

**Education, Economy
& Communities**
Midlothian Council
Fairfield House
8 Lothian Road
Dalkeith
EH22 3AA

Application for Planning Permission in Principle for erection of dwellinghouse; alterations to building to create artist studio; formation of access; and associated works at Craigske Coachworks 6 Ashbank Gorebridge EH23 4NJ

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File No. 14/00773/PPP

Scale: 1:3,500



NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN
RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)
(SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

IMPORTANT: Please read and follow the guidance notes provided when completing this form.
Failure to supply all the relevant information could invalidate your notice of review.

Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Tweed Horizons Centre

Newtown St Boswells

TD6 0SG

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Mark this box to confirm all contact should be
through this representative: x ☐

Yes

No

x

☐

☐

* Do you agree to correspondence regarding your review being sent by e-mail?

Planning authority

Planning authority's application reference number

Site address

Description of proposed
development

Date of application

Date of decision (if any)

Note. This notice must be served on the planning authority within three months of the date of the decision
notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- | | |
|--|-------------------------------------|
| 1. Application for planning permission (including householder application) | <input type="checkbox"/> |
| 2. Application for planning permission in principle | <input checked="" type="checkbox"/> |
| 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) | <input type="checkbox"/> |
| 4. Application for approval of matters specified in conditions | <input type="checkbox"/> |

Reasons for seeking review

- | | |
|---|-------------------------------------|
| 1. Refusal of application by appointed officer | <input checked="" type="checkbox"/> |
| 2. Failure by appointed officer to determine the application within the period allowed for determination of the application | <input type="checkbox"/> |
| 3. Conditions imposed on consent by appointed officer | <input type="checkbox"/> |

Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- | | |
|---|-------------------------------------|
| 1. Further written submissions | <input type="checkbox"/> |
| 2. One or more hearing sessions | <input type="checkbox"/> |
| 3. Site inspection | <input checked="" type="checkbox"/> |
| 4. Assessment of review documents only, with no further procedure | <input checked="" type="checkbox"/> |

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- | | Yes | No |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

Please Refer to Appended Appeal Statement

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

Refer to Appendix 1 of Appeal Statement

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

Ferguson Planning

Date

15/02/2015



Fairfield House 8 Lothian Road Dalkeith EH22 3ZN

Tel: 0131 271 3302

Fax: 0131 271 3537

Email: planning-applications@midlothian.gov.uk

Applications cannot be validated until all necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 000089170-002

The online ref number is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the Planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

We strongly recommend that you refer to the help text before you complete this section.

- ☐ Application for Planning Permission (including changes of use and surface mineral working)
- ☒ Application for Planning Permission in Principle
- ☐ Further Application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Planning Permission in Principle for erection of dwellinghouse, alterations to building to create artist studio, formation of access and associated works at Craigs Coachworks, 6 Ashbank, Gorebridge, EH23 4NJ

Is this a temporary permission? *

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) *

☐ Yes ☒ No

Have the works already been started or completed? *

☒ No ☐ Yes - Started ☐ Yes - Completed

Applicant or Agent Details

Are you an applicant, or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:

Ferguson Planning

Ref. Number:

First Name: *

Tim

Last Name: *

Ferguson

Telephone Number: *

Extension Number:

Mobile Number:

Fax Number:

Email Address: *

You must enter a Building Name or Number, or both: *

Building Name:

Tower Room, Tweed Horizons Centre

Building Number:

1

Address 1 (Street): *

Newtown St Boswells

Address 2:

Town/City: *

Melrose

Country: *

UK

Postcode: *

TD6 0SG

Is the applicant an individual or an organisation/corporate entity? *



Individual



Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title: *

Mr

Other Title:

First Name: *

Tim

Last Name: *

Ferguson

Company/Organisation:

Ferguson Planning

Telephone Number:

Extension Number:

Mobile Number:

Fax Number:

Email Address:

You must enter a Building Name or Number, or both: *

Building Name:

Tower Room

Building Number:

1

Address 1 (Street): *

Tower Room, Tweed Horizons

Address 2:

Newtown St Boswells

Town/City: *

Melrose

Country: *

United Kingdom

Postcode: *

TD6 0SG

Site Address Details

Planning Authority: Midlothian Council

Full postal address of the site (including postcode where available):

Address 1: CRAIGESK COACHWORKS

Address 5:

Address 2: 6 ASHBANK

Town/City/Settlement:

GOREBRIDGE

Address 3:

Post Code:

EH23 4NJ

Address 4:

Please identify/describe the location of the site or sites.

Northing

660936

Easting

335167

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☒ Yes ☐ No

Pre-Application Discussion Details

In what format was the feedback given? *

☒ Meeting ☐ Telephone ☐ Letter ☐ Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (Max 500 characters)

A meeting was held with Mhairi-Anne Cowie and Planning Manager to discuss the content of the application following the withdrawal of application: 14/00327/PPP. The matters raised at the meeting are now addressed as part of the Planning Statement lodged with this application.

Title: Ms

Other title:

First Name:

Mhairi-Anne

Last Name:

Cowie

Correspondence Reference Number:

Date (dd/mm/yyyy):

07/08/14

Note 1. A processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

0.12

Please state the measurement type used:

☒ Hectares (ha) ☐ Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: (Max 500 characters)

Existing Coachworks/Car Repair Business

Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? *

☐ Yes ☒ No

If Yes please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access? *

☐ Yes ☒ No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

☒ Yes ☐ No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

☒ Yes – connecting to public drainage network

☐ No – proposing to make private drainage arrangements

☐ Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water? (e.g. SUDS arrangements) *

☒ Yes ☐ No

Note: -

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

☒ Yes

☐ No, using a private water supply

☐ No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

☐ Yes ☒ No ☐ Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

☐ Yes ☒ No ☐ Don't Know

Trees

Are there any trees on or adjacent to the application site? *

☒ Yes ☐ No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

All Types of Non Housing Development - Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

☒ Yes ☐ No

All Types of Non Housing Development - Proposed New Floorspace Details

For planning permission in principal applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): *

Class 4 Business (Office / Light Industry)

Gross (proposed) floorspace (In square metres, sq.m) or number of new (additional) rooms (if class 7 or 8): *

50

If Class 1, please give details of internal floorspace:

Net trading space:

Non-trading space:

Total:

If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013? *

☐ Yes ☐ No ☒ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

☐ Yes ☒ No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2013

One Certificate must be completed and submitted along with this application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

☒ Yes ☐ No

Is any of the land part of an agricultural holding? *

☐ Yes ☒ No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding.

Signed: Tim Ferguson

On behalf of: Mr Tim Ferguson

Date: 24/10/2014

☒ Please tick here to certify this Certificate. *

Checklist - Application for Planning Permission

Town and County Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major developments (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

☐ Yes ☐ No ☒ Not applicable to this application

Town and County Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

☐ Yes ☐ No ☒ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- ☒ Site Layout Plan or Block plan.
- ☐ Elevations.
- ☐ Floor plans.
- ☐ Cross sections.
- ☐ Roof plan.
- ☐ Master Plan/Framework Plan.
- ☐ Landscape plan.
- ☒ Photographs and/or photomontages.
- ☐ Other.

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☐ Yes ☒ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

☐ Yes ☒ N/A

Drainage/SUDS layout. *

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan. *

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement *

☐ Yes ☒ N/A

Other Statements (please specify). (Max 500 characters)

Planning Statement and Coal Mining Risk Assessment

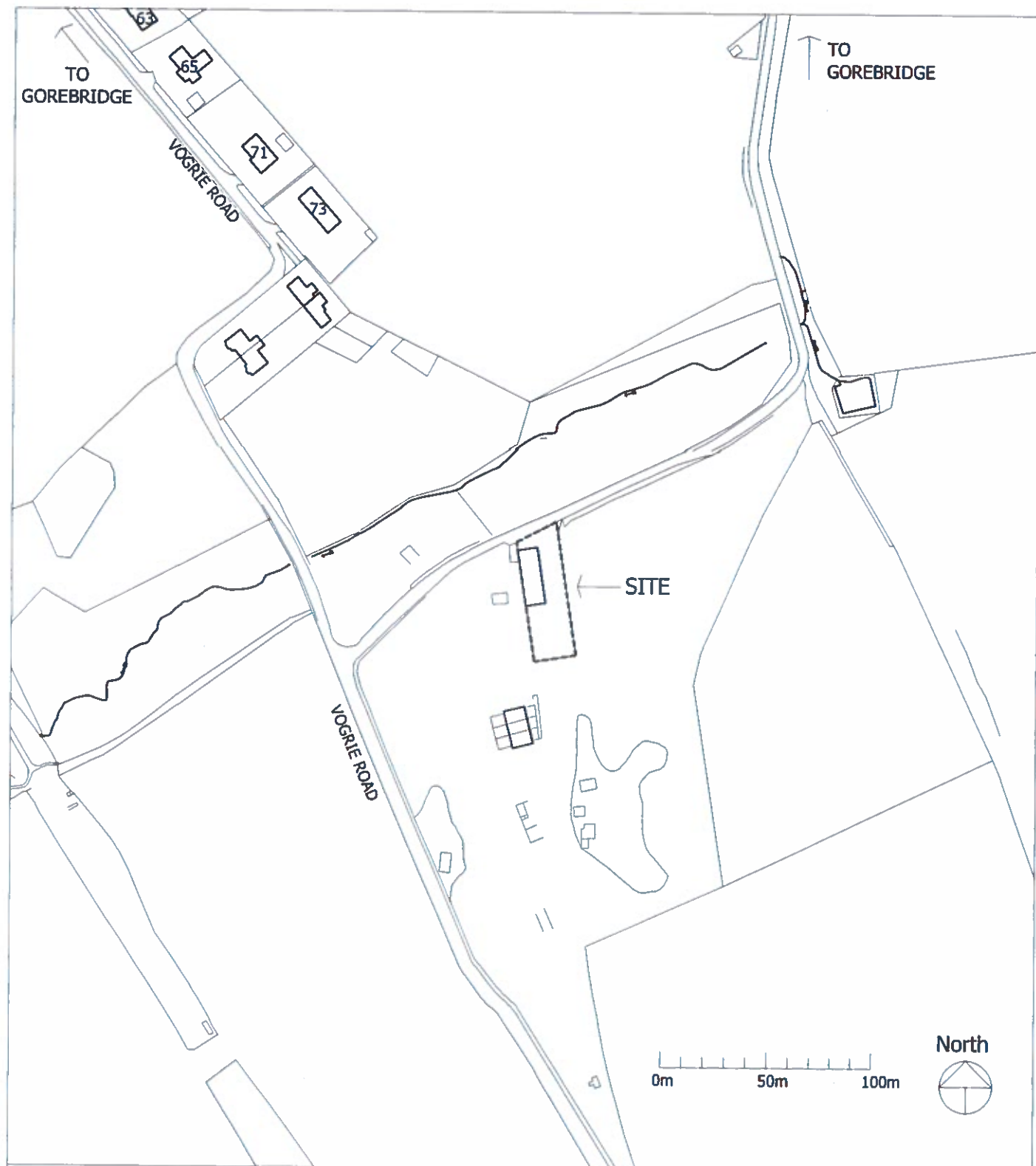
Declare - For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying plans/drawings and additional information are provided as a part of this application.

