

REVIEW DECISION NOTICE

Decision by East Lothian Local Review Body (the “**ELLRB**”)

Application for Review by Mr Patrick Ledingham of No. 1 Quondrum Cottages, Yester, Haddington, EH41 4JZ for review of conditions pertaining to Planning Permission for the Change of use of grass verge to form additional garden ground, erection of fence and outbuildings, formation of hard standing and decked areas, installation of air source heat pump, flue and solar panels (part retrospective), No. 1 Quondrum Cottages, Yester, Gifford, Haddington, EH41 4JZ.

Site Address: No. 1 Quondrum Cottages, Yester, Gifford, Haddington, EH41 4JZ

Application Ref: 24/00845/P

Application Drawing: Please refer to the Drawings/Plans detailed at 3.1 (i)

Date of Review Decision Notice: 17 November 2025

Decision

The ELLRB unanimously agreed to support the appeal and to delete condition 2 of the Planning Permission for the reasons more particularly set out below.

This Notice constitutes the formal decision notice of the Local Review Body as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.

1. Introduction

The above application for Planning Permission was considered by the ELLRB, at a meeting held on Thursday, 23 October 2025. The Review Body was constituted by Councillor A Forrest (Chair), Councillor D Collins, Councillor K McLeod and Councillor S McIntosh. All four members of the ELLRB had attended a site visit in respect of this application prior to the meeting.

1.1. The following persons were also present at the meeting of the ELLRB:-

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

2. Proposal

2.1. The planning application is for review of decision to review condition 2 of the Planning Permission reference number 24/00845/P

2.2. The planning application was registered on 13 March 2025 and the Decision Notice granting Planning Permission subject to conditions is dated 16 May 2025.

2.3. The condition under review and the reason for the condition is more particularly set out in full

in the said Decision Notice dated 16 May 2025 and is repeated below. The condition and reason for the condition is set out as follows:

- 1 *Within two months of the date of this decision notice the summerhouse building hereby approved shall be re-positioned to be a minimum of 2 metres to the north of its current position such that it does not protrude forward of the building line of the gable elevation of the applicant's house. Thereafter, the summerhouse shall remain as so re-positioned approved unless otherwise approved by the Planning Authority.*

Reason: In the interest of protecting the character and appearance of the surrounding area.

2.4. The notice of review is dated 13 August 2025.

3. Preliminaries

3.1. The ELLRB members were provided with copies of the following:-

| i. | The drawings accompanying this application are referenced and numbered as follows: | | | | | | | | | | | | | | | | | | | | | | | | |
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| IQC-PL3 | B | 24.04.2025 | | | | | | | | | | | | | | | | | | | | | | | |
| ii. | The Application for planning permission registered on | | | | | | | | | | | | | | | | | | | | | | | | |
| iii. | The Appointed Officer's Submission | | | | | | | | | | | | | | | | | | | | | | | | |
| iv. | <p>Policies relevant to the determination of the application:</p> <p>National Planning Framework 4 – Policies 14 (Livable Places) and 16 Quality Homes)</p> <p>The adopted East Lothian Local Development Plan 2018:</p> <ul style="list-style-type: none"> - DP2 (Design); - DP5 (Extensions and Alterations to Existing Buildings) - T2 (General Transport Impact). | | | | | | | | | | | | | | | | | | | | | | | | |
| v. | Notice of Review dated 13 August 2025 together with Applicant's Submission with supporting statement and associated documents. | | | | | | | | | | | | | | | | | | | | | | | | |

4. Findings and Conclusions

4.1. The ELLRB confirmed that the application for a review of the planning application permitted them to consider the application afresh and it was open to them to grant it in its entirety, grant it subject to conditions or to refuse it. They confirmed that they had access to the

planning file in respect of this matter and to all the information that the Appointed Officer had available when reaching the original decision to grant planning permission subject to conditions, including all drawings and copies of all representations and objections received in respect of the original application. They also confirmed they had received and reviewed the Applicant's Submission and further representations made in connection within this appeal before the ELLRB today.

- 4.2. The Members then asked the Planning Adviser to summarise the planning policy position in respect of this matter. The Planning Adviser advised that the planning application relates to a review of Condition 2 (Repositioning of the summerhouse) of Planning Permission 24/00845/P. The planning application was for a change of use of grass verge to form additional garden ground, erection of fence and outbuildings, formation of hard standing and decked areas, installation of air source heat pump, flue and solar panels and it was in part retrospective. Planning permission was granted subject to conditions. One of these conditions is condition 2 which states:

"Within two months of the date of this decision notice the summerhouse building hereby approved shall be re-positioned to be a minimum of 2 metres to the north of its current position such that it does not protrude forward of the building line of the gable elevation of the applicant's house. Thereafter, the summerhouse shall remain as so re-positioned approved unless otherwise approved by the Planning Authority."

