
COMMITTEE: Planning Committee
MEETING DATE: 31 March 2026
BY: Depute Chief Executive – Resources and Economy
REPORT TITLE: Application for Planning Permission for Consideration

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Note: This application was called off the Scheme of Delegation List by Councillor Findlay for the following reason: Given the level of local objections over the demolition of an old building in a conservation area, I believe this should be looked at by the Committee.

Application no. **24/00810/CAC**
Proposal Demolition of house, outbuildings and walls
Location **Briar Cottage
Templar Place
Gullane
EH31 2AH**

Applicant Lady Alison Burt
Per Pritchett Planning Consultancy

RECOMMENDATION Consent Granted

REPORT OF HANDLING

PROPOSAL

The application relates to a detached, single storey, pitched roof house with attic accommodation in its roof space that is located on the north side of Templar Place, Gullane. Briar Cottage is a small stone and slate-roofed building dating from the 19th century, that has been later extended to the rear with a two-storey flat roofed extension and with a 20th century two-storey rendered bay window added on the south (front) elevation and a further single storey bay window added on its west (side) elevation and on its north (rear) elevation. The house is not listed as being of special architectural or historic interest. It is, however, located within the Gullane Conservation Area.

Through this application Conservation Area Consent is sought for the demolition of the

existing house of Briar Cottage and for the demolition of an outbuilding on the site and lengths of natural rubble walling located along the south roadside boundary of the site and between the west boundary of the site and the west side of the driveway and parallel to the roadside boundary.

Through separate application Ref. 24/00811/P planning permission is sought for the erection of a replacement house and associated works on the application site. That application stands to be determined on its own merits and at this time is reported through the Council's Scheme of Delegation List.

LEGISLATION AND GUIDANCE

Under the duty imposed by section 64(1) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997, the Planning Authority is required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Therefore, the determining issue in this application is the effect of the proposed demolition works on the character and appearance of the Gullane Conservation Area.

Historic Environment Scotland's (HES) Interim Guidance on the Designation of Conservation Areas and Conservation Area Consent (2019) sets out considerations to take into account when assessing proposals for the demolition of an unlisted building within a conservation area. These include establishing the importance of the building to the character or appearance of any part of the conservation area and proposals for the future of the cleared site. Where demolition is to be followed by redevelopment, the guidance advises that consent to demolish should generally only be given where there are acceptable proposals for the redevelopment of the site.

DEVELOPMENT PLAN

National Planning Framework 4 (NPF4) Policy 7 (Historic assets and places) and Policy CH3 (Demolition of an unlisted building in a conservation area) of the adopted East Lothian Local Development Plan 2018 (ELLDP), whilst not part of the statutory test for conservation area consent, are relevant considerations in the determination of this application.

In respect of the demolition of buildings in a conservation area, which make a positive contribution to its character, Policy 7(f) of NPF4 states that such demolition will only be supported where it has been demonstrated that:

- i. Reasonable efforts have been made to retain, repair and re-use the building;
- ii. The building is of little townscape value;
- iii. The structural condition of the building prevents its retention at a reasonable cost; or
- iv. The form or location of the building makes its re-use extremely difficult.

Policy 7(g) of NPF4 requires that where demolition within a conservation area is to be followed by redevelopment, consent to demolish will only be supported when an acceptable design, layout and materials are being used for the replacement development.

Policy CH3 (Demolition of an Unlisted Building in a Conservation Area) of the ELLDP states that support will be given for the demolition of buildings within Conservation Areas provided there are appropriate proposals for redevelopment or intermediate treatment and:

- (i) the building to be demolished is incapable of reasonably beneficial use by virtue of its location, physical form or state of disrepair;

(ii) the structural condition of the building is such that it cannot be adapted to accommodate alterations or extensions without material loss to its character; or

(iii) the building does not positively contribute to the character or appearance of the conservation area and its removal or replacement would not adversely affect the character of the conservation area or it would facilitate positive townscape benefits.

