

## East Lothian Council Local Review Body

Reference LRB20251120 01 2500542P

### Review Decision Notice

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

Site Address: Land to North of Spitalrigg Main House, Spitalrigg, Letham, Haddington

Application for Review by Caledonia Log Homes, Liliesleaf Sawmill, Melrose TD6 9JP on behalf of Mrs. Norma Turvill of 4 Spittalrig Cottages, Haddington, EH41 3SU

Application: Erection of 1 house and associated works

Application Ref: 25/00577/P

Application Drawing: Please refer to the Drawings/Plans detailed at 3.1.1

All members of the ELLRB attended a site visit prior to the meeting.

Date of Review Decision Notice: 11.12.25

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### **Decision**

The ELLRB the ELLRB unanimously decided to dismiss the appeal and refuse planning permission for the erection of 1 house and associated works at Land to North of Spitalrigg Main House, Spitalrigg, Letham, Haddington for the reasons more particularly set out below.

#### **1. Introduction**

- 1.1. 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 2013.
- 1.2. The ELLRB reviewed the determination of the above application for planning permission at a meeting held on Thursday, 20 November 2025. The ELLRB was attended by Councillors N. Hampshire (Chair), J. Findlay and L. Allan. The following persons were also present at the meeting of the ELLRB: Mr M Mackowiak, Planning Adviser to the ELLRB; Mr C Grilli, Legal Adviser to the ELLRB and Ms M. Scott, Clerk.

#### **2. Proposal**

- 2.1. The planning application had been made for the erection of 1 house and associated works at Land to North of Spitalrigg Main House, Spitalrigg, Letham, Haddington. The planning application was registered on 4 June 2025 and the Decision Notice refusing the application is dated 28 July 2025.
- 2.2. The reasons for the refusal is more particularly set out as follows:

1. *The erection of a house on the application site would be new build housing development in the countryside of East Lothian 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 Policy DC4 of the adopted East Lothian Local Development Plan 2018.*
2. *The proposed house would not be suitably scaled, sited and designed to be in keeping with the character of the area contrary to Policies 16 and 17 of NPF4 and Policies DP1 and DP2 of the adopted East Lothian Local Development Plan 2018.*
3. *The proposed new house would not be located in a sustainable location or within a 20-minute neighbourhood and would not contribute to local living within an existing settlement. Consequently it would result in an increased number of non-public transport journeys at a time when the Scottish Government is requiring a reduction in private car use to help combat climate change and reduce carbon emissions contrary to Policies 1, 13, 14 and 15 of NPF4 and T1 of the adopted East Lothian Local Development Plan 2018.*
4. *It has not been demonstrated that the proposals would not have a harmful to the biodiversity of the site, contrary to Policy 3 of NPF4 and Policy NH5 of the adopted East Lothian Local Development Plan 2018.*

2.3. The applicant has requested that the ELLRB review the decision and submitted a notice of review dated 20 September 2025.

### **3. Preliminaries**

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

3.1.1. The drawings accompanying this application are referenced and numbered as follows:

<u>Drawing No.</u>	<u>Revision No.</u>	<u>Date Received</u>
00 200	-	04.06.2025
00_001	-	04.06.2025
PL 001	-	04.06.2025
PL 002	-	04.06.2025

3.1.2. The Application for planning permission registered on 4 June 2025 together with said Decision Notice.

3.1.3. The Appointed Officer's Submission.

3.1.4. The said Notice of Review together with Applicant's Submission with supporting statement and associated documents

3.1.5. The National Planning Framework 4 (NPF4) Policies relevant to the determination of the application, which were as follows:

Policy 1 (Tackling the climate and nature crises),

Policy 2 (Climate Mitigation and adaptation),  
Policy 3 (Biodiversity),  
Policy 5 (Soils),  
Policy 6 (Forestry, woodland and trees),  
Policy 12 (Zero waste),  
Policy 13 (Sustainable transport),  
Policy 14 (Design, quality and place),  
Policy 15 (20 Minute Neighbourhoods),  
Policy 16 (Quality Homes) and  
Policy 17 (Rural Homes)

- 3.1.6. The adopted East Lothian Local Development Plan 2018 (LDP) policies relevant to the determination of the application, which were as follows:

Policy DC4 (New Build Housing in the Countryside),  
Policy DP1 (Landscape Character),  
Policy DP2 (Design),  
Policy NH5 (Biodiversity and Geodiversity Interests, including Nationally Protected Species), NH7 (Protecting Soils),  
Policy NH8 (Trees and Development),  
Policy NH11 (Flood Risk),  
Policy W3 (Waste Separation and Collection),  
Policy T1 (Development Location and Accessibility)  
Policy T2 (General Transport Impact)

- 3.2. The ELLRB members noted the relevant policies identified.