Declaration Name: Tim Ferguson

Declaration Date: 24/10/2014

Submission Date: 24/10/2014



Location Plan
Scale 1:2500

PROJECT

Proposed New House at
6 Ashbank, Gorebridge for
Mr & Mrs G Lawrence

DRAWING

Location Plan

DATE
30.04.14

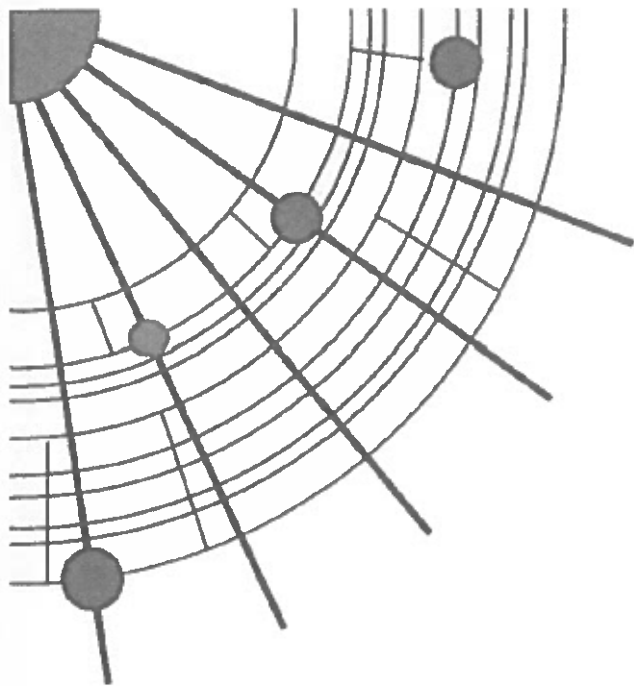
DRAWN
CM

SCALE
1:2500@A4

PROJECT
APP 13.05/015

DRAWING No.
PL01

REVISION
-



PLANNING STATEMENT

**ERECTION OF DWELLINGHOUSE, PARTIAL
ALTERATION OF GARAGE TO FORM ARTIST
STUDIO AND FORMATION OF NEW ACCESS
TRACK AND ASSOCIATED WORKS**

6 ASHBANK, GOREBRIDGE

CLIENT: MR GEORGE LAWRENCE

OCTOBER 2014



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Appendices:

Appendix 1: Location Plan

Appendix 2: Site Plan & Visuals

Appendix 3: Accountant Reference

Appendix 4: Dog Care Centre Letter

Ref: LAW1

LPA Ref: MLC

Author: TF

Telephone: 01835 822 716

Date of Issue: 24/10/2014



1. Introduction

- 1.1 This statement has been prepared by Ferguson Planning on behalf of Mr George Lawrence the owner of the subject site and Craigesk Coachworks.
- 1.2 Planning Permission in Principle (PPP) is being sought for the erection of a dwellinghouse at 6 Ashbank, Gorebridge together with alteration to the existing garage to form a new Artist Studio business (run by Mrs Lawrence). Further detail on site location and indicative layout can be found within **Appendix 1** and **Appendix 2**.
- 1.3 The site extends to 0.3 acres (0.12 hectares) or thereby ('Local' Development) and is a combination of an existing garage business, associated yard and surplus low quality vegetated land. In choosing the plot consideration was had to existing built form and natural surveillance of the garage business.
- 1.4 Following the withdrawal of the first application Ferguson Planning had a pre-application meeting with Midlothian Council's Planning Department on 7th August 2014 to discuss the principles of the application and which has informed the proposed development and relevant planning application package.
- 1.5 The remainder of this statement is structured as follows:
 - Chapter 2: The Site
 - Chapter 3: The Proposal
 - Chapter 4: Planning Policy
 - Chapter 5: Proposal Compliance
 - Chapter 6: Conclusion

2. The Site

- 2.1 The site is situated south of Gorebridge, approximately 0.8 kilometres from the town centre as the crow flies. The site is accessed via South Quarry Drive.
- 2.2 To the north of the site is South Quarry Drive, beyond which is 'The Dog Day Care' dog kennels comprising a number of wooden outbuildings and agricultural land. Immediately north of this is land being promoted through the Local Development Plan (LDP) process by Taylor Wimpey as 'Stobs Farm Phase 2'.
- 2.3 To the east of the site is existing light industrial buildings and agricultural land.
- 2.4 The site to the west and south accommodates a single storey brick building, a number of Nissen huts, shipping containers, miscellaneous caravans and mature vegetation. Vogrie Road is located to the east, beyond which there is agricultural land.
- 2.5 The site itself is largely rectangular in shape with the topography of the site being relatively flat. Adjacent land slopes steeply from east to west on all sides.
- 2.6 A single-storey brick building exists on site and thought to have been in existence for the last 140 years. The building is a former railway depot now used as a garage since 1984. It is understood that the general area was previously used as a clay and mineral pit but with no previous mine shafts on the site (to the best of our client's knowledge).
- 2.7 Our client, Mr. Lawrence, operates his garage business Craigesk Coachworks from the site. The garage is located on the site's western boundary in close proximity to the site's access point and is visible from South Quarry Drive. Two metal shipping containers are located immediately to the rear of the garage building. The eastern and southern areas of the site are used as a service yard for the garage and for the storage of vehicles both before and after servicing. A timber fence is located on the east, south and west boundaries.



- 2.8 The business has limited traffic generation with usually no more than 2 (client) cars visiting the site per day.
- 2.9 A site plan and visuals are contained within **Appendix 2** for a greater appreciation of the site's context.
- 2.10 Midlothian Council's online planning records confirm that there is no previous planning history for the site.



3. The Proposal

- 3.1 The application is for Planning Permission in Principle (PPP) and, as such, the detailed design, final position, scale and height of the dwellinghouse is to be reserved by way of planning condition.
- 3.2 The purpose of the proposal is to provide on-site residential accommodation for those that own and run the existing garage and proposed artist studio businesses.
- 3.3 The house will enable the applicant to live closer to the business, which can involve working hours well beyond the norm (ie. 9-5), and in particular to provide a greater level of on-site security following numerous break-ins and damage to property over the last five to ten years. The nature of the garage business means that client's expensive cars can be on-site for days at a time. A number of observations/concerns have been raised by clients about leaving their cars unattended over night in an area with no human surveillance on or even near the site.
- 3.4 While security measures are in place, such as: the closure of high barbed wire gates at the front of the site, padlocked doors at the garage, intruder alarm etc it still is not sufficient to provide that confidence.
- 3.5 The rural location means that there is little to no human surveillance of the site and with the distance between the owners current home and the subject site meaning ample time can be taken for criminal acts to be undertaken prior to anyone arriving on site.
- 3.6 A reference from our client's Accountant is provided in Appendix 3 which provides an insight to the longstanding nature of the business and the confidence to the business that having a house on the site would bring.
- 3.7 Past incidents, which have put a significant financial strain on the business, have included:
 - Forced entry and damage to front gates and robbery of service lorry
 - Forced entry smashed window of a new car (unable to hot wire/steal due to modern design)
 - Smashed window and robbery of radio from VW Polo
 - Forced entry to garage and theft of garage materials



- Petty vandalism, breaking of windows of cars located in yard
 - Robbery of tires, metal scrap/parts from yard
 - Broken/damage to perimeter fence
- 3.8 Locating the dwellinghouse on-site will result in an increased on-site human presence beyond the normal working hours. Most robberies are committed during night time or early morning hours. With the owner living on-site will mean greater confidence to clients and will lead to a significant reduction in overall theft/damage to property.
- 3.9 The indicative drawings show an approximate footprint of the dwellinghouse (c.120 square metres) and location which will enable a clear view to the site and garage entrance.
- 3.10 It is intended that the existing garage business will remain and a section of the building (south end) will be converted to accommodate an artist workshop and studio. The studio will be run by the applicant's wife, an accomplished artist who seeks to produce craft products and stain glass windows.
- 3.11 Given the nature of the existing and proposed businesses on site the traffic generation is low and in keeping with the area in which it is set. The existing garage attracts one to two vehicles per day and with the proposed artist studio likely to generate approximately one visit per week, if that. Most of the Artist Studio business would be conducted over the phone/internet. One service vehicle every other day is expected with a unloading time of less than 5 minutes per visit.
- 3.12 An area immediately adjacent to the garage measuring approximately 100 square metres will be set aside as a dedicated and secure yard to store clients' vehicles. A fence and gates will be constructed on the boundaries of the proposed yard for additional security.
- 3.13 The dwelling will be located in the south-eastern area of the site, approximately 9 metres south of the garage and surrounded by private garden space. A private driveway will be constructed along the site's eastern boundary from the site's access. The existing vegetation within the southern area of site will be tidied up.



- 3.14 The location of the dwellinghouse on site has been carefully considered to reduce the visual impact of the dwelling from South Quarry Drive but at the same time allowing natural surveillance of the site entrance.
- 3.15 It would be intended that existing infrastructure services would be connected to in terms of providing the appropriate electricity, sewerage and drainage to the site. The detail of which would be requested by way of a planning condition. As would any appropriate boundary treatment.
- 3.16 Providing the dwellinghouse on site is a necessity to retain and grow the garage business and provide the appropriate security for client vehicles which can often be on-site for a number of weeks.
- 3.17 In relation to the rural business itself the client has been fully employed on site over the last 30 years and during that time has consistently created 2 part-time apprentice jobs. At the present time the business creates one full time job and one part time job. There would be the creation of an additional job created via the establishment of the Artist Studio. So in total the site/business enables the provision of 3 jobs in the local rural economy.