The Planning Adviser confirmed that a total of 15 objections were received to the original application. These were made by nine different objectors. In his report the case officer accurately summarised and addressed all the objections received. Copies of these objections are included in your information pack. The objections that relate to the summerhouse can be summarised as follows:

- The summerhouse restricts and obscures views;
- The summerhouse is too large

Also, as part of the application process the case officer sought comments from the Council's internal consultees – all the submitted comments are included in your information pack. Of particular relevance are the comments from the Council's Road Services who advised that:

"With regards to the positioning of the summerhouse resulting in the loss of a parking space for the applicants' property, the original approval for the conversion of the former agricultural building under planning permission 09/00038/FUL to two houses provided parking for the applicants' property to the northwest of the house. Through this current application the applicant seeks to formalise the current parking arrangement which is now positioned to the southwest of the applicants' house. The Council's Road Services raised no objection to this amendment to the parking arrangements of the house. However, the Council's Road Services advised that the 1.25m high fence that has been erected is of a height that impedes visibility on the public road and therefore is not acceptable from a road safety perspective. They advised that subject to a condition being imposed upon any grant of planning permission that ensures that the fence is lowered so there is no obstruction to visibility above a height of 1.05 metres the proposal would be acceptable. Subject to this condition the development would comply with Policy T2 of the adopted East Lothian Local Development Plan 2018." This has been achieved by the imposition of Condition 1.

The Planning Adviser then summarised the relevant policies pertaining to this application and detailed at paragraph 3(iv) above.

The Planning Adviser noted that in his planning assessment the case officer confirmed that the summerhouse that has been erected is of a form, size and scale that is not unusual to find in the garden of a domestic property. However, by projecting beyond the building line of the gable elevation of the house it breaks the building line of the house and does not respect the setting of the house. As such it is inappropriate to its setting. The case officer concluded that subject to the summerhouse being re-positioned so that it is set some 2m back from its current position and therefore back from the building line of the gable elevation of the house the summerhouse would not be inappropriate to its setting or out of keeping with its surroundings. The report confirmed that re-positioning of the summerhouse can be made a condition of any grant of planning permission. The case officer also noted that owing to its size, form and positioning the summerhouse does not result in any harmful loss of sunlight or daylight to any neighbouring residential properties.

The Planning Adviser then summarised the submission from the applicant as follows:

- 1) The summerhouse is in line with the gable end of no1 Quondrum Cottages
- 2) The applicant's neighbours front porches at nos 1-4 Leehouses Cottages all extend beyond their main elevations.
- 3) The applicant's property predates Leehouses Cottages
- 4) The applicant believes that the summerhouse is in character with the surrounding area and its appearance blends with the cottage's sandstone finish, the summerhouse hasn't been painted and has weathered to blend in.
- 5) The applicant's car is usually parked outside the summerhouse so visually it provides additional screening
- 6) The summerhouse acts as a windbreak against the southerly winds
- 7) Due to irregular shape of the applicant's garden the summerhouse could not be repositioned elsewhere
- 8) For health reasons the applicant and his wife need the summerhouse to improve their wellbeing

The Planning Adviser then summarised further submissions from the local residents. These representations raise the following points:

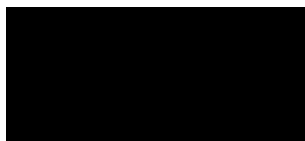
- The fencing to create a new garden extends beyond the boundary and the title deeds of the property.
- Lorries and agricultural vehicles have difficulty getting round the corner now especially from the Gifford side, and the parking of a car close to the corner only exacerbates this problem.
- The corner is now very dangerous, and there have been some near misses with bikes coming down the hill and cars drawing out.
- The origin parking spaces were allocated in the plans at No1 Quondrum which ensured safe car location. Parking is a real issue in this community
- Disagree that the summerhouse is in keeping with the surrounds
- The summerhouse is not in the correct space for providing a wind buffer, nor for getting the sun.
- The summerhouse is too large and obscures the right hand view when pulling out of the junction and onto a 60 mph road, due to the size and position it has removed one of the two original parking spots. Vehicles are now regularly parked on the remaining space further obstructing the view.

The objector requested the restoration of proper parking and review of the junction marking.

- 4.3. Members then asked questions of the Planning Adviser regarding the position of the gable and alignment. The Planning Adviser responded confirming that the line was taken from the frontage of the summerhouse. He then confirmed that depending on where the line is drawn the summerhouse may not appear to protrude. If the line is taken from the gable, then it may appear not to protrude but if the line is taken from the summerhouse then it would appear to protrude.
- 4.4. The Chair asked his colleagues if they had sufficient information to proceed to determine the application today and they unanimously agreed to proceed. Comments on the application followed.
- 4.5. Councillor McLeod stated on the site visit he could not see anything wrong with the position of the summer house as it did not protrude beyond the cottage and would therefore be voting against the officers recommendation.
- 4.6. Councillor McIntosh agreed with Councillor McLeod, adding she was sympathetic with objectors but in terms of what the scope is for today then she would be voting against officers.
- 4.7. Councillor Collins also agreed with her colleagues and felt the impact of the summer house was within reason therefore would also be voting against the officer recommendation.
- 4.8. The Chair noted he found the site visit useful as the summer house was not jumping out at you. He was also in agreement with fellow Members that he would support the applicant on this occasion.

Accordingly, the ELLRB unanimously decided to support the appeal and to delete Condition 2 from the Planning Permission for the reasons set out within this decision notice.

Planning Permission is hereby amended with Condition 2 being deleted.



Carlo Grilli
Legal Adviser to ELLRB

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under Section 43A(8)**

Notice Under Regulation 21 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.

- 1 If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.

- 2 If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.