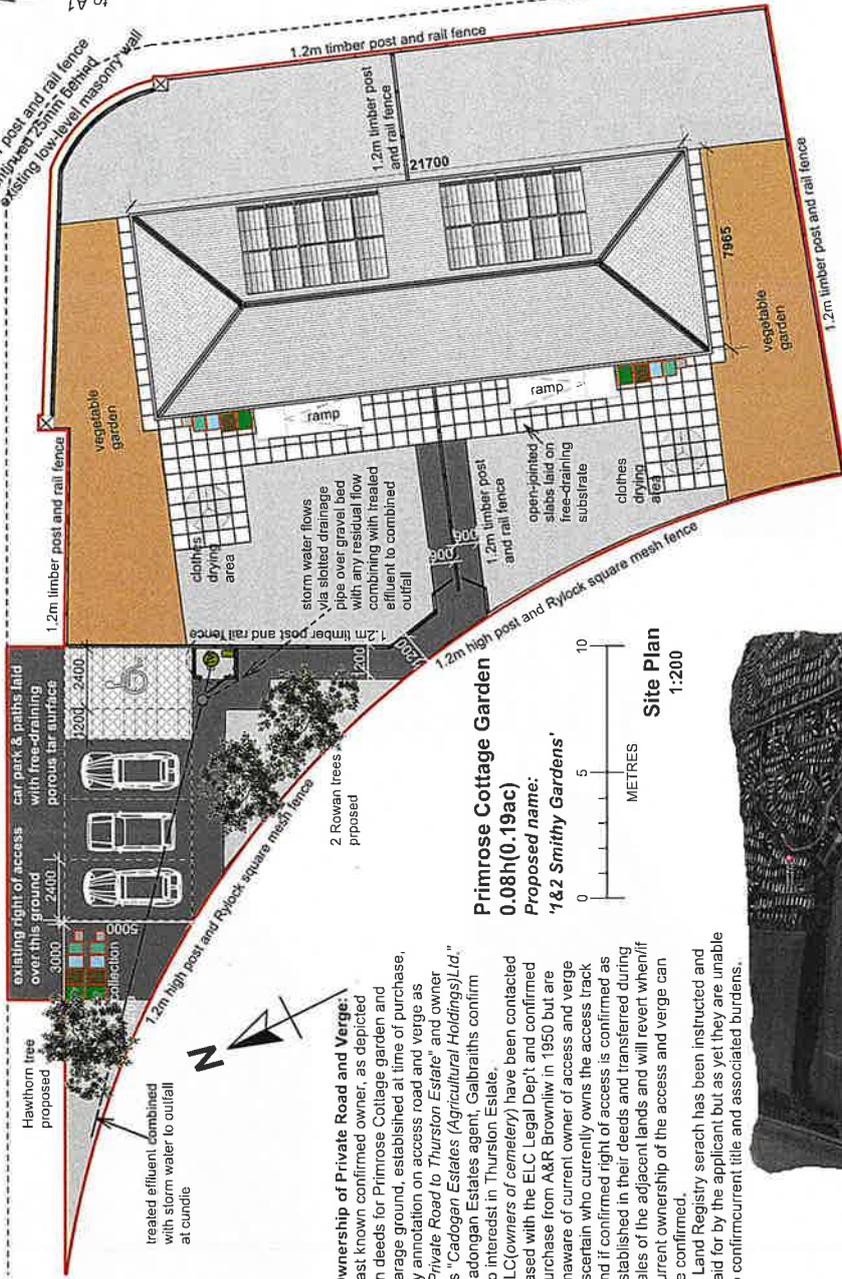
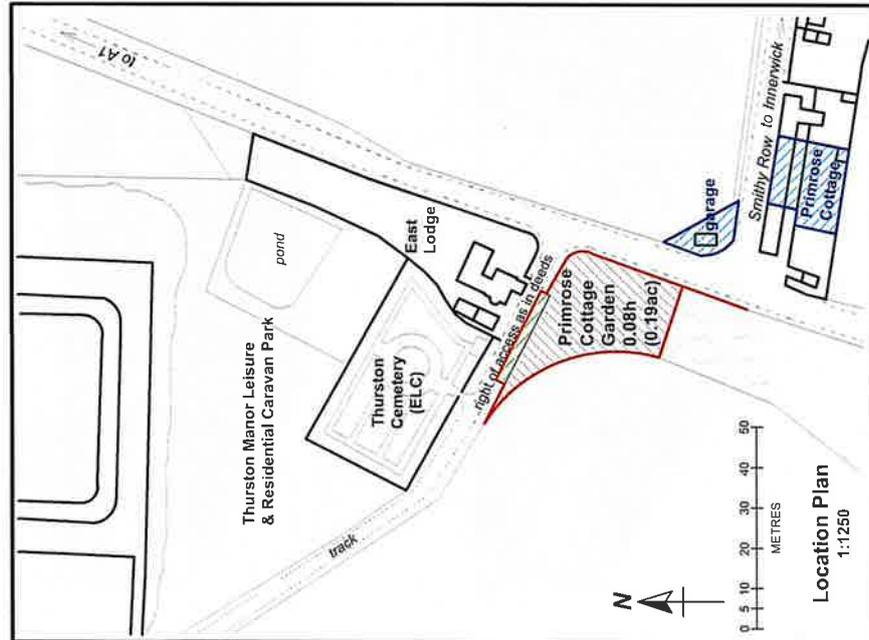
## Declare – Post Submission Additional Documentation

I/We the applicant/agent certify that this is a submission of Additional Documentation, and that all the information given in this submission is true to the best of my/the applicants knowledge.

