
COMMITTEE: Planning Committee
MEETING DATE: 4 November 2025
BY: Executive Director for Place
REPORT TITLE: Application for Planning Permission for Consideration

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Application no. **25/00770/PM**

Proposal Section 42 application to vary condition 5 of outline planning permission 06/00754/OUT to extend occupancy in December

Location **Seton Sands Holiday Village and Residential Caravan Site
Seton
Port Seton
Prestonpans
EH32 0QF**

Applicant Haven Leisure Limited

Per Lichfields

RECOMMENDATION Granted Permission

REPORT OF HANDLING

The application relates to an area of land within Seton Sands Holiday Village. The site is within the countryside as defined by Policy DC1 of the adopted East Lothian Local Development Plan 2018. It is also within the Battle of Prestonpans Historic Battlefield as included in the inventory of historic battlefields and a Coal Authority Development High Risk Area.

The holiday village comprises of static caravans, touring caravan and camping pitches. There are onsite entertainment and sport and leisure facilities. The holiday village also includes various areas of open space, a golf course with golf pavilion and a fishing lake.

The site is bounded to the north by the B1348 public road and partly to the south and west by Seton House and Seton Collegiate Church and their respective grounds. The grounds of Seton House and Seton Collegiate Church are designated as the Seton House (Palace) Designed Landscape. Seton House and Seton Collegiate Church are also each listed as being of special architectural or historic interest (Category A). The building of Seton

Collegiate Church and its grounds are an ancient monument scheduled under the Ancient Monuments and Archaeological Areas Act 1979. The application site is otherwise bounded to the west by agricultural land and to the south by the A198 public road. To the east the site is bounded by a public footpath, by Seton Dean Woodland, and by the settlement of Seton Mains.

BACKGROUND

In November 2008, outline planning permission Ref: (06/00754/OUT) was granted for the expansion of the holiday village to accommodate in total 780 statics and 100 tourers, with a 9-hole family golf course with club house, together with relocation, upgrade and expansion to the existing commercial facilities, plus landscaping works and upgrade to the access and car parking. This consent has been implemented.

Condition 5 of outline planning permission Ref: 06/00754/OUT reads;

"The static holiday caravans within this hereby approved expansion of Seton Sands Holiday Village will only be occupied during the following specified periods and outwith these periods they will not be used for any purpose:

- (1) Seven days per week between 1st March and 30th November in any one calendar year, both dates inclusive.
- (2) Weekends (to include Friday night and Monday morning) between 1st December and 23rd December of any one calendar year, both dates inclusive.
- (3) Seven days per week between the 24th December and 7th January of the following year, both dates inclusive.

Reason:

To ensure that the static holiday caravans are not used as permanent residential accommodation."

PROPOSALS

Planning consent is now sought by way of a Section 42 application to vary condition 5 of outline planning permission 06/00754/OUT to extend occupancy of the static caravans to allow them to be occupied 7 days per week in December. It is proposed that the varied condition would read;

"The static holiday caravans within the application site can only be occupied seven days per week between 1st March and 7th January of the following calendar year, both dates inclusive and outwith this period they will not be used for any purpose.

Reason:

To ensure that the static holiday caravans are not used as permanent residential accommodation."

A Section 42 application, Ref: 25/00769/P was approved in October 2025 for the variation of condition 1 of planning permission 13/00678/P to extend occupancy in December. The newly approved timings would align with those currently sought under this current application.

Through a separate application Ref: 25/00768/PM permission is also sought to allow the variation of Condition 1 of planning permission 18/00843/PM to allow the same period of

occupancy in December. These timings would also align with those currently sought under this current application. This application is currently pending consideration and stands to be determined on its own merits.

DEVELOPMENT PLAN

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan, unless material considerations indicate otherwise.

The development plan is the adopted National Planning Framework 4 (NPF4) and the adopted East Lothian Local Development Plan 2018.

Policies 7 (Historic Assets and Places), 13 (Sustainable transport) and 30 (Tourism) of NPF4 are relevant to the determination of this application. Policy DC1 (Rural Diversification), CH5 (Battlefields) and T2 (General Transport Impact) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of this application.