Proposals for redevelopment or intermediate treatment must preserve or enhance the character or appearance of the conservation area. Demolition will not be allowed to proceed until acceptable alternative treatment of the site has been approved and a contract for the replacement development or for an alternative means of treating the cleared site has been agreed.

REPRESENTATIONS

A total of eight representations have been received to this application. Six of those representations raise objection to the application and the main grounds of objection as summarised are:

i) the demolition of the existing house is at odds with its location in the conservation area;

ii) the existing house is a familiar part of the village landscape and has historic links to golf club making (Robert Fisher, 1905), and this tie to the history of golf is important to Gullane;

iii) the demolition of the existing house and the erection of the replacement house would not be in keeping with this part of the village, and would erode the heritage of this part of the village and set a precedent for the area;

iv) the demolition of the house would further erode the conservation status of the village;

iv) disappointing that the owner has not sought to maintain the property and modernise it rather than replace it;

v) the proposal is seeking to maximise profits for the owner at the expense of the preservation of the character of the area;

vi) the proposed new house would be an overdevelopment of the site that would be detrimental and harmful to the character of the historic conservation area;

vii) the garden is a haven for wildlife;

viii) costs attributed to refurbishing the existing house appear excessive and perhaps inflated in order to provide the argument for demolition; and

ix) Gullane Conservation Area is characterful including a mix of larger and smaller buildings with varying gaps between buildings, and these are not arguments for demolition.

The remaining two representations are neutral and neither support nor object to the application. As summarised, the main comments raised in these two representations are:

i) the property has been allowed to become dilapidated and run-down since the owner purchased it in 2021 in order to make a case for demolition and this is the same as the owner did in respect of the adjacent property of Aros House;

ii) during the demolition and construction phases of the neighbouring Aros House there

was extensive disruption over a long period for the occupiers of surrounding properties including frequent road blockages, delivery and refuse collection delays and construction traffic complications;

iii) Templar Place, which is accessed from Templar Lane, is a one-way road and cannot accommodate heavy demolition and construction traffic;

iv) further degeneration of the house and grounds should be considered on environmental health, safety and general amenity grounds, including consideration of whether the owner should be required to make the entire site safe, secure and in acceptable order given its location in the Conservation Area; and

v) a clear traffic management plan should be in place if demolition of the existing house and the erection of a replacement house is supported.

Comments relating to the proposal to build a house on the site do not directly relate to the demolition of the existing house and are a matter to be assessed through the associated planning application Ref. 24/00811/P.

The comments received in relation to a lack of details on the process of the demolition of the existing house, the restrictions of the existing public road network and the ability to demolish the existing house without affecting neighbouring land are all not material considerations in the determination of this application.

There is no requirement for a traffic management plan to be submitted in order to assess this application for conservation area consent.

One further representation raising objection to the proposed development was received out of time.

APPLICATION ASSESSMENT

The submitted information is deemed sufficient to allow for the determination of this application for conservation area consent.

In accordance with Historic Environment Scotland's (HES) Interim Guidance on the Designation of Conservation Areas and Conservation Area Consent (2019) the first consideration in the determination of this application is to establish whether the building makes a positive contribution to the character or appearance of the Gullane Conservation Area.

The application site comprises an existing detached, single storey, pitched roof house with attic accommodation in its roof space that is located on the north side of Templar Place, Gullane. The site is bounded to the north, east and west by residential properties. To the south is the public road of Templar Place and beyond that is a practice area of the Gullane Golf Club Course. The existing house has historically been extended and altered with the additions of a two storey bay window to its front (south) elevation, a single storey bay window added to its side (west) elevation and a two storey flat roof extension added across the full width of its rear (north) elevation and a further single storey bay window added to that rear extension.