- 3.3. The ELLRB members noted that there were the two letters of objection to this application which were summarised within the case officer's report of handling. They also noted that Some matters raised by the objectors are civil matters that do not affect the determination of the application. They also noted further letters of objections from the local residents. These objections raised similar points to those already covered in the case officers report. They also noted a submission from the applicant that addresses these further objections.

- 3.4. The ELLRB Members noted the Council's Environmental Health Officer, Road Services, Senior Engineer-Flooding officer, Waste Services raised no objection with the Contaminated land officer and the Landscape officer requiring conditions in the event of approval. They also noted that Scottish Water raised no objection to the proposal.

#### **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 refuse planning permission, 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 this is for full review of an application for a new build house and associated works to the north of Spittalrigg Main House which is located to the west of Haddington. The application site is located over 1.6km to the western boundary of Haddington and some 260 meters to the south of the A199 public road. The site forms an area of garden orchard associated with the property of 4 Spittalrigg Cottages some 85 meters to the southwest. It is located within the countryside as defined by Policy DC1 of the adopted East Lothian Local Development Plan 2018. The site measures approx. 670 square meters and is largely surrounded by tree and shrub planting, a large commercial building is located to the north of the site, and a number of mature trees are located across the site.
- In his report the case officer provided information about the proposed development including its location, external dimensions and internal layout. The Planning Adviser highlighted that the proposed house would be set back some 21 metres from the existing access road to the east. The proposed house would be over 14 metres long, and over 7metres wide at its widest point with a ridge height of approx. 6.3 metres. An air source heat pump would be attached to the front elevation of the proposed house. The case officer confirmed that in order to facilitate the proposal seven trees within the application site would need to be removed.

The Planning Adviser state that in his planning assessment the case officer confirmed that the proposed house would not result in harmful overlooking and therefore loss of privacy to existing neighbouring residential properties. Neither it would have a harmful impact on the sunlight and daylight received by any of the neighbouring residential properties. Then the case officer's assessment moved to Policy 17 of NPF4 which deals with development proposals for new homes in rural areas. The officer confirmed that the proposed new build house on this site does not meet the policy criteria. The assessment also looked at Policy DC4 of the LDP. This policy 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. In his assessment the case officer considered the fact that there is no agricultural, horticultural, forestry or other employment use presently in operation to justify the need for a new house on the application site. Additionally, the proposal was not promoted for affordable housing. The officer noted that Policy 17 of NPF4 also requires that a new house in a rural location should be suitably scaled, sited and designed to be in keeping with the character of the area. Policy DP1 and DP2 of the LDP are also relevant as they set out the criteria that must be met to ensure the proposals are acceptable in the design terms. The policy assessment took into account the fact that existing group of houses at Spittalrigg are existing buildings of a traditional form that are long established in their countryside location and form part of the landscape character and appearance of this part of Spittalrigg. The proposed house would be of a modern contemporary design finished predominantly in timber cladding. The officer noted that the overall appearance would be of a modern house designed without reference to either its landscape setting or the neighbouring buildings in residential use within the locality. Its form and design would not reflect the architectural character of any nearby buildings or the landscape character of the wider area. Consequently the officer's assessment was that on the matter of design the proposed house would be contrary to Policy 17 of NPF4 and Policies DP1 and DP2 of

the East Lothian LDP.

The Planning Adviser confirmed that the case officer also considered Policies 13, 14 and 15 of NPF4. These policies support proposals that provide direct and safe links to local facilities by walking and cycling and which are accessible by public transport and consistent with the six qualities of successful places including being sustainable. This means that proposals will contribute to local living including, where relevant, 20 minute neighbourhood, where people can meet the majority of their daily needs within a reasonable distance of their home preferably by sustainable and active travel modes. In addition to the above policies the case officer noted that Policy 1 and NPF4 as a whole, seeks to give significant weight to the global climate crisis. In this regard housing should be directed towards existing settlements where facilities and services including public transport are available. On these issues the assessment concluded that Housing in rural areas should only be supported in particular circumstances and in this instance, the site is located in a countryside location and is not close to public transport networks or well connected to local facilities. As such, the proposal was considered contrary to Policies 1, 13, 14 and 15 of NPF4 and T1 of the ELLDP. The proposed house would be on an unallocated site and in a countryside location therefore it was also considered contrary to Policy 16 of NPF4. The final part of the case officer's assessment looked at policy 3 of NPF4 and policy NH5 of the LDP which are relevant to the natural environment and biodiversity. Amongst other things Policy NH5 states that developers must demonstrate, where relevant, how impacts on biodiversity and geodiversity have been addressed as part of their proposals and that sufficient supporting information should be submitted.