4. Planning Policy

4.1 The Development Plan comprises:

- the South East Scotland Strategic Development Plan (SESplan) (Approved) 2013; and
- the Midlothian Local Plan (Adopted) 2008.

SESplan Strategic Development Plan (Approved) 2013

- 4.2 SESplan shows the site as falling within a sub-regional and Strategic Development Area (SDA) known as the 'A7 / A68 / Borders Rail Corridor'. There are substantial committed housing and economic development proposals within the SDA representing very significant growth. Significant investment in infrastructure is also required to deliver the level of growth.
- 4.3 In relation to housing SESplan outlines the housing land requirements for each of the authority areas and the preferred locations for growth (eg. A7 / A68 / Borders Rail Corridor). Table 3 indicates a requirement for 5,900 dwellings within the A7 / A68 / Borders Rail Corridor. The Scottish Ministers in their approval sought modifications particularly with regard to what they see as being an under provision in current housing allocations.
- 4.4 The SESPlan Supplementary Guidance - Housing Land Consultation Draft (November 2013) provides further information and direction for Local Development Plans (LDPs) as to how much of the overall housing land requirement should be met. Table 3.2 of the draft SPG indicates that an additional allowance of 1,350 dwellings must be met in the A7 / A68 / Borders Rail Corridor Strategic Development Area.
- 4.5 SESplan also outlines a number of infrastructure type policies (8,9,15) with regard to transport, infrastructure and flooding ensuring sustainable principles are applied in LDPs.

'Midlothian Local Plan' (Adopted) 2008

- 4.6 The Midlothian Local Plan (MLP) provides greater detail on the overall acceptability of individual developments.
- 4.7 The site is identified to be approximately 140 metres south of the Gorebridge settlement boundary, located within the countryside.
- 4.8 **Policy RP1 'Protection of the countryside'** outlines the circumstances that development in the countryside will be permitted, if:
 - A. it is required for the furtherance of agriculture, including farm related diversification, horticulture, forestry, countryside recreation, tourism, or waste disposal (where this is shown to be essential as a method of site restoration); or
 - B. it is within a designated non-conforming use in the Green Belt; or
 - C. it accords with policy DP1.
 Any such development is required to:
 - A. demonstrate a requirement for a countryside location;
 - B. be of a scale and character appropriate to the rural area;
 - C. be well integrated into the rural landscape;
 - D. avoid a significant permanent loss of prime quality agricultural land; and
 - E. take account of accessibility to public transport and services (where appropriate).
- 4.9 **Policy RP1** also notes that new or expanded business development and low-density rural housing may be appropriate in certain locations.
- 4.10 More detailed rural housing guidelines are outlined within **Policy DP1 'Development in the Countryside'**. Section 1.1 of the policy outlines the requirements for single houses in the countryside (not related to Housing Groups/Farm Steadings).
- 4.11 New houses will be permitted in the countryside where it is demonstrated that the house is required for the furtherance of an established countryside activity. The need for the new dwelling must also be:

- permanent;
- cannot be met within an existing settlement; and that
- the occupier of the property will be employed full-time in the countryside activity being furthered by the provision of the new house.

4.12 The long-term need for the proposed house must also be demonstrated on the viability of the associated business and its operational requirements.

4.13 Any such new house will be subject of an occupancy condition and/or a legal agreement to tie the new dwelling to the landholding associated with the countryside activity in question.

4.14 Any single new dwelling shall:

- A. fit in the landscape and be of a character appropriate to existing houses in the local area;
- B. be capable of being served by an adequate and appropriate access;
- C. be capable of being provided with drainage and a public water supply at reasonable cost, or an alternative acceptable private water supply, and avoiding unacceptable discharge to watercourses;
- D. be no larger in size than required to fulfil the purpose for which the development has been allowed; and
- E. incorporate sustainable building design.

4.15 Section 2 of **Policy DP1** relates to the design of new housing within the countryside and requires new housing to be designed to enhance the appearance of the countryside. The quality of design and construction must be of a high standard and external finishing materials must be of high quality.

4.16 **Policy ECON 3 'Workshop Homes'** is considered to have relevance to the proposal. The policy makes provision for small business enterprise which can make a contribution to local job prospects. It outlines that workshop homes can foster small-scale business from the home. The policy requires any such proposals to:

- to be conducted without detriment to local residents
- have suitable access, parking and servicing available
- not include any retail use

4.17 **Policy ECON8 'Rural Development'** permits proposals that will enhance rural economic development opportunities where they meet the following criteria:

- A. the proposal is located adjacent to a smaller settlement (Inset Maps 5 to 16)* unless there is a locational requirement for it to be in the countryside;
- B. the proposal is well located in terms of the strategic road network and access to a regular public transport service (minimum service frequency of 1 bus per hour weekdays, weekends and evenings);
- C. the proposal is of a character and scale in keeping with the rural setting, will not detract from the landscape of the area, and is sited, designed and landscaped so as to enhance the rural environment;
- D. the proposal will not introduce unacceptable levels of noise, light or traffic into inherently quiet and undisturbed localities nor cause a nuisance to residents in the vicinity of the site;
- E. the proposal is capable of being served by an adequate and appropriate access;
- F. the proposal is capable of being provided with drainage and a public water supply at reasonable cost, or an alternative acceptable private water supply, and avoiding unacceptable discharge to watercourses; and
- G. the proposal is not primarily of a retail nature.

4.18 Some of the above criteria may be set aside if the site has been identified through supplementary planning guidance as being a location supported by the Council for rural economic development.

4.19 Further detailed rural housing guidelines are outlined within Supplementary Planning Guidance 'Development in the Countryside: DP1, Section 1.2: Housing Groups' (Adopted) 2009.



Material Considerations

- 4.20 There are numerous other material considerations in the determination of an application (and subsequent Approval of Matters Specified in Conditions (AMC) application) of this nature, including:
- Supplementary Planning Guidance: 'Development in the Countryside: DP1, Section 1.2: Housing Groups' (Adopted) 2009
 - Scottish Planning Policy (2014)
 - PAN 72: Housing in the Countryside
- 4.21 The principle of these documents have been adhered to when making this application with the necessary detail being imposed by way of condition(s) which would be addressed by any future AMC application.
- 4.22 The recently adopted SPP very much supports rural economic development to sustain fragile communities. It outlines that, where appropriate, there should be an allowance for the construction of single houses out with settlements provided they are well sited and designed to fit with local landscape character, taking account of landscape protection and other plan policies.

5. Proposal Compliance

5.1 The purpose of this section is to focus on how the proposal meets the relevant local plan policies using the following three headings:

- Rural Economic Development
- Housing in the Countryside
- Other Considerations

Rural Economic Development

- 5.2 Sustaining and encouraging productive social and economic activity in the countryside of Midlothian is supported via Policy ECON 3 'Workshop Homes' and ECON 8 'Rural Development'.
- 5.3 While the proposal is for a residential dwelling its purpose is in serving an existing and new rural business. Craigesk Coachworks is owned and operated by Mr George Lawrence. Mr Lawrence is a well-known local mechanic and panel beater who has operated his business from the site for the last 30 years.
- 5.4 Owners of vehicles currently repaired by Mr Lawrence and those wishing to use his services in the future are seeking more comfort regarding on-site (24 hour) security. This can only be satisfactorily achieved by Mr and Mrs Lawrence living on site. Comfort on the long term viability of the business is also outlined within a letter from the Client's Accountant (refer to Appendix 3).
- 5.5 Currently 2 people are employed by the existing business with further job creation expected should the business grow in line with client's expectations.
- 5.6 The proposal will also facilitate the alteration of a section of the existing garage to create an artist workshop and studio, thereby creating a further new/start-up business within the countryside and at the very least 1 new job.
- 5.7 The proposal would allow the business operators to live on site and thus not require to travel to their place of work which fully aligns itself with sustainable transport principles.



5.8 The proposal complies with Policy ECON 3 and ECON 8 as:

- it will create a form of 'workshop home' which will not give rise to any local amenity issues, will have appropriate access and servicing and will not create any pure retail floorspace.
- there is a locational requirement for the house in that it requires to sit adjacent to the existing business
- despite the rural location it is located on a brownfield site, surrounded by other forms of development;
- it is located approximately 140 metres south of the Gorebridge settlement boundary in an area that is being promoted for future urban expansion;
- it is a development linked directly to an existing business within the countryside and will facilitate the growth of this business;
- evidence of the business validity has been provided;
- it will bolster further business in a rural location via the creation of the artist workshop and studio;
- it is well located and will have adequate car parking (5 external parking spaces / 4 internal parking spaces) to serve the business and house (2 spaces). Existing access would be used onto South Quarry Drive and in close proximity to the B6372;
- it will continue to be a very low level traffic generator (circa. 2 cars per day);
- it is a modest dwelling in terms of scale and character, therefore in keeping with the rural setting;
- it is located to the rear of site to minimise any visual impact from South Quarry Drive and the surrounding area;
- it enhances the environment by upgrading the appearance of the site, providing a dedicated and secure storage yard for vehicles, creating a new driveway and addressing the unruly vegetation on site;

- it will not introduce unacceptable levels of noise, light or traffic;
- surrounding business uses do not, in our opinion, give rise to any significant noise concerns. This is based on feedback from the Client who has worked there for 35 years. Neighbouring businesses all operate within daytime hours and do not generate high levels of noise. Therefore will not impact on residential amenity or peoples sleeping patterns. Moreover, it should be noted that Midlothian Council have approved the acceptability of nearby housing at Stobbs Farm.
- it will be connected to existing public infrastructure/services where possible.

Housing in the Countryside

- 5.9 Due to the proposal falling within a countryside location, **Policy RP1 'Protection of the countryside'** and **Policy DP1 'Development in the Countryside'** are the key policies in the overall determination of the application.
- 5.10 In relation to Policy RP 1 it is recognised that the subject site and proposal is somewhat unique. In that it is an existing development/business on brownfield land falling within a countryside location but that it does not strictly speaking relate to agriculture or countryside uses. However, we do believe that the site is considered an existing and acceptable non-conforming development use within the countryside and one that accords with 'Policy DP 1' of the Local Plan.
- 5.11 The site is brownfield with an existing business in place and serving the rural community in which it is set. In the preamble to 'Policy RP 1' it is noted that in certain locations some limited and controlled development related to low density housing and new or expanded businesses may be acceptable.
- 5.12 While not strictly falling within a use denoted in Criterion 'A' of 'Policy RP 1' it nonetheless is an existing/acceptable use/site within the countryside. There is a case, in this instance, to provide a degree of flexibility in the application of 'Criterion A' for reasons stated previously and because we believe the proposal adheres to the remaining criteria asked of it by 'Policy RP 1'.