Historic Environment Scotland (HES) have been consulted on this application. HES advise that the proposals do not raise historic environment issues of national significance and therefore they do not object to the application. However, they comment that Briar Cottage makes a contribution to Gullane Conservation Area, but not a significant one, as

the oversized two-storey cement-rendered bay window and the flat roof extension to the rear detract from the cottage's traditional character. HES go on to comment that the cottage's form, age and use of traditional materials contributes to the townscape, which is still largely characterised by traditional masonry built and slate/tile roofed buildings seen across the golf course. They comment that the submission of the assessment of the costs of repair and alteration to the existing house is useful, but that the submission of a structural survey to explain why the condition of the building prevents its retention at a reasonable cost would be helpful.

HES further comment that in their opinion insufficient information has been provided to justify the demolition of the house however this is for the Planning Authority to assess and they remain of the opinion that the existing building does not make a significant contribution to the conservation area.

HES also comment that they do not consider that the development on the neighbouring site of Aros House sets a precedent for the assessment of this current application.

HES also comment that if demolition is approved, the design of a replacement house on the site should incorporate as much of the existing cottage's salvaged stonework (and slates) as possible in the new dwelling.

Subsequent to the registration of the application the agent submitted a condition report for the existing house. This report sets out estimated costs for repair and alteration of the existing house including removal of poor quality bay window extensions and their reconstruction, stonework repairs, roof repairs, anticipated underpinning works, new ground floor structure to remedy floor level differences, repairs to existing staircase, installation of a lift for accessibility, replacement of kitchen and bathroom fittings and redecoration. The report finds that costs of repair and retention of the existing house would be prohibitive. No structural survey has been submitted with the application.

A Supporting Planning Policy Statement submitted by the applicant's agent also accompanies the application. That Statement has also been updated since the registration of the application to include further content on the matter of the structural condition and overall integrity of the existing house.

The Supporting Planning Policy Statement explains that the existing house is not fit for purpose and is not viable to convert for modern family living, having been extended poorly in the past with low quality materials. The Statement purports that the existing house sits uncomfortably in the streetscape and that in its positioning it does not relate well to the street. The Statement further purports that due to the age of the existing house it is likely to have no or only shallow foundations and that rectifying historic poor quality extensions and delivering adequate insulation, ceiling heights and staircase are all potentially likely to undermine existing foundations and exacerbate existing stonework deficiencies in the exterior of the building. The Statement goes on to explain that first floor construction of the building is uneven indicating shifts in the external wall construction due to lack of sufficient foundations, and that given the age of the property and levels of damp, all timbers would need to be checked for rot or woodworm. The Statement further explains that due to the historic alterations and additions, little of the original house remains visible and that the existing house has little architectural merit beyond its external finishes being natural stone and slate, and that it is not of architectural or historic significance in the wider conservation area. The Statement concludes that the existing house has reached the end of its useful life and the costs of refurbishment to achieve modern family living would be unreasonable and unviable and thus prohibit its re-use. The author of the Statement is of the opinion that the development of the adjacent Aros House to the east sets a precedent for the development of the current application site.

The Statement goes on to explain that the proposed redevelopment of the site for one larger house would make a more efficient use of the available land of the plot and that the proposed replacement house would be a positive addition to the streetscape, respecting the scale and rhythm of the streetscape, creating a more uniform and coherent frontage onto Templar Place and re-using, where possible, salvaged/reclaimed natural stone from the down-taking of the existing house, outbuilding and boundary wall in its external finishes.

The redevelopment of the neighbouring site to the east, Aros House, including the demolition of the two former houses on that plot, is not considered to set a precedent for the proposed demolition the subject of this application for conservation area consent. All relevant applications relating to that redevelopment of Aros House were assessed under the relevant planning policy and legislation at that time and such relevant planning policy and legislation has subsequently changed since that determination, including the requirement to consult with Historic Environment Scotland (HES) on such matters.