The Councils Biodiversity Officer reviewed the Preliminary Ecological Appraisal submitted as part of the application and advised that measures detailed do not provide sufficient biodiversity enhancement or mitigation required to safeguard the existing habitat on the site that forms part of Central Scotland Green Network for woodland connectivity. A copy of the Biodiversity Officers consultation response had been forwarded to agents for the applicant however no further details of proposed biodiversity enhancement or mitigation measures was submitted. The case officer concluded that without that information it was not possible to determine what, if any, mitigation may be required to safeguard any protected species or habitats on the application site. Therefore, the proposal was considered contrary to Policy 3 of NPF4 and Policy NH5 of the East Lothian LDP.

The Planning Adviser then summarised the applicant's submission. The applicant places emphasis on the fact that

- Proposal is for a single, self-build affordable home. Its affordable status will be secured in perpetuity via Section 75 agreement
- This proposal aims to address East Lothian's declared Affordable Housing Emergency and aligns with local housing targets and Scottish Planning Policy.
- The applicants acknowledge that the affordable housing nature of this proposal was not made sufficiently clear in their initial submission
- The home will be highly energy-efficient, exceeding standard building regulations. Lower running costs will enhance its long-term affordability and will contribute to climate change targets.
- House is modest in scale to respect the rural setting
- The house is sited to minimise visual impact and integrate into the existing landscape. It will be sited in a low-lying area with mature tree screening and new native planting.
- The proposed materials are natural slate roof, Scottish larch cladding, anthracite

metal—reflecting rural vernacular.

- recent examples of planning proposals from Dirleton and Gifford indicate that contemporary rural designs were acceptable
- the applicants suggest that quality of the construction materials could be secured via planning condition.
- The site is located a 10-minute cycle distance (2.5 km) to numerous facilities including shops, cafes, a primary school, hospital and employment.
- There is a cycle route on the A199.
- Nearby bus stops provide frequent services—more than one per hour—to Haddington and Tranent, with journey times of just 10 minutes, therefore the site is in a sustainable location
- the proposal has been designed from the outset with the protection and enhancement of biodiversity as a core principle. The development not only avoids harm to existing ecological assets but will deliver a tangible net gain for biodiversity on the site
- the optimal siting of the dwelling necessitates the removal of seven trees from the interior of the orchard. These are generally smaller, lower-quality specimens whose removal has been minimised to the smallest number necessary to create a viable building footprint.
- All of the mature, higher-value trees and established hedgerows that frame the site boundaries are being fully retained and will be protected throughout construction
- through the introduction of a substantial new native, species-rich hedgerow, the development will leave the site in a demonstrably better state ecologically than it is at present
- the applicants would be willing to accept a pre-commencement planning condition requiring a Preliminary Ecological Appraisal (PEA) of the site to be undertaken.

4.3. In response to questions the Planning Adviser confirmed that:

- a Section 75 Agreement could be entered into to retain the property as Affordable Housing in perpetuity however this could be amended by application in the future.
- The proposed house may be considered to be a kit house however it would be considered to be permanent.
- The current proposal of being retained at 20% below market value is a recognised option for affordable housing however whether this would be acceptable on this occasion has not been checked with the Housing Authority as it has only been clarified this would be the proposal within this appeal.
- In terms of DC4 there is an element of requirement and identification of appropriate location ideally the policy is aimed at smaller settlements such as villages and hamlets and this proposal would not be considered to comply.

4.4. The ELLRB then considered if there was sufficient information before them to consider the review without further procedure. The ELLRB determined that it did have sufficient information and proceeded to determine the review.

4.5. Comments on the application followed.

- 4.5.1. Councillor Allan stated that she felt conflicted as she was supportive of taking different approaches to matters. However, on balance she felt this proposal was not situated in an area that could be considered a hamlet or village. She also had concerns around the proposed structure of the building. She felt this could set a precedent and open up the countryside for further similar applications.

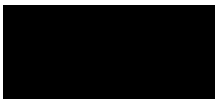
Accordingly, she was minded to support the planning officer's decision and dismiss the appeal.

4.5.2. Councillor Findlay stated that he did not think the design fitted in the with the context of the surrounding area. He was of the view that this proposal did not meet the requirements of Policy 17 of NPF4 or DC4 of the LDP as the proposal is not to support a rural business. Accordingly, he was minded to support the planning officers decision and dismiss the appeal.

4.5.3. The Chair was of similar opinion to his colleagues. He felt that he 20% of Market Value Affordable Housing model was not what the policy was designed for. He was therefore minded to support the Planning Officer's decision and dismiss the appeal.

Accordingly, the ELLRB unanimously decided to dismiss the appeal and refuse planning permission for the erection of 1 house and associated works at Land to North of Spitalrigg Main House, Spitalrigg, Letham, Haddington for the reasons more particularly set out within the Planning Officer's Report.

Planning Permission is hereby refused.



**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.