Declaration Name: Mr John A Fyall

Declaration Date: 19/09/2024

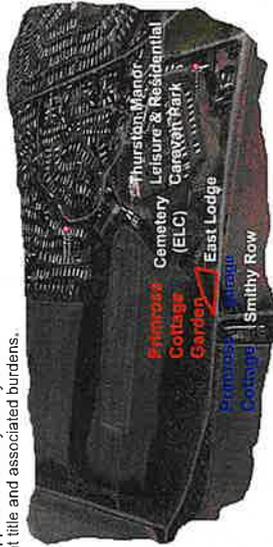
existing right of access, as confirmed in deeds



**Primrose Cottage Garden**  
0.08h(0.19ac)

Proposed name:  
**'1&2 Smyth Gardens'**

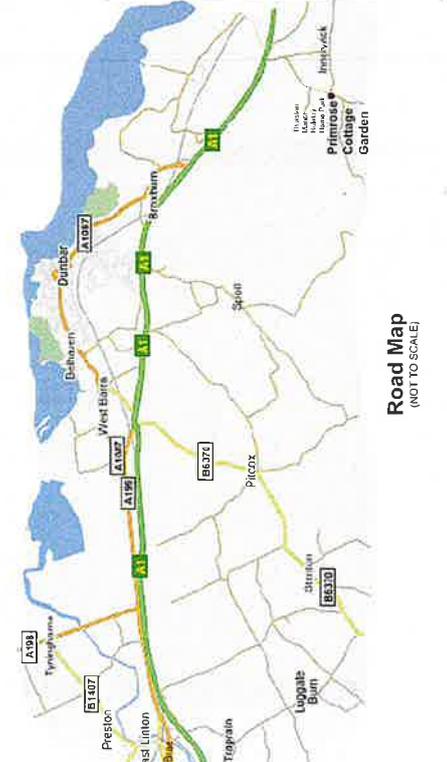
**Ownership of Private Road and Verge.**  
Last known confirmed owner, as depicted on deeds for Primrose Cottage garden and garage ground, established at time of purchase by annotation on access road and verge as "Private Road to Thurston Estate" and owner as "Cadogan Estates (Agricultural Holdings)Ltd." Cadogan Estates agent, Galbraiths confirm ELC(owners of cemetery) have been contacted liaised with the ELC Legal Dept and confirmed purchase from A&R Brownliff in 1950 but are unaware of current owner of access and verge and if confirmed right of access is confirmed as established in their deeds and transferred during sales of the adjacent lands and will revert when/if current ownership of the access and verge can be confirmed.  
A Land Registry search has been instructed and paid for by the applicant but as yet they are unable to confirm current title and associated burdens.



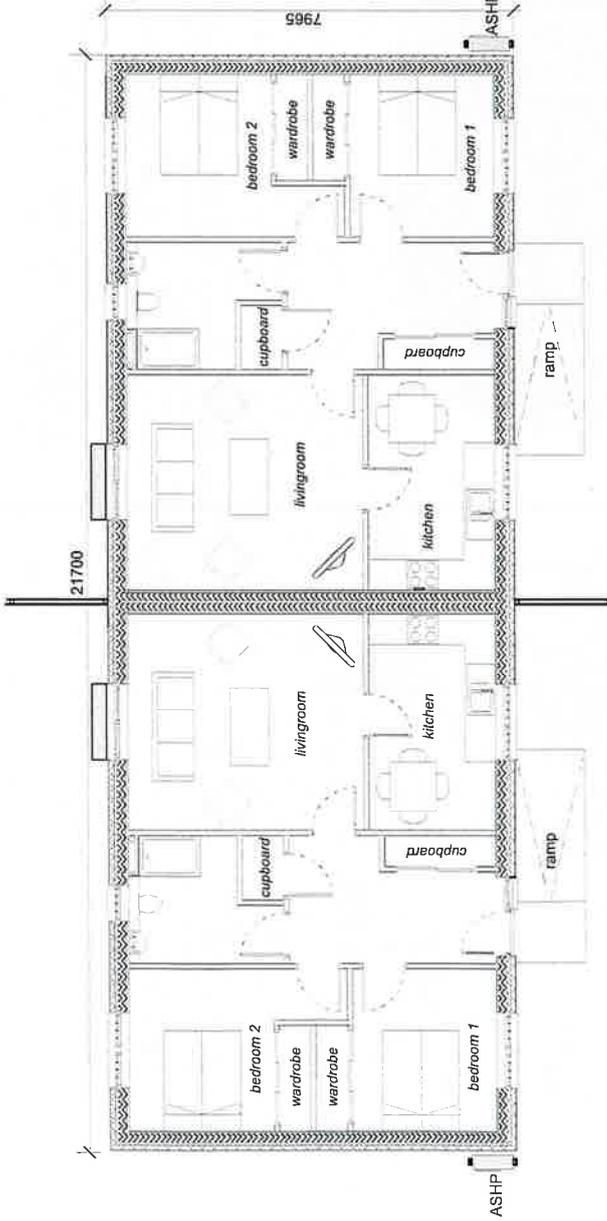
**NOTE:**  
All trees & shrubs currently on-site are either self-seeded or unpruned ornamentals, such as Leylandii, as a result of garden having not been utilised for over 20 years by tenants.  
The site will necessarily be cleared to facilitate the beneficial erection of rural homes, as I am sure ELC will appreciate, as similar work has been undertaken to clear-fell mature woodland to facilitate the benefit of such as new cycle tracks in Dunbar.  
**A Hawthorn & two Rowan trees** will be planted in the communal green areas adjacent to car parking & bin collection area.