REPRESENTATIONS

One letter of objection has been received in respect of this application. The main grounds of objection include;

- o The boundary around the homes at Seton Sands is more than 2/3 shallower at objectors boundary than at other properties. This should be the same as other properties;
- o Concern that with trees not having leaves beyond September to balance holidaymakers and homes, noise and light would become an issue;
- o Buffer fence on park side should be timber lined and barrier planting on the Park side of the fence should be installed to provide a year round sound, light & visual buffer;
- o Public guests in the caravans around neighbouring property should not be accommodated until the barrier planting has established; and
- o Objector has no issue with the Park maximising business potential but ask that Haven address neighbourly concerns so that harmony endures.

These concerns are addressed in the report below.

COMMUNITY COUNCIL

Cockenzie and Port Seton Community Council were consulted on this planning application but a response was not forthcoming.

PLANNING ASSESSMENT

As set out above, through the condition 5 attached to outline planning permission 06/00754/OUT the occupation of the static caravans on the site has been limited to:

- (1) Seven days per week between 1st march and 30th November in any one calendar year, both dates inclusive.
- (2) Weekends (to include Friday night and Monday morning) between 1st December and 23rd December of any one calendar year, both dates inclusive.
- (3) Seven days per week between the 24th December and 7th January of the following year, both dates inclusive.

These restrictions were imposed to restrict the occupation of the static caravans on the application site and to prevent them from being used as permanent residences.

The current application seeks the variation of this condition to allow occupation of the static caravan additionally for seven days per week between 1st December and 7th January the following year.

Accordingly, the revised condition would read;

" The 780 static holiday caravans within Seton Sands Holiday Village can only be occupied seven days per week between 1st March and 7th January of the following calendar year, both dates inclusive and outwith this period they will not be used for any purpose.

Reason:

To ensure that the static holiday caravans are not used as permanent residential accommodation."

The above suggested condition would only allow for additional occupancy of the static caravans on the site for 7 days a week in December. As such, the objectives of the original planning condition would still be achieved given that occupancy would still be restricted between 8th January and 28th February inclusive. As such, the static caravans could still not be occupied as permanent residential accommodation. The proposed variation of Condition 5 of outline planning permission 06/00754/OUT is therefore acceptable in this regard.

The application proposal would not allow for any physical alterations on the site and there would be no alterations to access arrangements.

From consultation with the **Council's Environmental Health Officer**, it was confirmed that they have not received any complaints with regards to lighting or noise during times when park is permitted to operate. The **Council's Environmental Protection Officer** has confirmed that they have no comment to make on the application and accordingly no objection has been raised of lighting or noise grounds.

The potential for the addition of a planning condition to provide additional screening to the boundary to reduce noise and impact of lighting has been raised by the Council's Environmental Health Officer. However, given that the park already operates throughout the year (other than late January and Feb) then it would not be reasonable to add a further condition to provide an acoustic barrier when all that is changing is that the static caravans will be occupied 7 days a week in December rather than just weekends between 1st and 23rd of December.

As such, the variation of Condition 5 of outline planning permission 06/00754/OUT to enable occupancy of the caravans present on site in December would not result in any harm to any neighbouring land use over and above the existing situation.

The **Council's Roads Services** have been consulted on this application. No response has been received and as such no objection has been raised. The proposal is not thought however to detrimentally increase traffic and parking demand over and above that experienced in the peak summer season. As such, the proposed variation of condition 5 of outline planning permission 06/00754/OUT to allow December occupancy is consistent with Policy 13 of NPF4 and Policy T2 of the adopted East Lothian Local Development Plan 2008.

The **Council's Landscape Policy Team** has been consulted on this application. No

response has been received and as such no objection has been raised. However, given that no physical alterations are sought to the site, the proposal would not detrimentally impact upon the landscape character of the area.

Given that the site falls within the Battle of Prestonpans Historic Battlefield, Historic Environment Scotland have been consulted on the proposal. They have responded to confirm that they have no comment to make on the application and accordingly no objection is raised.

Furthermore, given the potential of archaeological remains present in the area, the **Council's Archaeology Officer** has been consulted on the application. They have responded to state that in respect of the historic environment they have no comments to offer on this application. Accordingly, no objection has been raised.

