



MINUTES OF THE MEETING OF THE LOCAL REVIEW BODY

**THURSDAY 27 FEBRUARY 2025
COUNCIL CHAMBER, TOWNHOUSE, HADDINGTON
AND DIGITAL HYBRID SYSTEM**

Committee Members Present:

Councillor L Allan
Councillor D Collins
Councillor A Forrest
Councillor N Hampshire (Chair)

Advisers to the Local Review Body:

Mr C Grilli, Legal Adviser to the LRB
Mr P Zochowski, Planning Adviser to the LRB

Clerk:

Ms F Currie, Committees Officer

Other Officers Present:

Ms E Barclay, Committees Assistant (meeting administrator)

Apologies:

N/A

Declarations of Interest

None

The clerk confirmed attendance by taking a roll call of Elected Members present.

The clerk advised that this meeting was being held as a hybrid meeting and would be webcast live via the Council's website in order to allow the public access to the democratic process in East Lothian. East Lothian Council was the data controller under the Data Protection Act 2018. Data collected as part of the recording would be retained in accordance with the Council's policy on record retention, and the webcast of this meeting would be publicly available for up to six months.

Introductory Statement by the Legal Adviser

The Legal Adviser outlined the procedure for the Local Review Body to reach a decision on the planning application before it and reminded them that further advice would be provided on procedure, should they conclude they did not have enough information to determine the application today.

On this occasion it was agreed that Councillor Hampshire would chair the Local Review Body (LRB).

1. PLANNING APPLICATION NO. 24/00417/P: ERECTION OF HOUSE, GARAGE AND ASSOCIATED WORKS, LAND AT REAR OF OLD FARMHOUSE, FERNEYLEA, OLDHAMSTOCKS, INNERWICK, TD13 5YN

The Chair invited the Planning Adviser, who had not been involved in the original decision, to present a summary of the planning policy considerations in this case.

The Planning Adviser provided details of the application, property and location, and outlined the reason for refusal of planning permission.

He confirmed that 4 objections had been received to the planning application and that these had been summarised by the case officer in his report. Some matters that were raised were civil matters that did not affect the determination of the application.

The development plan consisted of the East Lothian Local Development Plan (LDP) 2018, together with National Planning Framework 4 (NPF4). He indicated that the following planning policies were relevant to the determination of the application: NPF4 Policies 1 (Tackling the Climate and Nature Crisis), 3 (Biodiversity), 5 (Soils), 6 (Forestry), 13 (Sustainable Transport), 14 (Design, Quality and Place), 15 (Local Living and 20 Minute Neighbourhoods), 16 (Quality Homes), 17 (Rural Homes) and 29 (Rural Development) and LDP policies: DC1 (Rural Diversification), DC4 (New Build Housing in the Countryside), DC5 (Housing as Enabling Development), DP2 (Design), NH7 (Protecting Soils), NH8 (Trees and Development), T1 (Development Location and Accessibility) and T2 (General Transport Impact).

The Planning Adviser summarised the case officer's original assessment of the application against planning policy, including reference to responses from statutory consultees. He advised that the planning case officer had found no material considerations that outweighed the fact that the proposed development did not accord with the Development Plan.

The Planning Adviser outlined the submission made by the applicant in support of the appeal, highlighting its key arguments and assessment of the proposals against planning policy.

He also drew Members' attention to the further representations included in the appeal paperwork.

The Planning Adviser concluded his presentation by reminding Members that it was open to them to review the case and either agree with the decision taken by the case officer for the reasons given or to come to a different determination. He indicated that, should Members decide to grant planning permission, draft conditions had been supplied by the planning case officer.

In response to a question from Councillor Hampshire, the Planning Adviser confirmed that all land within East Lothian out with defined settlements, the nearest being Oldhamstocks, was defined as countryside in the LDP and therefore it was the countryside policies that would apply when determining the application.

The Chair asked his colleagues to confirm that they had attended the site visit and if they were satisfied that they had sufficient information before them to determine the application. They confirmed this to be the case.

The Chair then invited Members to give their views on the application.

Councillor Forrest said that this was a very tight site on which to build a house of the size proposed. It would also be a new build rather than the redevelopment of an existing property. Having considered all of the documents and having attended the site visit, he was of the opinion that this was not an appropriate development for the site.

Councillor Allan said it was always helpful to gain context from the site visit. She noted that this would be a large building in a relatively small space and, as that there was no building there already, it would be a brand-new build. She agreed with Councillor Forrest and would be upholding the decision of the planning case officer.

