



MINUTES OF THE MEETING OF THE LOCAL REVIEW BODY

**THURSDAY 20 NOVEMBER 2025
COUNCIL CHAMBER, TOWNHOUSE, HADDINGTON
AND DIGITAL HYBRID SYSTEM**

Committee Members Present:

Councillor L Allan
Councillor J Findlay
Councillor N Hampshire (Convener)

Advisers to the Local Review Body:

Mr C Grilli, Legal Adviser to the LRB
Mr M Mackowiak, Planning Adviser to the LRB

Clerk:

Ms M Scott, Committees Officer

Other Officers Present:

Ms E Barclay, Committees Assistant (meeting administrator)

Apologies:

Councillor J McMillan

Declarations of Interest

N/A

The clerk advised that this meeting was being held as a hybrid meeting. It was being recorded and 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 a recording of the meeting would be available for 5 years.

The clerk confirmed attendance by taking a roll call of Local Review Body (LRB) Members present.

Introductory Statement by the Legal Adviser

The Legal Adviser asked Members to confirm that they had had access to all the information, and confirm they had reviewed the applicant's submission. He outlined the procedure for the LRB 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 at this meeting.

On this occasion it was agreed that Councillor Hampshire would chair the LRB.

1. PLANNING APPLICATION NO. 25/00542/P: CHANGE OF USE OF FLAT TO MIXED USE OF RESIDENTIAL AND SHORT TERM HOLIDAY LET, 22 VERT COURT, HALDANE AVENUE, HADDINGTON, EH41 3PX (REVIEW AGAINST DECISION – REFUSAL)

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. He summarised the planning case officer's assessment of the application against relevant planning policies, and highlighted the responses from internal and external consultees and interested parties. He then summarised the reasons for review provided by the applicant, drawing attention to some of the key arguments. He also confirmed that one representation had been received in relation to the appeal.

He summarised the planning case officer's assessment of the application against relevant planning policies and highlighted the responses from internal and external consultees, as well as objections submitted by interested parties.

The Planning Adviser then summarised the reasons for review provided by the applicant, drawing attention to some of the key arguments. He also highlighted that one further representation had been received in relation to the request for review.

The Planning Adviser answered questions from Members, confirming he was not aware of any other mixed use short term lets; from experience, he believed they would be difficult to enforce, and he provided information on the communal space around the flat.

The Legal Adviser also made Members aware that if they upheld the appeal today, the current offering for a license was three years, but conditions could be added to only allow the use of a short-term let during specific times. He explained the privacy notice was available on the Council website as part of the application process.

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 Findlay noted the difference in this application compared to other short term lets, as this would remain the family's main home. He also highlighted there was only one objection received out of nine neighbours, and that the hallways were wide and away from main doors, some with their own internal halls, so they would be protected from noise to a greater degree. For these reasons, he would support the appeal and go against officers' recommendations.

Councillor Allan agreed with Councillor Findlay's points, noting the holiday let period would be for the school holidays, therefore would be unlikely the applicant would try to extend it. She did not feel there would be a loss of amenity, and people coming and going would be a possibility, even with neighbours. Therefore, she would also support the appeal.

The Chair disagreed with other Members, stating it was unacceptable for people to use a shared area they do not own, as people who are spending time on holiday live differently from people in a permanent residence. He also felt limiting the time the flat was let out would be impossible to control.

The LRB members confirmed their decision via roll call vote. They agreed, by majority, to uphold the applicant's appeal. The Chair proposed a condition that the premises shall only be used as a short-term holiday let from the period of 1 July until 15 August in any year, which was seconded by Councillor Findlay.

Decision

The ELLRB agreed to uphold the applicant's appeal, with the condition that the premises shall only be used as a short-term holiday let from the period of 1 July until 15 August in any year.

2. PLANNING APPLICATION NO. 25/00577/P: ERECTION OF 1 HOUSE AND ASSOCIATED WORKS, LAND TO NORTH OF SPITTALRIGG MAIN HOUSE, SPITTALRIGG, LETHAM, HADDINGTON (REVIEW AGAINST DECISION – REFUSAL)

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. He summarised the planning case officer's assessment of the application against relevant planning policies, and highlighted the responses from internal and external consultees and interested parties. He then summarised the reasons for review provided by the applicant's agent, drawing attention to some of the key arguments. He also confirmed that two representations had been received in relation to the appeal.

The Planning Adviser answered questions from Members, confirming that a Section 75 agreement could introduce the element of perpetuity; if it was to be changed, then a separate application would have to be submitted and the proposed house would be partly assembled elsewhere, but it would still be classed as a permanent structure. He explained that the proposed tenure for affordable housing was 80% ownership of the house. He also explained that policy DC4 set out a number of criteria for agricultural use and employment on site, as well as the element around location, such as smaller settlements, hamlets or villages, which he did not feel was the case for the current 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 Allan stated the location was not appropriate due to not being a small hamlet or village, and the structure itself would not be fitting with the traditional style houses. She added

that, to say yes to this application would open the whole of the East Lothian countryside in a way that we did not want to see, and therefore she would agree with officer recommendations.

Councillor Findlay commented that, even though he liked the modern design of the house, it would not fit in this particular context with the older buildings that would surround it. As the build would not adhere to policies 17 of NPF4 or DC4, he would also support the officer's recommendations.

The Chair was of a similar opinion to his colleagues, and expressed his concern over the house being classed as affordable housing. He expressed a need for the new policy to be clear, and state homes should be built alongside existing settlements within the countryside and not an isolated location; for these reasons he would also support the officer's recommendation.

The LRB members confirmed their decision via roll call vote. 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 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)

The webcast for this meeting will be available at the link below for five years from the date of the meeting:

https://eastlothian.public-i.tv/core/portal/webcast_interactive/1039424