The existing house has been empty and un-used for a number of years, at least since the current owner purchased it in 2021. Its origins date from the 19th century however it has been later extended and altered, more recently in the 20th century. These later additions to the building have resulted in uneven and mis-matched floor levels, ceiling heights and door heights between what would have been the original house and the later additions. Some cornicing and a possible original door remain in the living room but otherwise original features have been removed and fireplaces have been replaced. First floor levels are uneven into the rear part of the house. Thus, in its current state the existing house retains few features of interest.

The existing house is part of the Gullane Conservation Area and in its position on the north side of Templar Place, it is readily visible in public views within the Conservation Area, including from Templar Place to the south and from the golf course land further to the south. The oversized two-storey cement-rendered bay window of its front (south) elevation and the large flat roof extension to its rear (north) elevation, along with the single storey bay windows of its side (west) and rear (north) elevations detract from the cottage's traditional character and as a result, although it does make a contribution to the Conservation Area, it is not a significant one. HES comment that the cottage's "form, age and use of traditional materials contribute to the townscape, which is still largely characterised by traditional masonry built and slate/tile roofed buildings seen across the golf course". In light of HES's comments relating to the oversized two-storey cement-rendered bay window of its front (south) elevation and the large flat roof extension to its rear (north) elevation detracting from the cottage's traditional character, it is not unreasonable to conclude that any contribution made by the existing house to the townscape primarily relates to its age and the traditional external finishes of the natural stone and natural slate of its external walls and roof. HES recommend that if demolition is approved, a replacement house should incorporate as much of the existing cottage's salvaged stonework and slates as possible. It could be made a condition of a grant of conservation area consent that these external finishing materials are salvaged, where possible.

HES's Interim Guidance on the Designation of Conservation Areas and Conservation Area Consent (2019) includes that in some cases, demolition may be thought appropriate if the building is of little townscape value, if its structural condition rules out its retention at reasonable cost or if its form or location makes its re-use extremely difficult. These criteria are also referenced in NPF4 Policy 7 and ELLDP Policy CH3. Only one of these criteria requires to be demonstrated.

In that it is readily visible in the streetscape and thus within the Conservation Area, by its presence, the existing house makes a contribution to the Conservation Area. However, although the existing house is of a generally traditional design and is finished in traditional materials, the over-sized front bay window and the two storey rear extension detract from its traditional character and as a result, on balance, the building has limited architectural merit and little townscape value and thus it is not in itself of special architectural or historic interest and it does not make any special or significant contribution to the character and appearance of the Conservation Area and does not positively contribute to the character and appearance of the Conservation Area. Its removal or replacement would not adversely affect the character of the Conservation Area.

As the existing house has limited architectural merit and little townscape value and is not considered to contribute positively to the conservation area it is not therefore necessary to establish whether any of the other considerations set out in the HES guidance have been met.

Accordingly, the demolition of the existing house is justified on the basis that it is of limited townscape value and does not make a significant contribution to the character of the Conservation Area.

There are no listed buildings in close proximity to the existing house and works to demolish it would not therefore directly affect any listed building. There are no visual or historic connections between the existing house and any nearby listed buildings. The nearest listed buildings, of the Queens Hotel, Main Street (now St Andrews Court) The Smithy, Main Street and Belmore, East Links Road are, respectively, some 65 metres away (as the crow flies) to the north with intervening buildings and land, some 78 metres away to the northeast of the application site with intervening buildings and land and some 220 metres away to the southeast across intervening land. Therefore, the setting of listed buildings in the vicinity would be preserved and would not be impacted by the demolition of the house, associated outbuilding and boundary walls.

The outbuilding is located to the north of a length of high wall that is proposed to be removed and in its position is not readily visible within the streetscape and Conservation Area. Its' removal would not have an appreciable impact on the character and appearance of the Conservation Area.