**Notes:**  
Existing garden was included with purchase of Primrose Cottage, Smyth Row but never used by tenants of the cottage. The plot remains as original with a timber fence & gate and the once decorative Leylandii trees now grown to 7m+ and the garden overgrown with numerous various self-seeded trees & bushes.  
All services are adjacent including watercourse flowing through existing cundie to West edge of site outwith built-over area  
Installation of a dedicated SEPA-compliant WPL(WCS) DMS3 treatment sewage treatment plant is proposed.  
Storm water to flow via slotted drainage pipe over gravel bed with any residual flow combining with treated effluent to combined outfall.  
Existing access and parking as currently used on the track and verges of the track to the Cemetery, during commitments would not be reduced.

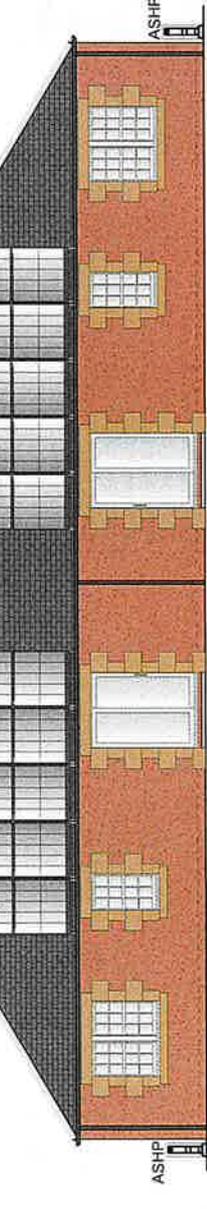
<b>Applicant:</b> BJP Properties Ltd(Dunbar)	<b>Drawing by:</b> <i>John A. Fyall</i> BSc(Hons) BArch,Eng.& Mgr., C. Build, E,FC,IBE & RIBA,SEGS Bldg,SEGS,SECS,16 Energy, Scottish Government, Accredited, Confirmer of Design <b>Building Design Service</b> 12 Beauchmont Court Dunbar EH42 1YF Tel: 01368-863752
<b>Proposal:</b> Erection of 2No. semi-detached rural dwellings in existing redundant domestic garden ground at: Primrose Cottage Garden Thurston Dunbar EH42 1SA	<b>Title:</b> Location & Proposed Site Plan
<b>Dr. Ref:</b> JAF/BJP/01/Rev.B	<b>Date:</b> 25.09.2024
<b>Scale:</b> 1:1250 & 1:200 @A3	



**Road Map**  
(NOT TO SCALE)



min' 4kWp TRINA Vertex TSM DE09 PV array min' 4kWp TRINA Vertex TSM DE09 PV array



South East Elevation

Window Type 2

Window Type 1

ASHP

all external RW goods to be black Manley Deep Flow, with matching exposed foul and grey water pipes traditional slate on Tyvek Supro roofing membrane on 19mmx125mm sarking boards with min' 2mm gap between each, to permit moisture egress, with galvanised ridge and hips



North West Elevation

Window Type 3

Window Type 1

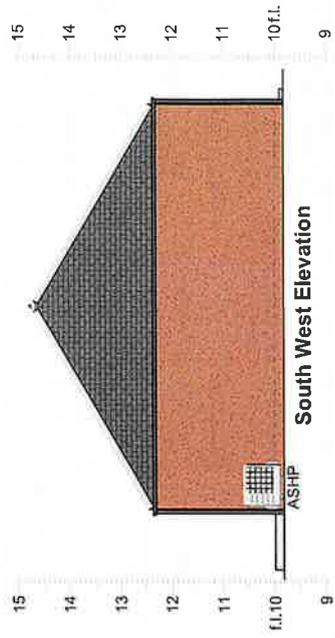
ASHP

white windows and doors (see dr.-JAF/BJP/P/03 Proposed Windows & Doors)



traditional roughcast walls with Corshill sandstone rybats, sills & lintels around openings

Cemex Red/Brown render/roughcast mortar



South West Elevation

ASHP

ASHP

North East Elevation

ASHP

**NOTE\*\*:** The dwellings are designed to emulate the size and form of the existing cottages and similar traditional farm cottages in East Lothian only now with the modern highly efficient fabric and systems expected in modern good quality housing for all, and are intended to be provided as much needed affordable rented rural homes, a sector of the housing needs within and beyond the county which appears to have been given low priority, if not ignored entirely, due to necessary concentration on the bulk building which is achieving disproportionately little to improve the reduction in the county's waiting lists, especially for such homes.