5.13 The development:

- requires to be in the countryside location in order to serve the existing and on-site business and to provide the necessary human surveillance/security demanded by clients. For those reasons the proposed dwelling can not be accommodated within any nearby settlement;
- in terms of design the proposal seeks a modest wooden chalet style dwelling in a sensitive location to the rear of the site. It seeks very much to respect the rural area in which it is set. It would provide appropriate garden, parking and infrastructure;
- will be well integrated due to existing trees which sit on the boundary of the site together with the existing topography and built form adjoining the site;
- will not lead to the loss of prime agricultural land;
- will be accessed by the same road as the existing garage thus requiring no significant infrastructure works; and
- is a modest addition to the existing built form of the immediately surrounding area.

5.14 While not directly related, it nonetheless should be noted, that the land to the north of the site is currently being promoted through the Local Development Plan process by Taylor Wimpey as 'Stobs Farm Phase 2' for 180 – 200 new dwellings. This area of Gorebridge is therefore likely to accommodate future urban expansion toward the subject site.

5.15 Taken together the site is considered to comply to the ethos of **Policy RP1**.

5.16 In reviewing **Policy DP1** the proposal is considered to be in accordance with it, as:

- Mr Lawrence owns and runs Craigesk Coachworks, thereby being employed full-time on site by an existing business established in a rural area;
- Further employment is created as part of the garage business (1 part-time staff member) with yet further employment being

proposed by way of the new Artist Studio to be operated by Mrs Lawrence;

- The existing business has been operational from the site for over 30 years this therefore demonstrates its financial viability. The applicant has been the sole owner of the business over that time period. Nonetheless a financial statement has been lodged with the application to confirm the overall viability of the business;
- The applicant is willing to enter into any necessary legal agreement which links those employed by the site business to the proposed residential dwelling;
- Previous breaches of site security and damage to business and client property has led to a much stronger need for on-site security. While certain security measures are in place, the rural location of the business and the time it takes to be on site (outwith normal working hours), renders them largely ineffective. Proper security can only be provided by Mr and Mrs Lawrence living on-site and providing that much needed human site surveillance;
- Living on-site will assist the growth of two rural businesses and will also mean the operators of the businesses can access their place of work by foot;
- The proposed alterations to the garage building will establish a new rural business via the artist workshop and studio;
- The proposed dwelling will be modest in scale and sustainable in design to ensure that it is in keeping with its rural location; and
- Existing access and infrastructure will be utilised;

5.17 The Council's Supplementary Planning Guidance (SPG) 'Development in the Countryside: DP1, Section 1.2: Housing Groups' (Adopted) 2009 has been taken into consideration in terms of design and siting of the dwelling to ensure minimal impact on the surrounding area.

5.18 The document would be adhered to in greater detail when undertaking any future AMC application and consideration of matters such as appropriate building materials and boundary treatment would also be accounted for.



Other Considerations

- 5.19 Many of the other policy considerations contained within the local plan are on matters such as detailed design and sustainability (eg. Policy DP2 'Development Guidelines') and which we would expect to form conditions on any future planning permission.
- 5.20 Prior to withdrawing the previous application on site there were a number of consultations made. It is worth responding to two in particular. Those being by the Coal Mining Authority regarding a Coal Mining Risk Assessment and by Environmental Health regarding noise issues related to a 'Dog Care Centre' nearby.

Coal Authority

- 5.21 A representation was received from the Coal Authority and which sought that a Coal Mining Risk Assessment or equivalent be undertaken as part of the application submission.
- 5.22 Taking the advice received the applicant has appointed respected engineers Goodson Associates to undertake all necessary investigations required.
- 5.23 Goodson Associates have now obtained the relevant Coal Authority Report for the site. In addition to this they have also obtained the British Geological Survey records and discussed them with the Coal Authority direct. A report has been produced by Goodson Associates (lodged with the application) providing an overview of the relevant findings.
- 5.24 It notes that:
- There are no current workings which would influence the site
 - There are no mine/bore holes on site but one exists nearby
 - Further investigations maybe necessary regarding potential two worked seams beneath the site. It would be normal that such investigations would be conditioned prior to any construction on site

Environmental Health

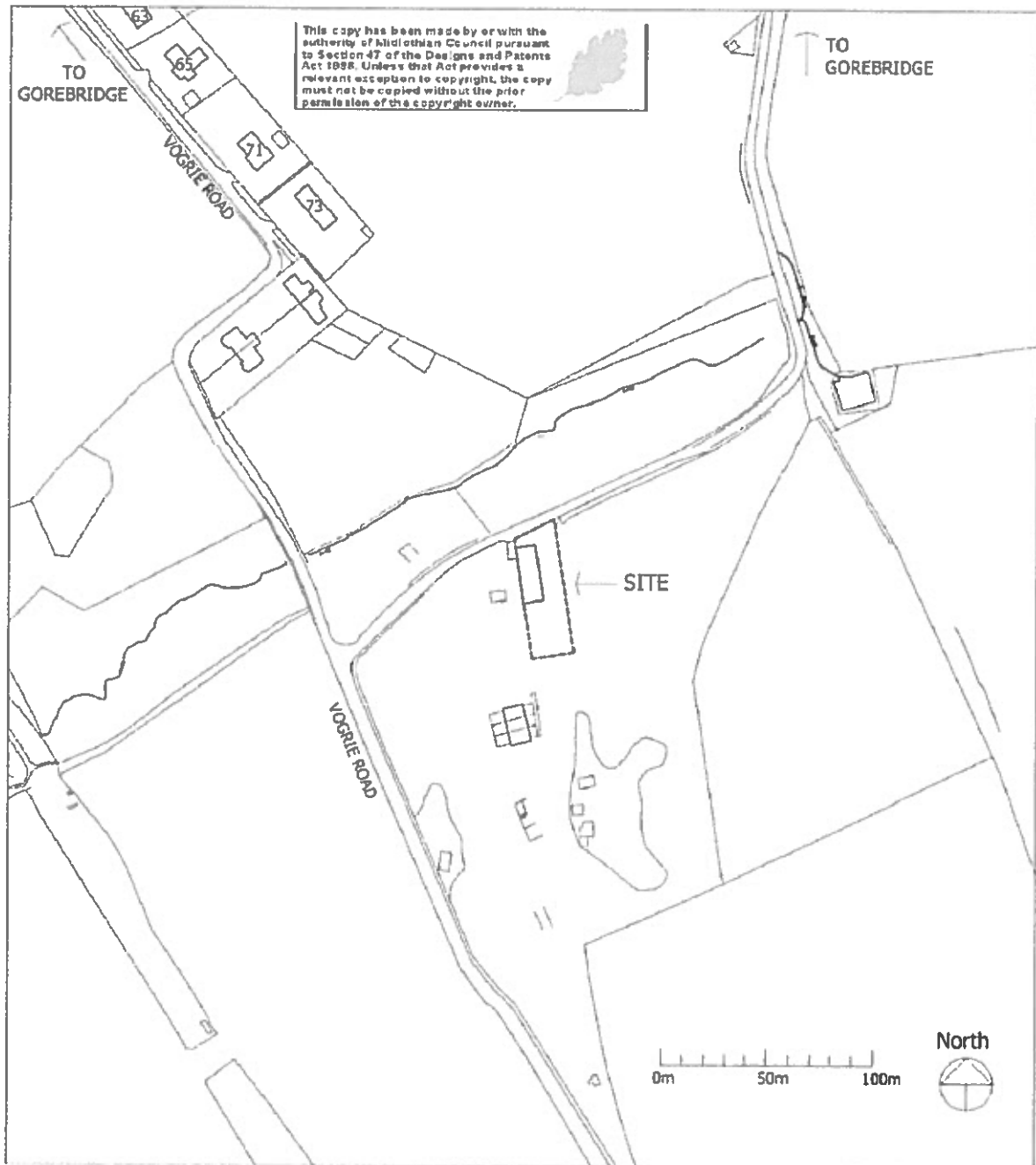
- 5.25 The representation received from the Environmental Health Department outlines that they have concerns regarding the close proximity of a dog day care facility to the proposed residential dwelling and that residents may experience poor standard of amenity.
- 5.26 We are aware of the dog care facility and while there maybe some barking on site our client believes this does not give rise to any significant noise impact, in terms of what he can hear on his site. Or no different to a situation whereby houses are located near to one and another and some residents own one or more dogs. There is barking occasionally but not to any significant level.
- 5.27 A letter from the Dog Day Care Centre is provided within Appendix 4 which provides greater detail on the hours of operation and their belief that related barking travels uphill rather than downhill towards the site. It should be noted that the dog care business fully support the application being made and reasons for doing so.
- 5.28 The dog care centre and other nearby business operate during daytime hours therefore will have little to no impact on residential amenity at sensitive times (eg. 10pm-8am). The client is aware of surrounding uses having worked there for over 30 years and which has never been an issue in terms of quality of life standards.
- 5.29 Should the Environmental Health department wish to come to the site and undertake any detailed investigations then the Client is happy for this to take place in order to be satisfied with the position being made.