The lengths of roadside boundary wall and the wall between the west boundary and the west side of the driveway of the house are visible in the Conservation Area. Although rubble stone boundary walls are a feature of this part of the Conservation Area, the removal of these lengths of wall would not be harmful to the character and appearance of the Conservation Area.

Consequently, the proposed demolition of the house is not contrary to the criteria set out in Policy 7(f) of NPF4, ELLDP Policy CH3 and the Interim Guidance on the Designation of Conservation Areas and Conservation Area Consent (2019), as noted above in this report and therefore retention of the existing house is not warranted.

However, Policy 7(g) of NPF4, Policy CH3 of the ELLDP and the Interim Guidance on the Designation of Conservation Areas and Conservation Area Consent (2019) all require that demolition of a building in a conservation area should be followed by an acceptable form of redevelopment. Therefore, conservation area consent to demolish will only be supported when an acceptable design, layout and materials are being used for the replacement development.

In relation to the above, through separate planning application Ref. 24/00811/P planning

permission is sought for the erection of a house and associated works on the application site as a replacement for the existing house. The Report of Handling for that application has been placed on the Council's weekly Scheme of Delegation List. The Report of Handling concludes that the proposed replacement house would be an appropriate form of development on the site that would not harm the character and appearance of the Conservation Area. In such circumstances, the proposed demolition of the existing house from the site, including the outbuilding and lengths of wall are justified and would not harm the character and appearance of the Conservation Area. It can be made a condition of a grant of conservation area consent that demolition will not be allowed to proceed until a contract for the replacement development has been agreed. It can also be made a condition of a grant of conservation area consent that the natural stone and natural slates of the existing house be salvaged for re-use on the site or elsewhere.

Accordingly, as there is an acceptable scheme of development approved for the site subsequent to any demolition then the proposal to demolish the existing house, outbuilding, roadside boundary walls and wall between the west boundary of the site and the west side of the driveway and parallel to the roadside boundary meets the requirements of and is not contrary to Policy 7 of NPF4 and Policy CH3 of the ELLDP and HES Interim Guidance on the Designation of Conservation Areas and Conservation Area Consent (2019). 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.

RECOMMENDATION:

That conservation area consent be granted subject to the following conditions:

- 1 The works to implement this conservation area consent shall begin before the expiration of 3 years from the date of this grant of conservation area consent.

Reason:

Pursuant to Section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

- 2 No works for the demolition of the existing building, the outbuilding and the lengths of stone walls located along the south roadside boundary and the length of stone wall to the west side of the existing house and parallel to the south road side boundary in front shall be carried out unless written evidence that a contract has been entered into for the carrying out of the works authorised by planning permission 24/00811/P or by some other detailed planning permission for the development of the site granted by the Planning Authority, has been submitted to and agreed by the Planning Authority.

Reason:

In order to preserve the character and appearance of the Gullane Conservation Area.

- 3 The natural rubble stone of the external walls of the house and of the roadside boundary walls and the wall between the west boundary and the west side of the driveway, and the natural slates of the roof of the house, all hereby approved to be demolished from the site, shall be taken down and set aside and safely stored for future re-use on the site or elsewhere, where possible, in accordance with a statement to be submitted to and approved in advance in writing by the Planning Authority.

Reason:

To salvage and re-use existing materials of the existing house and boundary walls.

- 4 Prior to the commencement of the demolition hereby approved, a Demolition Method Statement to minimise the impact of demolition activity on the safety and amenity of the

area shall be submitted to and approved in writing in advance by the Planning Authority. The Demolition Method Statement shall recommend mitigation measures to control noise, dust, construction traffic (including parking, routes to/from site) and shall include hours of demolition work. The Demolition Method Statement shall also make recommendations in respect of how materials and waste will be safely stored and managed on site.

The recommendations of the Demolition Method Statement shall be implemented prior to the commencement of demolition on the site and shall thereafter be undertaken in accordance with the details so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

To minimise the impact of demolition activity in the interests of the amenity of the area.