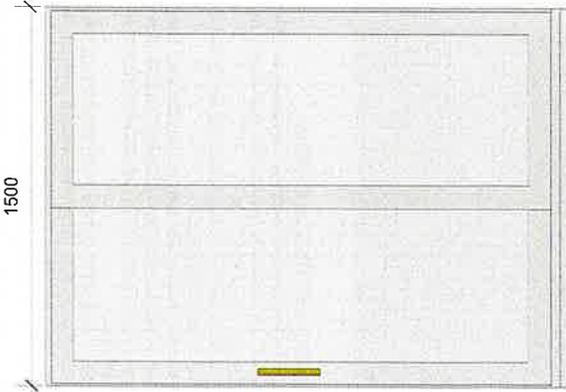
No new land has been made available for the required small developments needed to satisfy this desperate neglected need and therefore it is regarded that this rural domestic garden area should be brought into use as the need is not satisfied by the large scale developments on greenfield and highly productive agricultural land necessarily built over in order, it appears, to meet the numerical targets imposed by central government which appear to completely ignore traditional and once cohesive social structures and communities being destroyed in this and other counties.

The site was previously the subject of a Planning Enquiry some years ago(2001-07/00256/OUT) as to the possible granting of Outline Planning Consent but it was advised that this would, at that time, constitute 'Development in the Countryside', and as such contrary to ENV16 of the Lothian Structure Plan & DC1 of E.L. Local Plan and Government policy guidance on the Control of Housing Development in the Countryside as, Policy Guidelines 3 & 15.

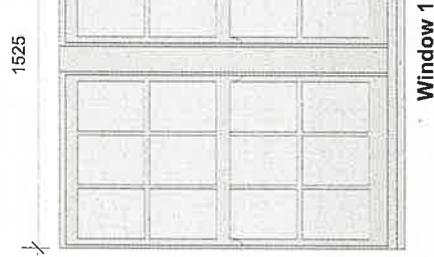
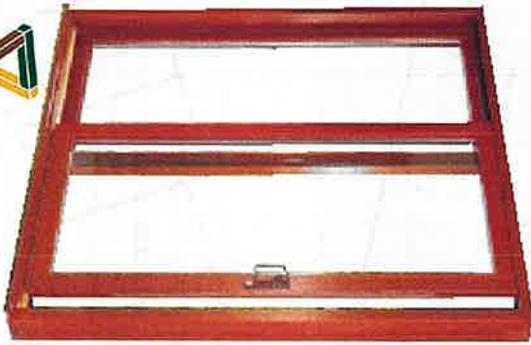
In view of the recent demands placed upon ELC for the satisfaction of housing targets and consequent sites to be defined within the new Local Plan, set as a result of Government Policy, imposing the necessity to build on prime agricultural land and the recent requirement to meet new rural housing targets, this redundant garden ground within an already established small group of dwellings may assist ELC in some small way in achieving both general land available whilst also going some way to satisfying the separate rural housing target percentage imposed without the necessity, in this case, to take yet more highly productive agricultural land permanently out of use.

<b>Applicant:</b> BJP Properties Ltd(Dunbar)	<b>Proposal:</b> Erection of 2No. semi-detached rural dwellings in existing redundant domestic garden ground at:  Primrose Cottage Garden Thurston Dunbar EH42 1SA
<b>Title:</b> Proposed Ground Floor Plan & Elevations	<b>Dr.Ref:</b> JAF/BJP/P/02/Rev.B
<b>Scale:</b> 1:100@A3	<b>Date:</b> 25.09.2024
<b>Drawing by:</b>  <i>John A. Fyall</i> BSc(Hons) Bld.Eng. & Mgt., C.Build E.F.C.I.BE & R.I.S-regd Bld.Stud. Sect.6 Energy, Scottish Government Accredited Certifier of Design	<b>Building Design Service</b> 12 Beachmont Court Dunbar EH42 1YF Tel: 01368-863752