Councillor Collins also agreed with her colleagues. She said it was a tight space and there were a lot of trees around the site, some of which were quite mature. She had also noted the electricity poles and felt that any repositioning of these would cause significant upheaval for residents. Although this was a countryside area the proposals did not involve the conversion of existing farm buildings but rather represented new build in the countryside. For these reasons, she would be upholding the original decision of the planning case officer.

The Chair concurred with his colleagues' remarks. He added that although the site involved garden ground, it was still defined as countryside and there was a presumption against new build in the countryside. He also noted that the area was not served by public transport. He agreed with the planning case officer's assessment, and he would not be upholding the appeal.

They agreed, unanimously to confirm the original decision of the planning case officer to refuse planning permission for the reasons set out in the original decision notice.

Decision

The ELLRB agreed, unanimously to confirm the original decision of the planning case officer to refuse planning permission for the reasons set out in the original decision notice.

2. PLANNING APPLICATION NO. 24/01003/P: EXTENSION TO HOUSE, 14 CAMPTOUN HOLDING, NR DREM, NORTH BERWICK, EH39 5BA

The Chair invited the Planning Adviser, who had not been involved in the original decision, to present a summary of the planning policy considerations in this case.

The Planning Adviser provided details of the application, property and location, and the planning history of the site.

He confirmed that 1 objection had been received to the planning application and that this had been summarised by the case officer in his report, along with responses from statutory consultees.

The development plan consisted of the East Lothian Local Development Plan (LDP) 2018, together with National Planning Framework 4 (NPF4). He indicated that the following planning policies were relevant to the determination of the application: NPF4 Policies 14 (Design, Quality and Place), 16 (Quality Homes) and 17 (Rural Homes) and LDP Policies DC3 (Replacement Dwellings in the Countryside), DP5 (Extensions and Alterations to Existing Buildings and T2 (General Transport Impact).

The Planning Adviser summarised the case officer's original assessment of the application against planning policy and whether there were any material planning considerations that would outweigh the development plan.

He outlined the submission made by the applicant in support of the appeal, highlighting its key arguments and assessment of the proposals against planning policy.

The Planning Adviser concluded his presentation by reminding Members that it was open to them to review the case and either agree with the decision taken by the case officer for the reasons given or to come to a different determination. He indicated that, should Members decide to grant planning permission, draft conditions had been supplied by the planning case officer.

Councillor Allan asked about the expected size of an average family home, but the Planning Adviser was unable to provide a figure. Councillor Allan noted that the current house was very small and that the proposed extension was very large when considered against the size of the existing house. However, she also noted that Members' must consider what was reasonable and whether what was proposed was in line with neighbouring properties. More generally, she said that she would be interested to know the average size of a family home and how this compared with other countries.

Responding to a question from the Chair, the Planning Adviser confirmed that the legislation on permitted development rights was clear that while the conversion of an agricultural building to a house was permitted, the building could not be substantially extended. The legislation permitted only very minor extensions, and he referred to the terms of Class 18B part (3) (c and (d) of the General Permitted Development Order (Scotland) which outlined the specific circumstances.

The Chair asked his colleagues to confirm that they had attended the site visit and if they were satisfied that they had sufficient information before them to determine the application. They confirmed this to be the case.

The Chair then invited Members to give their views on the application.

Councillor Forrest said that having considered all of the information and the site he felt that this was a very small house, and the proposed extension would make the building look like a new house with a small, older section stuck on one end. He did not think the proposed extension would be sympathetic to the existing house and he felt that other houses in the neighbourhood had been extended in a way that was more in keeping with the original buildings.

Councillor Collins said that the proposed extension was almost 3 times the size of the existing building and would make it look like a new build. The proposals would be overwhelming and not the same of the extensions made to some neighbouring properties. She could not support the appeal.

The Chair referred to the change in legislation to allow permitted development of this type of small building. He said that if such a building could not create a house of a reasonable size, to subsequently build another house onto it did not, in his view, align with the intention of this legislation and it may need to be reviewed. He felt that this extension would overwhelm the old farm building, and he agreed with the planning officer that classing this as an extension was not acceptable. He agreed with the original decision and reasons for refusal of planning permission.

Councillor Allan agreed with her colleagues. She thought that the legislation did need to be reviewed but, as things stood, this was a small house, and the changes envisaged within the plans were probably excessive. She reluctantly agreed with the decision of the planning case officer.

They agreed, unanimously, to confirm the original decision of the planning case officer to refuse planning permission for the reasons set out in the original decision notice.

Decision

The ELLRB agreed, unanimously, to confirm the original decision of the planning case officer to refuse planning permission for the reasons set out in the original decision notice.

Signed

Councillor Norman Hampshire
Chair of Local Review Body (Planning)