Given the legacy of coal mining in the area, the Coal Authority has been consulted on this application. They have responded to state that the application site falls within the defined Development High Risk Area. Their records indicate that the site lies in an area where historic unrecorded coal mining activity is likely to have taken place at shallow depth. Such workings can pose a risk to surface stability and public safety.

They note that planning application 06/00754/OUT, to which the current application relates, was determined prior to the introduction by the Coal Authority of the risk-based approach to Development Management and our proactive involvement in the planning process. Nevertheless, as part of its assessment of ground conditions and land stability, they assume that the LPA will have given due consideration at the time of the original application to the safety and stability implications posed by coal mining legacy to the development proposed.

Based on the above assumption and given that the applicant is currently only seeking to vary a condition that does not relate to coal mining legacy matters and is concerned with occupancy of static caravans, the Coal Authority's Planning & Development Team confirm that they do not wish to raise objection to the current application.

SEPA has been consulted on the application. They have responded to advise that if the development is for an equal or less vulnerable use and there is no landraising or floodplain capacity loss involved then please refer to SEPA's Flood Risk Standing Advice. Given that the proposal is for an equal vulnerable use, no objection is raised.

The **Council's Flooding and Structures Officer** has also been consulted on this application. They have responded to state that in terms of information that this Council has concerning flood risk to this site, I would state that SEPA's Flood Hazard Mapping indicates that the site is not at any additional risk from a flood event with a return period of 1 in 200 years plus climate change. That is the 0.5% annual risk of a flood occurring in any one year with an allowance for climate change. The site has previously been assessed against this criteria and therefore extended site opening will not affect outcome.

Overall, as the site is not at flood risk, the Council's Flooding and Structures Officer has confirmed that they have no objection to the application on the grounds of flood risk.

A revised version of Planning Series Circular 3/2013 (Development Management Procedures) was published by the Scottish Government in September 2015. Annex I of the Circular gives guidance on applications for planning permission under section 42 of the Town and Country Planning (Scotland) Act 1997, as amended. The application that is the subject of this report is made under section 42 of the Act. Annex I states that "Planning authorities should attach to the new permission all of those conditions from the previous

permission, where it is intended these should apply and ensure (where appropriate) that permission is granted subject to the conclusion of any appropriate planning obligation". Therefore, planning permission should be granted subject to the applied for variation of condition 5, subject to all of those conditions from outline planning permission 06/00754/OUT, where it is intended these should apply. These outstanding conditions are Conditions 5 (as amended), 6, 7 and 10.

On these considerations, the proposals are consistent with Policies 7 (Historic Assets and Places), 13 (Sustainable transport) and 30 (Tourism) of NPF4 and Policies DC1 (Rural Diversification), CH5 (Battlefields) and T2 (General Transport Impact) of the adopted East Lothian Local Development Plan 2018. Therefore, the proposals are considered to be in accordance with the provisions of the stated relevant Development Plan policies and there are no material considerations which outweigh the proposal's accordance with the Development Plan.

CONDITIONS:

- 1 The 780 static holiday caravans within Seton Sands Holiday Village can only be occupied seven days per week between 1st March and 7th January of the following calendar year, both dates inclusive and outwith this period they will not be used for any purpose.

Reason:

To ensure that the static holiday caravans are not used as permanent residential accommodation.

- 2 No more than a total of 780 static caravans shall be located on those combined areas of land of the application site marked for caravans, other than touring caravans on the masterplan docketed to this outline planning permission.

Reason:

In the interests of ensuring a satisfactory density of development is achieved, and in the interests of preserving the amenity of neighbouring properties.

- 3 No parts of the lands of the application site designated on the masterplan docketed to this outline planning permission as golf course, wildflower meadows and scheduled ancient monument shall have touring caravans sited on them and elsewhere within the application site touring caravans shall only be sited during the period 1st March to 31st October in each calendar year.

Reason:

To safeguard the amenity of the area and to restrict the siting of touring caravans in a manner respectful of their intended purpose.

- 4 No lighting units shall be installed within the golf course or on or within the vicinity of the wildflower meadows unless with the prior approval of the Planning Authority.

Reason:

To safeguard the visual amenity of the area and the amenity of surrounding residential properties.