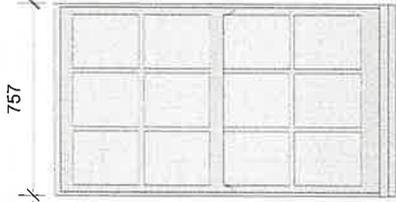
**Patio Doors**



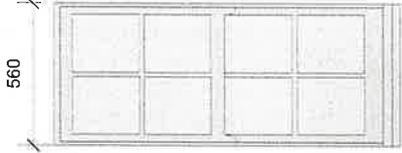
**Patio Doors**



**Window 1**



**Window 2**



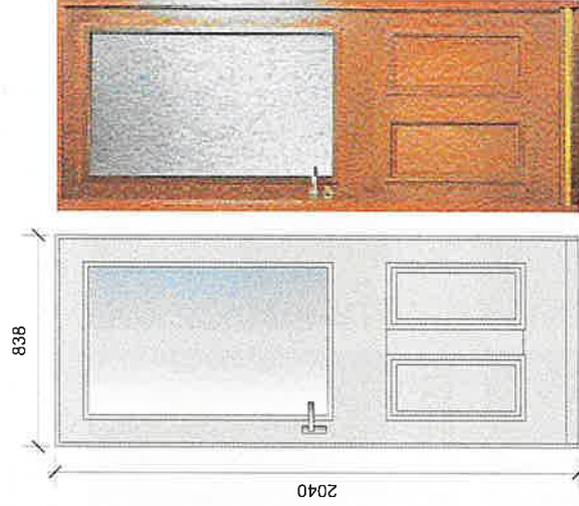
**Window 3**



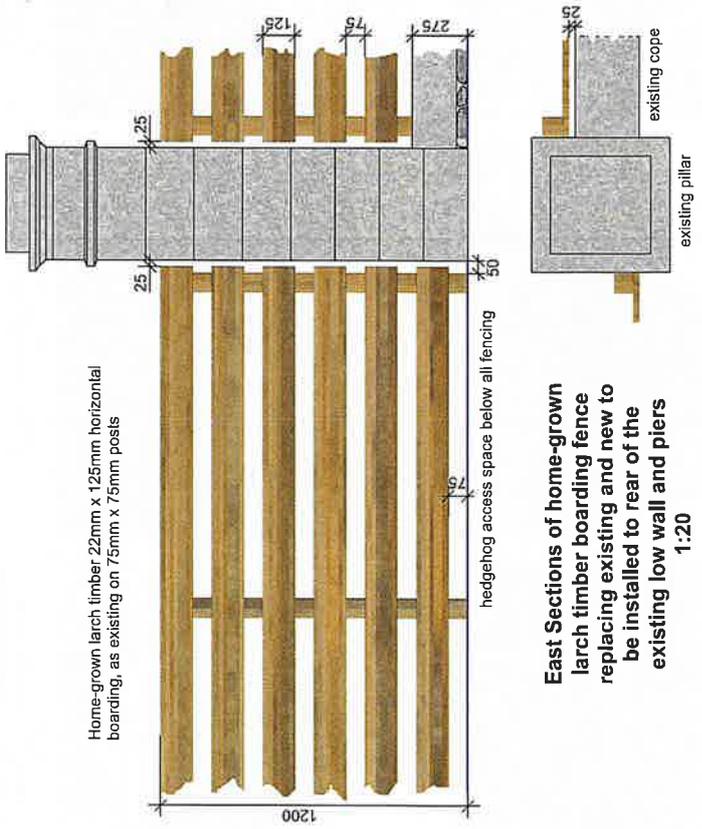
**Dual Turn Windows**



<b>Applicant:</b> BJP Properties Ltd(Dunbar)	<b>Proposal:</b> Erection of 2No. semi-detached rural dwellings in existing redundant domestic garden ground at: Primrose Cottage Garden Thurston Dunbar EH42 1SA	<b>Title:</b> Proposed Windows, Doors & Timber Fence
<b>Dr. Ref:</b> JAF/BJP/P/03/A	<b>Scale:</b> 1:50@A3	<b>Date:</b> 25.09.2024
<b>Drawing by:</b> <i>John A. Fyall</i> Bsc (Hons) Bldg. Eng. & Mgr., C. Build. F.C.I.B.E. & RIAS-regs Bldg. Sols. Sect. 6. Europe, Scottish Government Accredited Certifier of Design		
<b>Building Design Service</b> 12 Beachmont Court Dunbar EH42 1YF Tel: 01368-863752		



**Main Entry Doors**



**East Sections of home-grown larch timber boarding fence replacing existing and new to be installed to rear of the existing low wall and piers**  
1:20

AYR





1

Primrose Cottage



2

Primrose Cottage Garage



3

road has been widened and improved to permit wind turbine blades and sectional columns to be transported to windfarm beyond



4



5



6

note the height now of the once low-level decorative Leylandii trees and existing garden fence, now overgrown, forming the boundary



7

this is the garden gate



8

garden gate impossible to use due to years of overgrowth as garden is no longer used



9



10



11



12

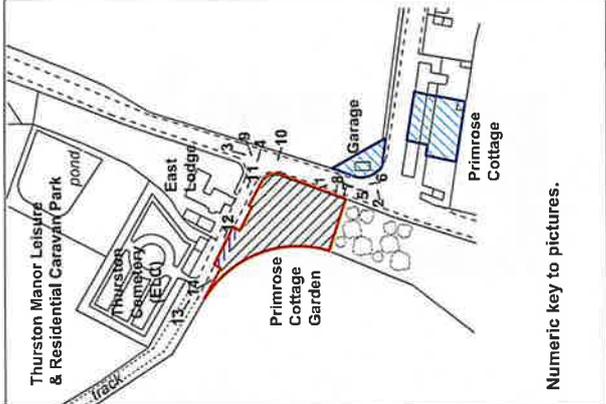


13

to road from cemetery entrance



14



Numeric key to pictures.

