

**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. **25/00768/PM**  
Proposal Section 42 application to vary condition 1 of planning permission 18/00843/PM 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 application site occupies a central location on the wider holiday village site and is bounded to the north, east and north-west by existing static and touring caravan pitches. To the south, the site is bounded by the holiday village golf course, open space and exercise areas which include a lake to the south west. An existing internal site access road abuts the northern boundary of the application site. A mature landscape/tree strip is

located to the immediate west of the application site.

Seton House Gardens and Designed landscape and Seton Castle with terrace and walls, which is listed for its architectural or historic interest (Category A) are located to the southwest of the application site.

## **BACKGROUND**

In November 2008 planning permission in principle (Ref: 06/00754/OUT) was granted for the expansion of the holiday village to accommodate 780 static caravan pitches, 100 tourers, a 9-hole family golf course with club house and the relocation, upgrading and expansion of the existing commercial facilities.

In June 2012 application (Ref:11/00975/AMC) was granted for approval of matters specified in conditions of planning permission in principle 06/00754/OUT for the expansion of the holiday village to accommodate an additional 195 static caravans, a 9 hole golf course and associated works (Part Retrospective).

In December 2018, planning permission Ref: (18/00843/PM) was granted for the development of an area for static and touring pitches and associated works. This consent has been implemented.

Condition 1 of planning permission Ref: 18/00843/PM reads;

"The static holiday caravans within the application site 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 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 1 of planning permission 18/00843/PM to extend occupancy 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: 25/00770/PM permission is also sought to allow the variation of Condition 5 of planning permission Ref: 06/00754/OUT to allow additional 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 their 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**

No letters of objection have been received in respect of this application.

## **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 1 attached to planning permission Ref: 18/00843/PM 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 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 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."

The above suggested condition would only allow for additional occupancy of the static caravans on the site 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 1 of planning permission Ref: 18/00843/PM 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.

The variation of Condition 1 of planning permission 18/00843/PM 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 Environmental Protection Officer** has confirmed that they have no comment to make on the application and raises no objection to the proposed variation of Condition 1 of planning permission 18/00843/PM to extend occupancy in December.

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 1 of planning permission 18/00843/PM 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 also note that the current application seeks to vary Condition 1 of planning

permission 18/00843/PM to enable occupancy of the caravans present on site in December. They therefore state that in light of their response to the original planning application and as Condition 1 does not relate to coal mining legacy matters, they 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, they 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 1, subject to all of those conditions from planning permission 18/00843/PM, where it is intended these should apply. There are no other outstanding conditions in this regard.

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 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.