6. Conclusion

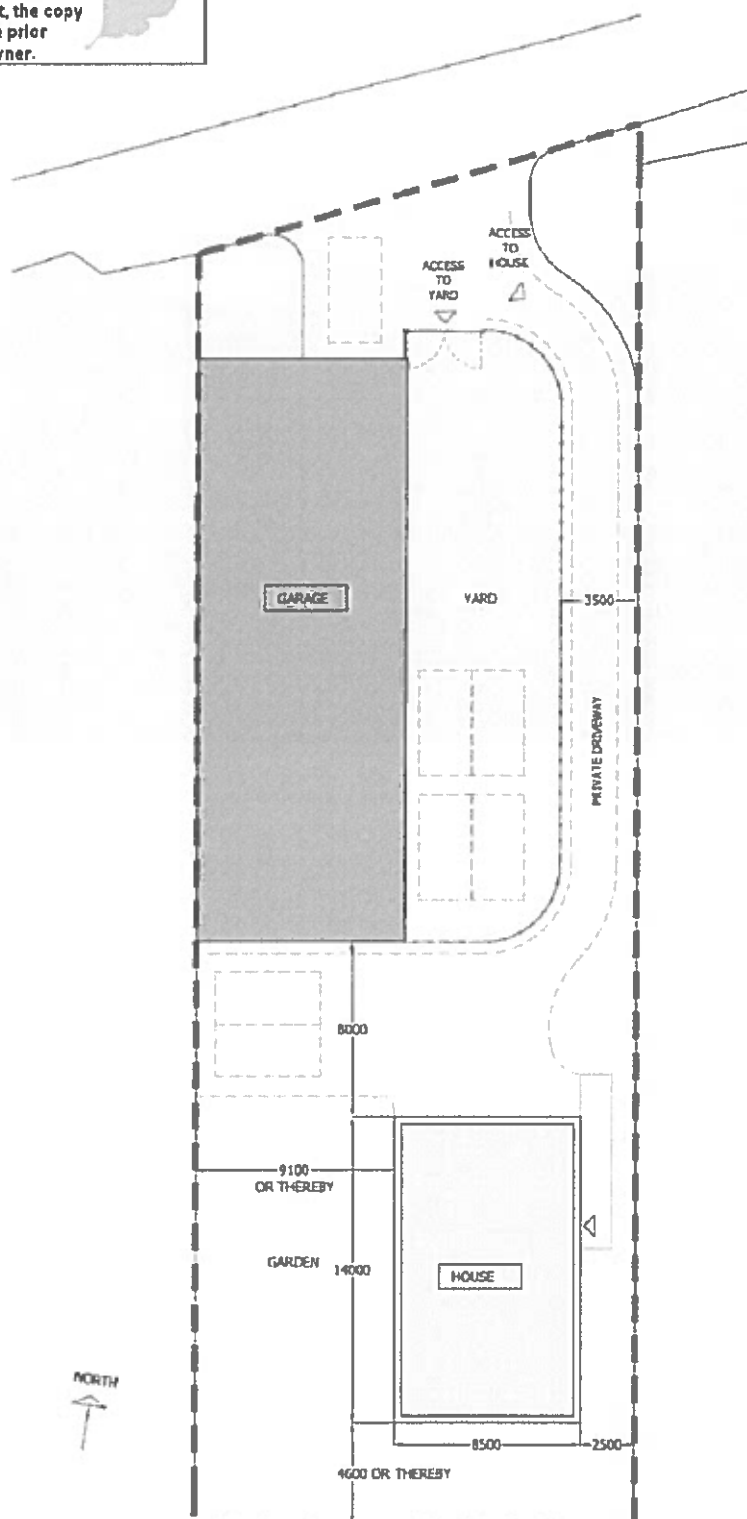
- 6.1 We believe that the subject site represents a sound location for the proposed residential dwelling and one that is essential to sustain and grow the existing garage and panel beating business.
- 6.2 The position of the dwelling will provide the necessary on-site security demanded by clients and beyond this will also assist in creating a new Artist Studio business with the creation of further on-site employment.
- 6.3 It is considered to comply with key planning policy and ensures the best fit in terms of local plan compliance by:
- being linked to an existing business within the countryside and one which creates local employment;
 - being linked with the creation of a new business in the countryside;
 - being situated on low quality/brownfield land;
 - utilising existing infrastructure;
 - upgrading the appearance of the site;
 - being located within an existing developed area of the countryside (development on all sides);
 - being located lower and orientated side-on from key visual points;
 - supporting sustainable transport principles as the owners will be able to walk to work.
- 6.4 It is therefore respectfully requested that this PPP application be approved.

Appendix 1: Location Plan



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Appendix 2: Site Plan & Visuals



ferguson
planning

development • management • engagement

Visuals



Appendix 3: Accountant Reference

**IAN J DOUGLAS FCCA
KEN REAVES FCA**

Dundock 15 Ancrum Bank
Eskbank Dalkeith Midlothian EH22 3AY



To whom it may concern

16 October 2014

Dear Sirs

George Lawrence t/a Craigesk Coachworks, 6 Ashbank, Gorebridge, Midlothian EH23 4NJ

My Lawrence has traded at the above address since 1984. I have acted as Mr Lawrence's accountant for 11 years.

The business is very well established and Mr Lawrence is highly regarded within the local motor trade. He has many regular clients. Over the years there have been a number of break-ins, as the property is remote. These have all been reported to the police but the consensus is that little can be done due to its locality. Mr Lawrence now wishes to build a house behind the premises in order to improve the situation. This will provide a lot of comfort to Mr Lawrence's clients.

Yours faithfully



Ian J Douglas

AIMS ACCOUNTANTS
FOR BUSINESS

Corporate credit licence No 0800006 (08/02/06)

AIMS is a national association of independent accountancy practices operating under licence granted by AIMS Partnership plc

Appendix 4: Dog Day Care Centre Letter

The Dog Day Care Centre

To: Craigesk Coachworks

15th July 2014

Dear George

The Dog Day Care Centre, 8 Ashbank, Gorebridge, EH23 4NJ

As the owner and proprietor of the above establishment, I wish to make it clear that the terms of my licence, issued by the Environmental Health Department of Midlothian Council, specifically limit the opening hours of work for The Dog Day Care Centre to 9am to 5pm Monday to Friday. We are currently only onsite from 10am to 3pm Monday to Friday.

Our experience of noise created from The Dog Day Care Centre is that it travels uphill more loudly than downhill.

I hope this information is helpful for your planning application.

Yours sincerely

Sarah Medlam

The Dog Day Care Centre, 8 Ashbank, Gorebridge, EH23 4NJ



CORPORATE RESOURCES	
FILE: 1400773	DA
RECEIVED	27 NOV 2014
MAC	

David Walker
24, Dalhousie Place
Poltonhall
Bonnyrigg
EH19 2LL

16 November 2014

ACKNOWLEDGED 27 NOV 2014

Reff: 14/00773/PPP

To whom it may concern,

I am a customer of Mr G Lawrence and have been now for over 15 years. I believe that it would be a very good idea from him to be able to live on the site next to his garage for the following reasons,

- 1, Security of his work place. (Over the past few years now and more now that the new houses have been built in the area, there are now more issue of people getting in to his yard and tampering with the vehicles in there.)
- 2, He would be closer to his work place. (Given the working hours that he keeps this would be a great benefit to him.)
- 3, Security of the other properties. Having him living on site would also help to protect the other properties in that area. (As at the moment no one lives in that area which makes this a security issue of the properties in that area no existence.)

I see no reason at all for him not being allowed to live on site, it can only benefit the site and area for all.


David Walker

Bellevue
39 Powdermill Brae
Gorebridge
Midlothian
EH23 4HX
18.11.14

CORPORATE RESOURCES
FILE <i>K/COACH/PP</i>
RECEIVED <i>01 DEC 2014</i>
<i>MAC</i>

To whom it may concern,

I am writing in support of the application 14/00773/PPP by George Lawrence to build a dwellinghouse at Craigesk Coachworks, 6 Ashbank, Gorebridge.

I believe this would be beneficial to the business, as it would allow Mr Lawrence to live on site, thereby providing additional security to the business premises and to clients' vehicles. The premises are in a relatively secluded location, and the addition of a dwellinghouse to the location would not affect any neighbours in a negative way.

In fact, by allowing the proprietor to live on the site, it would be supporting a local business and making it more sustainable in the long term.

Yours faithfully,



Ian Wood

MR. Ronald McKue
Development Kirkhill Lodge
Management Gate-bridge
28/11/14 RECEIVED - 3 DEC 2014
Dear Sir,

I am writing in support of the appeal by Mr Lawrence to build a house at his Garage Business REF 14/00773/PPP. I have been a friend and customer of his for over 20 years and has over this time serviced my cars to a very high standard. The fact he would live near the business premises will help his security which he has been concerned about lately, and add to customer confidence, Also improvement to the area.

ACKNOWLEDGED 8 DEC 2014

CORPORATE RESOURCES	
FILE:	14/00-113/PP
RECEIVED	08 DEC 2014
MAC	

Laura Davidson
22 Cedar Road
Nivensknowe Park
Loanhead
EH20 9PN

Dear *Sir/Madam*

I am a long standing customer of George Lawrence.

I think it would be most beneficial for them to have a house at the garage, as this would mean more security for customers cars that are left over night.

I am in full support of this and it would give me as a customer peace of mind knowing my car is safe over night.

Yours faithfully



Laura Davidson

ACKNOWLEDGE 08 DEC 2014

CORPORATE RESOURCES	
FILE:	
RECEIVED	08 DEC 2014
MAC	

Ruth Davidson
15 Lime Grove
Mayfield
Dalkeith
EH22 5LQ

Dear Sir / Madam

I am a long standing customer of George Lawrence. I think it would be most beneficial for them to have a house at the garage, as this would mean more security for customers cars that are left over night. I am in full support of this and it would give me as a customer peace of mind knowing my car is safe over night.

Yours faithfully



Ruth Davidson

CORPORATE RESOURCES	
FILE:	14/00773/PPP
RECEIVED	17 DEC 2014

Joanne Paget
82 Swan Crescent
Gorebridge
Midlothian.
EDINBURGH.
EH23
09/12/2014

ACKNOWLED 17 DEC 2014



Application 14/00773/PPP.

Dear Sirs,

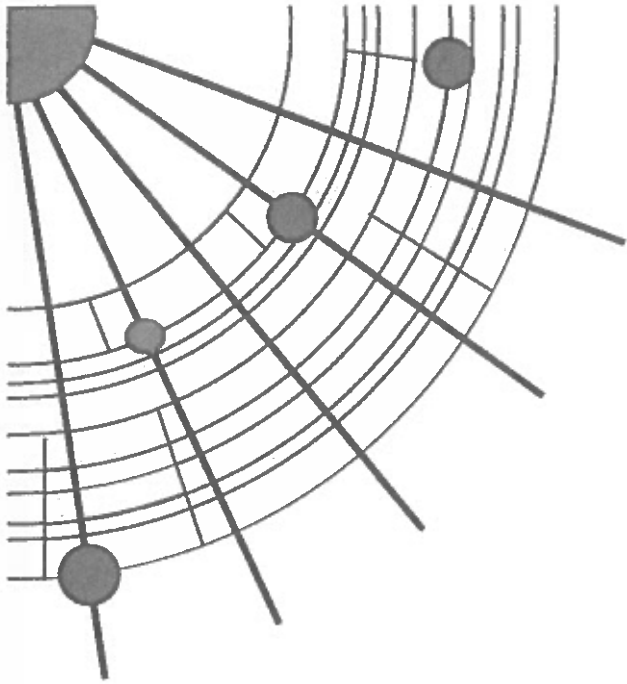
I am writing to you regarding the above application for a dwelling house to be built on the site of Craigesk Coach Works. 6 Ashbank Gorebridge.