Location

**Planning and Design Criteria:**

**Scottish Government strategy - Housing to 2040:**

"By 2040, everyone will have a safe, high quality home that is affordable and meets their needs in the place they want to be. At least 70% of these homes will be for social rent and 10% will be delivered in remote, rural and island communities."

The Local Housing Strategy (LHS 2023-28), The East Lothian Council Plan 2022-2027, ELC compliance strategy utilising Scottish Government HNDA tools in SESplan HNDA2. The adopted East Lothian Local Development Plan 2018 and incorporated design compliance:

Policies Tackling the climate and nature crises, Climate mitigation and adaptation, Forestry Woodland and Trees, Brownfield vacant and derelict land and empty buildings, Zero Waste, Sustainable Transport, Liveable Places, Quality Homes NPF4 and Residential Character and Amenity, DP2 (Design), DP7 (Infill, Backland and Garden ground Development), NHB (Trees and Development), T1 (Development, Location and Accessibility) and T2 (General Transport Impact) of the adopted East Lothian Local Development Plan.

**Drawing by:**

*John A. Fyall*

Assoc. (Hons) B.A. Eng. & Mgt., C. Build. E. P.C.A.R.E. & N.I.A.S. Regs. Bld. Sds. Sect. 6. Engrg., Scottish Government Accredited Certifier of Design

**Building Design Service**

12 Beachmont Court

Dunbar

EH42 1YF

Tel: 01368-863752

**Applicant:**

BJP Properties Ltd (Dunbar)

**Proposal:**

Erection of 2 No. semi-detached rural dwellings in existing redundant domestic garden ground at:

Primrose Cottage Garden

Thurston

Dunbar

EH42 1SA

**Title:**

Pictures as Currently Existing

**Dr. Ref:**

JAF/BJP/P/04/A

**Scale:**

N/A

**Date:**

25.09.2024

# LAND OWNERSHIP CERTIFICATES

Town and Country Planning (Scotland) Act 1997

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

## CERTIFICATE A, B, C, D OR CERTIFICATE E MUST BE COMPLETED BY ALL APPLICANTS

### CERTIFICATE C

Certificate C is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where it has not been possible to identify ALL or ANY owners/agricultural tenants.

(1) I have \_\_\_\_\_ been unable to serve notice on **every** person other than myself who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates.

or

(2) I have \_\_\_\_\_ been unable to serve notice on **any** person other than myself who, at the beginning of the period of 21 days ending with the date of the accompanying application, was owner of any part of the land to which the application relates.

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

or

(4) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have \_\_\_\_\_ been unable to serve notice on any person other than myself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant.

or

(5) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding I have \_\_\_\_\_ served notice on each of the following persons other than myself who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are:

(6) I have \_\_\_\_\_ taken reasonable steps, as listed below, to ascertain the names and addresses of all other owners or agricultural tenants and have \_\_\_\_\_ been unable to do so.

#### Steps taken:

A search of the Land Registry and Register of Sasines was undertaken ref: CSN 24/563166 (NT 71179 73931 at centre)-Private road to Thurston Estate and result returned as follows:  
The subject access track forms part of a larger land holding Ref.No.401/64 recorded on 31.12.1945 of which the Register search returned described as being disposed of in several and various lots of various sizes and locations around the East of East Lothian, one of which remains in the Sasines as registered to Cadogan Estates 10 Duke of York Square, London, SW3 4LY, Deed Ref.No.567/157 which was recorded on 14.11.1964.  
The Registers of Scotland also stated however: "**Various parts have been sold out of the above title.**"  
**ELC Estates Dep't, as ELC share the access to a Cemetery, and ELC deeds were checked but owner was unconfirmed**

Signed:

(John A Fyall)

On behalf of:

Mr B Porteous (BJP Properties Ltd)

Date:

19th September 2024



## Proposal Details

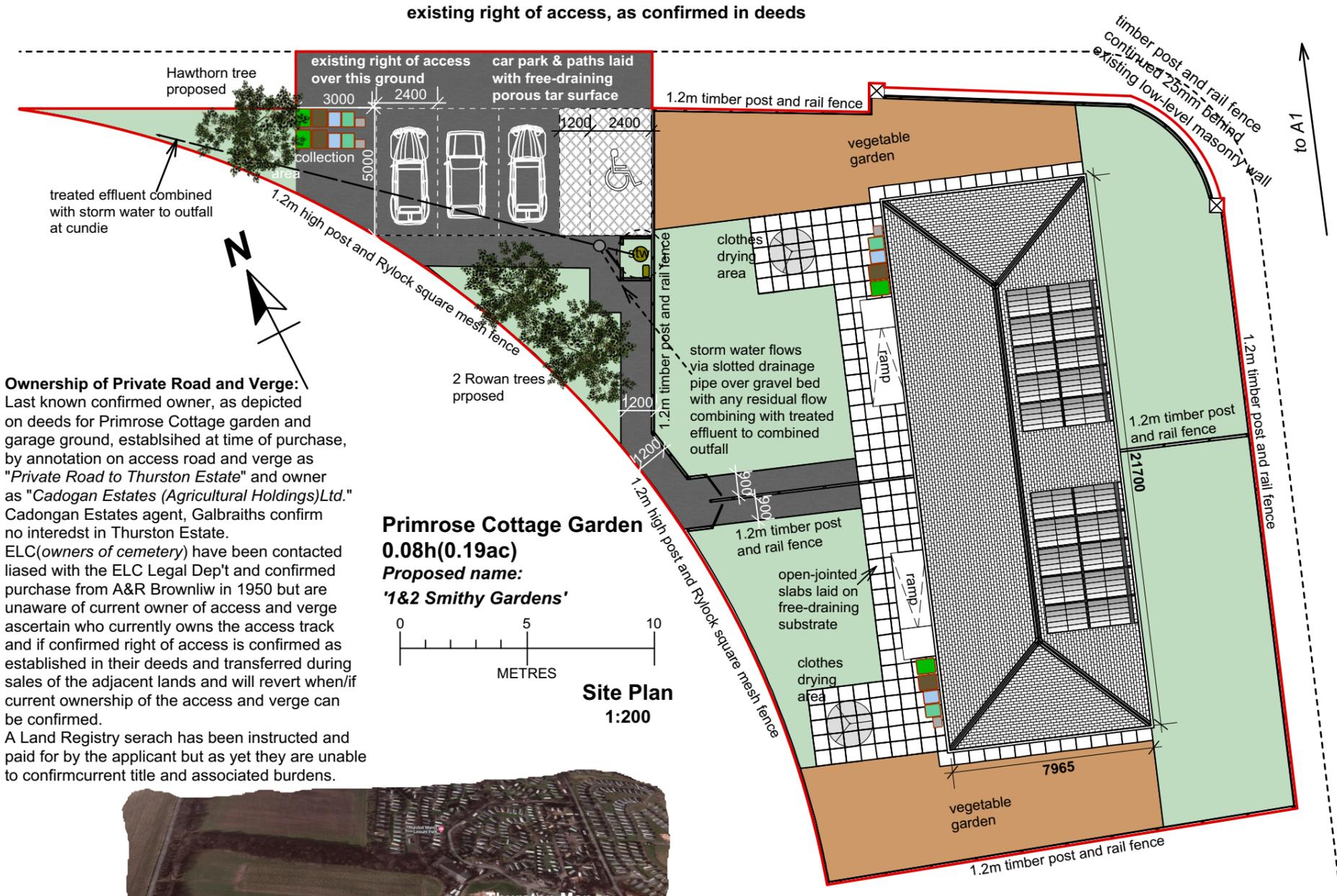
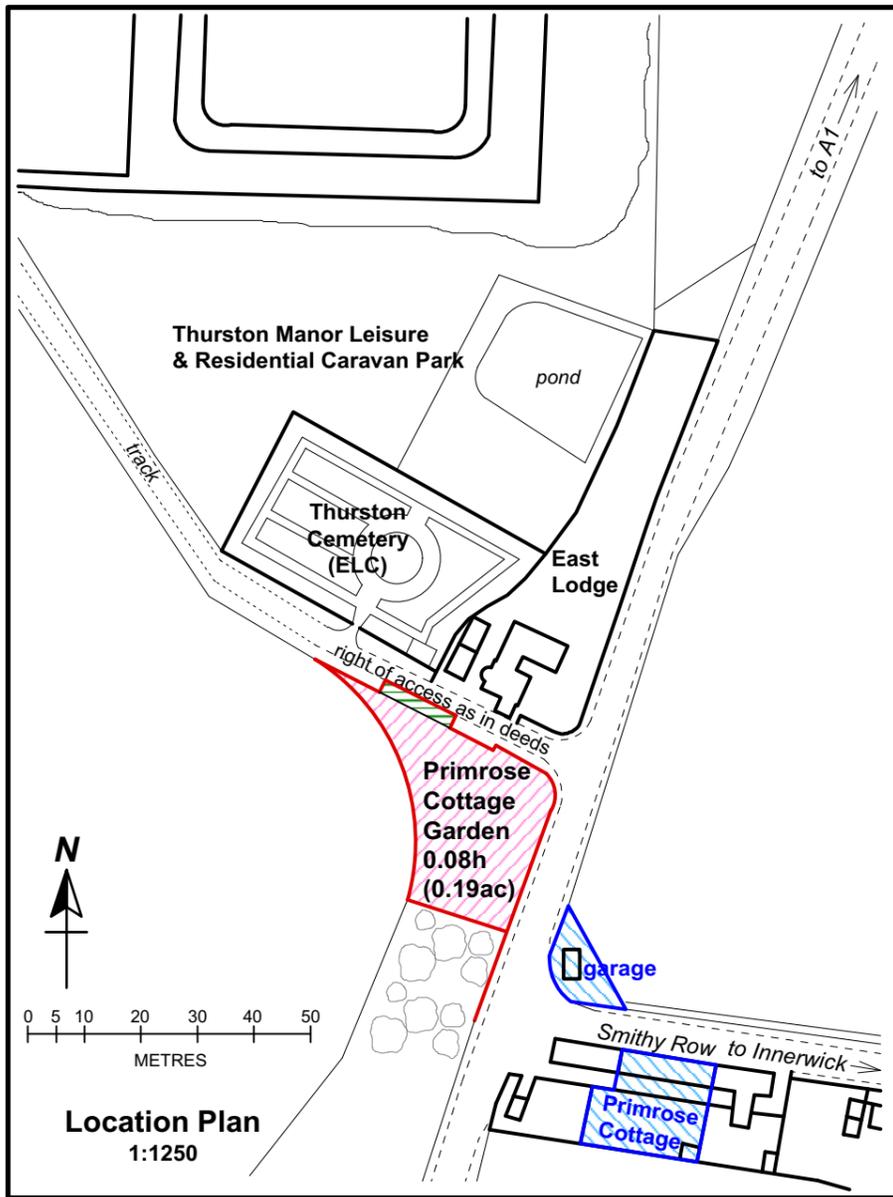
Proposal Name	100681794
Proposal Description	Erection of 2 semi-detached dwellings
Address	PRIMROSE COTTAGE, SMITHY COTTAGES, INNERWICK, DUNBAR, EH42 1SA
Local Authority	East Lothian Council
Application Online Reference	100681794-005