I fully support this request, and believe it would be beneficial to all the surrounding properties.

Mr. Lawrence has had his business there for over Thirty Years, and has prospered in this time.

I really do hope that his application is successful, as this would also mean that people are living close to all the surrounding properties, and therefore giving additional security to all the other non residents, that have smallholdings and sheds there.

Yours faithfully.
Mrs Joanne Paget.



STATEMENT OF APPEAL

PLANNING REF. 14/00773/PPP

**ERECTION OF DWELLINGHOUSE, PARTIAL
ALTERATION OF GARAGE TO FORM ARTIST STUDIO
AND FORMATION OF NEW ACCESS TRACK AND
ASSOCIATED WORKS**

6 ASHBANK, GOREBRIDGE

CLIENT: MR GEORGE LAWRENCE

FEBRUARY 2015



CONTENTS

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3.	Planning Context	4
4.	Grounds of Appeal	7
5.	Conclusion	13

Appendix 1: Appeal Documents List

Ref:	LAW1
LPA Ref:	MLC
Author:	TF
Telephone:	01835 822 716
Date of Issue:	23/02/15



1. Introduction

- 1.1 This statement of appeal has been prepared by Ferguson Planning on behalf of Mr and Mrs Lawrence (the appellant) who propose to build a new home close to Mr Lawrence's longstanding coachworks business and where part of the garage is proposed to be adapted to also accommodate a new artist's studio from which Mrs Lawrence seeks to establish a new business.
- 1.2 The proposal (14/00773/PPP) for the new dwelling was lodged on 24th October 2014 with a decision, via delegated powers, to refuse the application received on 15th December 2014. As such, we now seek to appeal the decision via the Council's Local Review Body.
- 1.3 Prior to doing so the applicant wishes to express their frustration with regard to the lack of communication and opportunity to respond to consultations received some of which were only received 48 hours (eg. Environmental Health) prior to a decision being made and which did not get shown on the planning portal until after a decision had been made.
- 1.4 The applicant believes the planning department have fallen short in providing due and proper dialogue following the submission of the application and beyond this have also failed to provide the opportunity to review and, if necessary, respond to all consultations prior to a decision being reached.
- 1.5 Given the lack of opportunity to engage during the lifespan of the application this statement now focuses on responding to the reasons for refusal and, where necessary, cross referring to the delegated Officer's Report, Development Plan and material considerations. The supporting documentation to this appeal are listed within the Appeal Form and Appendix 1.

2. Reason for Refusal

2.1 Within the 'Decision Notice' there were two reasons for refusal those being:

1. The proposed dwelling is to be located within the countryside and is to be linked to an established business: it has not demonstrated, to the satisfaction of the Planning Authority, that there is an immediate or long-term requirement for a new house to further the established business; and it has not been demonstrated that the business is sufficiently viable to support a new dwellinghouse. For the above reasons the proposed development is contrary to policies RP1 and DP1 of the adopted Midlothian Local Plan.

2. The future occupiers of the proposed house would experience a poor standard of amenity due to the proximity of the site to the dog day care facility to the east of the site due to noise from dogs barking.

2.2 It is considered important to highlight at this stage key points or observations on the Planning Officer's report. These being that:

- no objections have been received with 10 representations received in support of the proposal and which gives comfort on the longstanding and loyal customer base. Reading the representations vindicates the client's concerns with regard to the security of their business given the remote location
- The Council's Roads Department has no objection
- The Scottish Coal Authority have no objection
- That the Council's Environmental Health Department lodged their formal objection two days prior to determination of the application and, as previously noted, has given no right of reply to matters raised. Moreover, it has provided no evidence to support its objection as to why they feel impacts would be significant.
- The officer's report makes no mention of the correspondence from the Dog Day Care Centre (Supporting Statement-Appendix 1) which details the restriction of hours of operation to working/day time hours only and that currently only operating 10am to 3pm Monday to Friday. In addition to this it is noted that any associated noise travels uphill not downhill to the subject site.



- no correspondence was received prior to the determination of the application with regard to the requirement for greater detail beyond the Accountant information lodged with application. In other words the opportunity to supply any additional information to demonstrate further the viability and growth of the business. The appellant has been in business for 30 years on the site and seeks to continue well into the future and together with his son.
- the plot has adequate garden and parking space and the site is well secluded due to the topography in the area and landscaping around the site. The case officer concludes that there are no design concerns regarding that proposed.
- The creation of the Artist Studio is considered to further support economic development on the site and likely to comply with Policies RP1 and ECON8. Little to no commentary is provided by the case officer on the support to retaining current and creating new employment within the garage business.

3. Planning Context

Midlothian Local Plan (Adopted) 2008

- 3.1 Within the report of handling the Planning Officer has focused the determination of the application on two policies contained within the above local plan. The first being 'Policy RP1 - Protection of the Countryside'. The Policy contains three criteria and thereafter a further five aspects that the development must adhere to. The Case Officer's report fails to highlight the last part of the Policy with regard to certain locations being appropriate for new or expanded business development and low density rural housing.
- 3.2 For completeness the Policy has been outlined in full below.

Policy RP 1

PROTECTION OF THE COUNTRYSIDE

Development in the countryside will only be permitted if:

- A. it is required for the furtherance of agriculture, including farm related diversification, horticulture, forestry, countryside recreation, tourism, or waste disposal (where this is shown to be essential as a method of site restoration); or*
- B. it is within a designated non-conforming use in the Green Belt; or*
- C. it accords with policy DP1.*

All such development will need to:

- A. demonstrate a requirement for a countryside location;*
- B. be of a scale and character appropriate to the rural area;*
- C. be well integrated into the rural landscape;*
- D. avoid a significant permanent loss of prime quality agricultural land; and*
- E. take account of accessibility to public transport and services (where appropriate).*

In certain locations, new or expanded business development, low density rural housing, the winning of mineral resources or renewable energy developments may be appropriate (refer to proposal ECON1, policies ECON7, ECON8, HOUS5, MIN1 and NRG1).

- 3.3 The second policy quoted was 'Policy DP1 Development in the Countryside'. Section 1.1 of the policy outlines the requirements for single houses in the countryside (not related to Housing Groups/Farm Steadings).
- 3.4 New houses will be permitted in the countryside where it is demonstrated that the house is required for the furtherance of an established countryside activity. The need for the new dwelling must also be:



- permanent;
 - cannot be met within an existing settlement; and that
 - the occupier of the property will be employed full-time in the countryside activity being furthered by the provision of the new house.
- 3.5 The long-term need for the proposed house must also be demonstrated on the viability of the associated business and its operational requirements.
- 3.6 Any such new house will be subject of an occupancy condition and/or a legal agreement to tie the new dwelling to the landholding associated with the countryside activity in question.
- 3.7 Any single new dwelling shall:
- A. fit in the landscape and be of a character appropriate to existing houses in the local area;
 - B. be capable of being served by an adequate and appropriate access;
 - C. be capable of being provided with drainage and a public water supply at reasonable cost, or an alternative acceptable private water supply, and avoiding unacceptable discharge to watercourses;
 - D. be no larger in size than required to fulfil the purpose for which the development has been allowed; and
 - E. incorporate sustainable building design.
- 3.8 Section 2 of **Policy DP1** relates to the design of new housing within the countryside and requires new housing to be designed to enhance the appearance of the countryside. The quality of design and construction must be of a high standard and external finishing materials must be of high quality.
- 3.9 While the Officer's report picks up on some economic related policies (eg. Econ. 8) and how the proposal is broadly accepted under the terms of that policy it fails to highlight a critical and related policy. That being **Policy ECON 3 'Workshop Homes'**. This policy, as noted in the applicants planning statement, makes provision for small business enterprise which can make a contribution to local job prospects.



- 3.10 It outlines that workshop homes can foster small-scale business from the home. The policy requires any such proposals to:
- to be conducted without detriment to local residents
 - have suitable access, parking and servicing available
 - not include any retail use
- 3.11 It is important to highlight the preamble to the Policy and in particular part 3.3.25 which states: ***ECON3 makes provision for a type of small business enterprise which can make an important contribution to local job prospects. Workshop homes can foster such small-scale businesses, including those that can be operated successfully from the home with some provision for storage or operational premises.***
- 3.12 The second reason for refusal does not make note of any Policy but simply outlines that the future occupiers would experience a poor standard of amenity due to the proximity of the site to the dog day care facility to the east of the site due to the noise of dogs barking. The thrust of this reason has come from an objection made by the Environmental Health Department.
- 3.13 The reason is written almost as a matter of fact that any house in the location proposed set back and some distance from the dog day care centre will have an extremely poor residential amenity. The applicant refutes this assertion strongly which will be touched upon in the following section. However, it should be clear the reason quoted is based on no evidence and should not have formed a reason for refusal unless certainty could be provided on the comment being made.
- 3.14 The Officer's report notes that the proposal is largely compliant with all other parts of the local plan and matters such as satisfying the Coal Authority have now been resolved.
- 3.15 We consider the review of planning policy and material considerations outlined within the applicant's 'Planning Statement' remains valid and would seek that it be carried forward and referred to as part of the general context to this application.
- 3.16 Taking on board the reason for refusal together with the wider context within the Planning Officer's report and the applicant's Planning Statement we will now outline our clear grounds of appeal and to why the application merits approval on this occasion.

4. Grounds of Appeal

Reason for Refusal

- 4.1 The reasons for refusing the application have been outlined within the preceding chapters. It centres on the belief that the proposed house is not in an appropriate and justified location and that a nearby business would result in a detrimental impact in on-site residential amenity.
- 4.2 Our response to the reasons for refusal together with the informative leading to the decision forms the 'Grounds of Appeal' and which are now listed below.

Grounds of Appeal (GOA)

GOA 1

- 4.3 The first reason for refusal fails to take into account the entire content/ethos behind Policy RP1 and DP1.
- 4.4 In relation to Policy RP 1 it is recognised that the subject site and proposal is somewhat unique. In that it is an existing development/business on brownfield land falling within a countryside location but that it does not strictly speaking relate to agriculture or countryside uses. However, we do believe that the site is considered an existing and acceptable non-conforming development use within the countryside and one that accords with 'Policy DP 1' of the Local Plan.
- 4.5 The site is brownfield with a long standing business in place and serving the rural community in which it is set. In the preamble to 'Policy RP 1' it is noted that in certain locations some limited and controlled development related to low density housing and new or expanded businesses would be acceptable.
- 4.6 While not strictly falling within a use denoted in Criterion 'A' of 'Policy RP 1' it nonetheless is an existing/acceptable use/site within the countryside. One should note that Midlothian Council recently permitted a landscape business together with associated works on the neighbouring site which again could be argued as not strictly related to a countryside use.
- 4.7 There is a case, in this instance, to provide a degree of flexibility in the application of 'Criterion A' for reasons stated previously and because we believe the proposal adheres to the remaining criteria asked of it by 'Policy RP 1'.

4.8 The development:

- requires to be in the countryside location in order to serve the existing and on-site business and to provide the necessary human surveillance/security demanded by clients. For those reasons the proposed dwelling can not be accommodated within any nearby settlement;
- in terms of design the proposal seeks a modest wooden chalet style dwelling in a sensitive location to the rear of the site. It seeks very much to respect the rural area in which it is set. It would provide appropriate garden, parking and infrastructure;
- will be well integrated due to existing trees which sit on the boundary of the site together with the existing topography and built form adjoining the site;
- will not lead to the loss of prime agricultural land;
- will be accessed by the same road as the existing garage thus requiring no significant infrastructure works; and
- is a modest addition to the existing built form of the immediately surrounding area.

4.9 While not directly related, it nonetheless should be noted, that the land to the north of the site is currently being promoted through the Local Development Plan process by Taylor Wimpey as 'Stobs Farm Phase 2' for 180 – 200 new dwellings. This area of Gorebridge is therefore likely to accommodate future urban expansion toward the subject site.

4.10 Taken together the site is considered to comply to the ethos of Policy RP1

4.11 In reviewing Policy DP1 the proposal is considered to be in accordance with it, as:

- Mr Lawrence owns and runs Craigesk Coachworks, thereby being employed full-time on site by an existing business established in a rural area;
- Further employment is created as part of the garage business (1 part-time staff member) with yet further employment being proposed with the owners Son coming into the business and by way of the new Artist Studio to be operated by Mrs Lawrence;



- The existing business has been operational from the site for over 30 years this therefore demonstrates its financial viability. The applicant has been the sole owner of the business over that time period. Nonetheless a financial statement has been lodged with the application to confirm the overall viability of the business. Further financial information will be forwarded to the LRB Members under private cover;
- The applicant is willing to enter into any necessary legal agreement which links those employed by the site business to the proposed residential dwelling;
- Previous breaches of site security and damage to business and client property has led to a much stronger need for on-site security. While certain security measures are in place, the rural location of the business and the time it takes to be on site (20 minutes outwith normal working hours), renders them largely ineffective. Proper security can only be provided by Mr and Mrs Lawrence living on-site and providing that much needed human site surveillance;
- Living on-site will assist the growth of two rural businesses and will also mean the operators of the businesses can access their place of work by foot;
- The proposed alterations to the garage building will establish a new rural business via the artist workshop and studio;
- The proposed dwelling will be modest in scale and sustainable in design to ensure that it is in keeping with its rural location; and
- Existing access and infrastructure will be utilised;

4.12 SPP encourages rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality. The proposal adheres to this in full.



GOA 2

- 4.14 Within the reasoning for refusal it outlines that there has not been a suitable demonstration that the business is viable to support a new house. As noted previously Mr George Lawrence has been in business for over 30 years and with his Accountant provided validity behind the business and the reason for it. This is an existing business not a speculative business the number of letters of support from existing clients should verify this point further.
- 4.15 The Case Officer provided little to no correspondence during the processing of the application and with no notice that the application was to be determined. The lack of open dialogue or consultation then meant the appellant had no opportunity to answer any further concerns related the viability of the business.
- 4.16 It should be appreciated that financial matters related to private businesses should should remain private and not for public consumption. However, we would like to circulate to the LRB a further letter from the appellants accountant and which provides an indication of the financial standing of the company and the future projected accounts for the 2015/16 financial year. It is hoped that this then provides the necessary confidence in the business.
- 4.17 The appellant runs a long standing established business and one he seeks to grow with his son well into the future and including the creation of further employment. For example, part of the business plan is to develop and specialise in the creation and servicing of historic american vehicles .
- 4.18 In addition, it is proposed that the family business will be furthered with the creation of an Artist Studio on site.
- 4.19 The business is being threatened via the lack of on-site security and surveillance. Clients are continually seeking greater assurance on the security of their cars. A modest dwelling on the site is the only real way of delivering confidence given it takes in the region of 20 minutes to get to site once any on-site alarm is triggered.

GOA 3

- 4.20 The representation received from the Environmental Health Department outlines that they have concerns regarding the close proximity of a dog day care facility to the proposed residential dwelling and that residents may experience poor standard of amenity.



- 4.21 The appellant is aware of the dog care facility but strongly refutes that it gives rise to any significant noise impact. The current situation is no better or worse than say houses located near to one and another and some residents own one or more dogs. There is barking occasionally but not to any significant level.
- 4.22 There has been no evidence provided that shows that barking would conflict with world health organisation guidelines regarding noise from the dog care centre and any residential property on the subject site. One must expect a degree of noise during daytime hours and as a result of businesses of varying natures be they rural or urban. Those residing in the house would be out of the house for the majority of the day and in respective businesses located on site (ie.garage and artist studio).
- 4.23 A letter from the Dog Day Care Centre is provided within Appendix 4 of the Plannig Statement and which provides greater detail on the hours of operation. That being that it is only operational during restricted daytime hours and their belief that related barking travels uphill rather than downhill towards the site. The dog care business see no conflict arising with that proposed.
- 4.24 We strongly urge the Members of the LRB to visit the site to get a full understanding of the situation. The appellant is of the strong opinion that any barking noise can in no way been deemed significant with little to no noise heard beyond what would be expected from say dogs within neighbouring residential properties you would find right across Midlothian urban or rural.
- 4.25 Again should the Environmental Health department wish to come to the site prior to the hearing of the LRB and undertake any detailed investigations then the Client is happy for this to take place in order to be satisfied with the position being made.
- 4.26 Any noise impact from the aforementioned business on the proposed dwelling requires to be deemed **significant** and we contest that it is not and in will in no way damage the quality of life of those living here.

GOA 4

- 4.27 The subject site represents a sound location for the proposed residential dwelling and one that is essential to sustain and grow the existing coachworks business.
- 4.28 The position of the dwelling will provide the necessary on-site security demanded by clients and beyond this will also assist in creating a new Artist Studio business with the creation of further on-site employment.

4.29 It is considered to comply with key planning policy and ensures the best fit in terms of local plan compliance by:

- being linked to an existing business within the countryside and one which creates local employment;
- being linked with the creation of a new business in the countryside;
- being situated on low quality/brownfield land;
- utilising existing infrastructure;
- upgrading the appearance of the site;
- being located within an existing developed area of the countryside (development on all sides);
- being located lower and orientated side-on from key visual points;
- supporting sustainable transport principles as the owners will be able to walk to work.

GOA 5

4.30 The proposal represents a form of 'Workshop Home'. Policy ECON3 of the local plan strongly supports the provision for a type of small business enterprise which can make an important contribution to local job prospects. Workshop homes can assist in sustaining and growing small-scale businesses by enabling them to operate successfully from the home and on-site storage or operational premises.

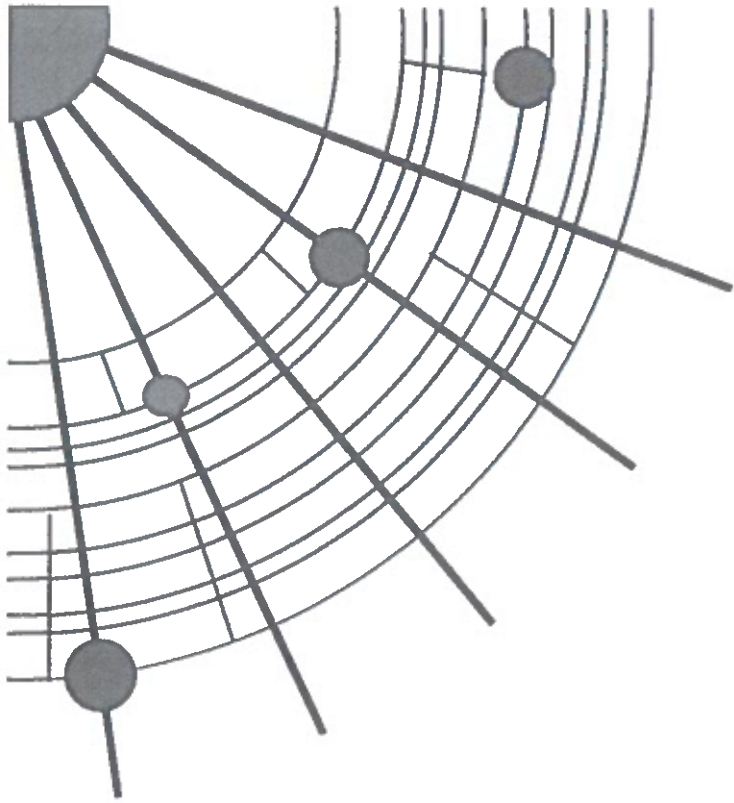


5. Conclusion

- 5.1 There have been no objections to the application and we believe the proposal, for reasons outlined in the 'Grounds of Appeal', meets the key policy tests asked of it. Taking the 'Grounds of Appeal' noted within Chapter 4 we therefore respectfully request that this appeal be allowed.