## Application Status

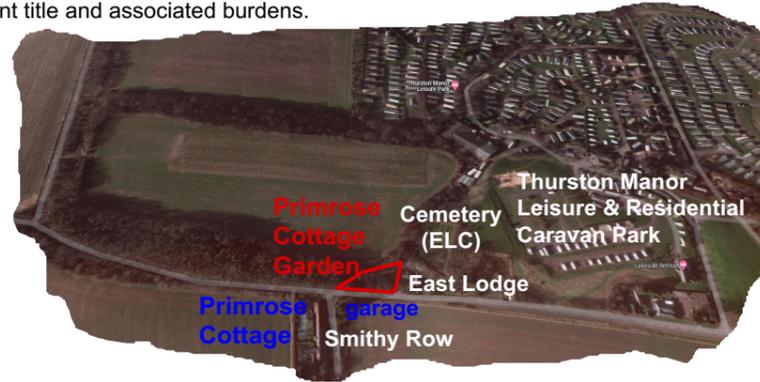
Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete

## Attachment Details

Post Submission Additional Documents	System	A4
Primrose Cottage Garden 01 RevC Location and Proposed Site Plan	Attached	A3
Post_Submission_Additional_Docum-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Post Submission Additional Documents-005.xml	Attached	A0



**Ownership of Private Road and Verge:**  
Last known confirmed owner, as depicted on deeds for Primrose Cottage garden and garage ground, established at time of purchase, by annotation on access road and verge as "Private Road to Thurston Estate" and owner as "Cadogan Estates (Agricultural Holdings)Ltd." Cadogan Estates agent, Galbraiths confirm no interest in Thurston Estate. ELC(owners of cemetery) have been contacted liased with the ELC Legal Dep't and confirmed purchase from A&R Brownliw in 1950 but are unaware of current owner of access and verge ascertain who currently owns the access track and if confirmed right of access is confirmed as established in their deeds and transferred during sales of the adjacent lands and will revert when/if current ownership of the access and verge can be confirmed. A Land Registry search has been instructed and paid for by the applicant but as yet they are unable to confirm current title and associated burdens.



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<b>Title:</b> Location & Proposed Site Plan	<b>Applicant:</b> BJP Properties Ltd(Dunbar)	<b>Drawing by:</b> <i>John A. Fyall</i> Bsc(Hons) Bld.Eng. & Mgt., C.Build E.FCABE & RIAS-regd Bld.Sids. Sect.6 Energy, Scottish Government Accredited Certifier of Design <b>Building Design Service</b> 12 Beaumont Court Dunbar EH42 1YF Tel: 01368-863752
<b>Dr.Ref:</b> JAF/BJP/P/01/Rev.C	<b>Proposal:</b> Erection of 2No. semi-detached rural dwellings in existing redundant domestic garden ground at:	
<b>Scale:</b> 1:1250 & 1:200 @A3	<b>Date:</b> 01.10.2024	<b>Address:</b> Primrose Cottage Garden Thurston Dunbar EH42 1SA