Appendix 1: Appeal Document List

- 1. Application Form**
- 2. Location and Layout Plans**
- 3. Planning Statement**
- 4. Officers Report of Handling**
- 5. Decision Notice**
- 6. LRB Form & Appeal Statement**
- 7. Accountant Letter and Financial Information (Private & Confidential)**
- 8. Representations in Support of the Application (no objections received)**



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MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference: 14/00773/PPP

Site Address: Craigesk Coachworks, 6 Ashbank, Gorebridge

Site Description: The application site comprises a detached building currently in use as a coachworks/car repair business and associated yard. There is a 1.8 metre high fence surrounding the site and gates to the front/entrance. There is one mature tree within the site with a number along the boundary but outwith the site. There is a field and small outbuildings and a dog day care facility to the east; garages and buildings to the south and west and pigeon huts and kennels to the north.

Proposed Development: Application for planning permission in principle for erection of dwellinghouse, alterations to building to create artist studio, formation of access and associated works.

Proposed Development Details: As the application is for planning permission in principle, only an indicative plan has been submitted. The plan shows the proposed dwellinghouse positioned at the south of the site. The existing access to the building is to be shared by both the business and the house.

The agent has submitted a supporting statement. The applicant is the owner of the business within the site and the proposed house is required to both grow the business and provide security to it. The provision of a house would likely result the provision of a part time job at the site in addition to the existing two jobs (one full time, the other part time), as well as providing security. The agent has detailed past incidences of breaks ins and robberies. It is proposed to fence off an area within the site adjacent to the garage for use as a yard for the business. It is also proposed to provide a small artist studio within the existing building to be operated by the client's wife which would result in a new business and provide one further job in the area. The applicant would accept a condition attached to any consent granted tying the house to the existing business.

Background (Previous Applications, Supporting Documents, Development Briefs):

14/00327/PPP Application for Planning Permission in Principle for erection of dwellinghouse, alterations to building to create artist studio, formation of access and associated works. Withdrawn.

Consultations:

The **Policy and Road Safety Manager** has road safety concerns the suitability of the local road network to safely accommodate the additional traffic the proposal would generate, however they raise no objection as the proposed house is related to an existing business in the area.

The **Coal Authority** has no objection subject to conditions being attached relating to site investigation and remedial works prior to the commencement of development.

Representations: Ten letters of support have been submitted stating:

- that the proposed house would provide security to both the existing business and other properties in the area;
- the application will enhance the area through the removal of cars currently on site and additional landscaping;
- the applicant would be closer to his workplace; and
- the application would support a local business.

Relevant Planning Policies: The relevant policies of the **2008 Midlothian Local Plan** are;

RP1 Protection of the Countryside states that development in the countryside will only be permitted if: it is required for the furtherance of agriculture, including farm related diversification, horticulture, forestry, countryside recreation, tourism, or waste disposal (where this is shown to be essential as a method of site restoration); it is within a designated non-conforming use in the Green Belt; or it accords with policy DP1;

ECON8 Rural Development states development proposals that will enhance rural economic development opportunities will be permitted provided they accord with all relevant Local Plan policies and proposals and they meet the following criteria: the proposal is located adjacent to a smaller settlement unless there is a locational requirement for it to be in the countryside; the proposal is well located in terms of the strategic road network and access to a regular public transport service; the proposal is of a character and scale in keeping with the rural setting, will not detract from the landscape of the area, and is sited, designed and landscaped so as to enhance the rural environment; the proposal will not introduce unacceptable levels of noise, light or traffic into inherently quiet and undisturbed localities nor create a nuisance to residents in the vicinity of the site; the proposal is capable of being served by an adequate and appropriate access; the proposal is capable of being provided with drainage and a public water supply at reasonable cost, or an alternative acceptable water supply, and avoiding unacceptable discharge to watercourses; and the proposal is not primarily of a retail nature; and

DP1 Development in the Countryside is divided into sections entitled New Housing, Design of New Housing, House Extensions, Replacement Houses and Appearance of all Buildings. The section on New Housing is divided into four subsections of which the relevant is *Single Houses (not related to Housing Groups/Farm Steadings)*. This states the new houses will be permitted in the countryside only when they can be demonstrated to be required for the furtherance of an established countryside activity. Applicants will be required to show that the need for the new dwelling is permanent, cannot be met within an existing settlement, and that the occupier of the property will be employed full time in the countryside activity being furthered by the provision of the new house. The applicant will be expected to demonstrate the long term need for the proposed house by submitting an independent report on the viability of the associated business and its operational requirements; and **DP2 Development Guidelines** sets out Development Guidelines for residential developments. The policy indicates the standards that should be applied when considering applications for dwellings.

Planning Issues: The main planning issue to be considered is whether or not the proposal complies with the development plan policies and, if not, whether there are any material planning considerations which would otherwise justify approval. The application site is located within an area covered by the Midlothian Local Plan.

As noted above, a similar application was submitted earlier in 2014 for the same proposal at the site. After discussions with the agent, the earlier application was withdrawn. The case officer had raised concerns over the lack of justification for a new house in connection to the existing business, lack of information regarding historic coal workings (resulting in an objection from the Coal Authority) and also an objection from Environmental Health due to the proximity of the site to a dog day care business. The agent has resubmitted the application with some additional information regarding the business operation at the site, a Coal Mining Risk Assessment and additional information regarding the adjacent dog day care business.

As can be seen from the policy section of this report, the local plan policies are restrictive with regards development in the countryside. New housing in the countryside must be linked to an existing countryside business or activity, or must be in connection with a conversion of a redundant building.

The application is for the erection of a house in connection with an existing coachworks/car repair garage business at the site. The agent has submitted a supporting statement detailing that the house is required for furthering the existing business and increasing security of the site. The applicant has provided a statement that one part time job would be provided at the garage, however no information has been submitted to demonstrate why this would be the case or how a house would result in the furtherance of the existing business. There is a letter from the applicant's accountant which states that the business has been trading from this address since 1984 and that the applicant is highly regarded in the local motor trade and that he has many clients. No financial information or reports have been submitted to demonstrate that the house is required for the furtherance of an established countryside activity or that the need for the house is permanent. In addition, the long-term need for the proposed house has not been demonstrated through information of the viability of the business and its operational requirements.

Reference is made in the statement and in the letters of support that a main reason for requiring a house on site is to secure the business. The statement notes that there are high barbed wire gates at the front of the site, padlocked doors at the garage and an intruder alarm within the business and goes on to state seven instances of break ins at the site. Reference is also made to the distance between the site and the applicant's home and the time it takes for the applicant to get to the site from his home. There are no details submitted of where the applicant currently lives. However, although the site is within the countryside it is in close proximity to Gorebridge where there are a wide variety of existing houses where the applicant could live in order to be closer to his business and be able to make use of other methods of securing the site adequately without the requirement to live at the premises. Other garages operate successfully without having a house on site to secure the business.

Taking the above into consideration, it has not been sufficiently demonstrated that a house is required for the furtherance of an established countryside activity/business.

As the application is for planning in principle, only an indicative site plan has been submitted. This shows the house with a footprint of 105 square metres and two parking spaces. The site plan appears to show adequate garden space will be provided for the dwellinghouse. The site is well secluded due to the topography in the area and the landscaping outwith the site.

As noted above, the Environmental Health section objected to the previous application at the site due to concerns over the noise emitted from them nearby dog day care facility resulting in a poor standard of amenity for the occupants of the proposed house. They have objected to the current application on the same grounds. In general, dog day care and kennel uses are considered appropriate in the countryside as they are unlikely to affect the amenity of residential properties through noise disturbance, given the distance to residential properties. However, the Environmental Health section recommends that the application be refused as the occupiers of the proposed property would experience a poor standard of amenity as a result of barking dogs due to the close proximity to the dog day care facility.

It is proposed to create an artist studio within the existing building on site. This form of development can be appropriate within the countryside, subject to compliance with policies RP1 and ECON8. Based on the limited information submitted with the application, the conversion of part of the building to an artist studio is likely to comply with the criteria of policies RP1 and ECON8, however more detailed information would be required to ensure the policies are fully complied with, including size of studio and hours of operation.

Overall, although there is an existing business operating from the site, no justification has been submitted to demonstrate that the house is required for the furtherance of the existing business, nor has it been demonstrated that the business is sufficiently viable to support a new dwellinghouse.

Recommendation: Refuse planning permission.

Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 14/00773/PPP

Ferguson Planning
Tower Room
Tweed Horizons Centre
1 Newtown St Boswells
Melrose
TD6 0SG

Midlothian Council, as Planning Authority, having considered the application by Mr Tim Ferguson, Tower Room, 1 Tower Room, Tweed Horizons, Newtown St Boswells, Melrose, TD6 0SG which was registered on 27 October 2014 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Application for Planning Permission in Principle for erection of dwellinghouse; alterations to building to create artist studio; formation of access; and associated works at Craigesk Coachworks, 6 Ashbank, Gorebridge, EH23 4NJ

In accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	PL01 1:2500	27.10.2014
Site Plan	PL02 1:200	27.10.2014

The reasons for the Council's decision are set out below:

- 1. The proposed dwelling is to be located within the countryside and is to be linked to an established business: it has not been demonstrated, to the satisfaction of the Planning Authority, that there is an immediate or long-term requirement for a new house to further the established business; and it has not been demonstrated that the business is sufficiently viable to support a new dwellinghouse. For the above reasons the proposed development is contrary to policies RP1 and DP1 of the adopted Midlothian Local Plan.*
- 2. The future occupiers of the proposed house would experience a poor standard of amenity due to the proximity of the site to the dog day care facility to the east of the site due to noise from dogs barking.*

Dated 15 / 12 / 2014



.....
Duncan Robertson
Senior Planning Officer; Local Developments
Fairfield House, 8 Lothian Road, Dalkeith, EH22 3ZN

PLEASE NOTE

If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town & Country Planning (Scotland) Act 1997 within 3 months from the date of this notice. The notice of review should be addressed to The Development Manager, Development Management Section, Midlothian Council, Fairfield House, 8 Lothian Road, Dalkeith EH22 3ZN. A notice of review form is available from the same address and will also be made available online at www.midlothian.gov.uk

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 reasonable 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.

Prior to Commencement (Notice of Initiation of Development)

Prior to the development commencing the planning authority shall be notified in writing of the expected commencement of work date and once development on site has been completed the planning authority shall be notified of the completion of works date in writing. Failure to do so would be a breach of planning control under section 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning etc (Scotland) Act 2006). A copy of the Notice of Initiation of Development is available on the Council's web site www.midlothian.gov.uk

IMPORTANT NOTE REGARDING PUBLIC ACCESS TO INFORMATION

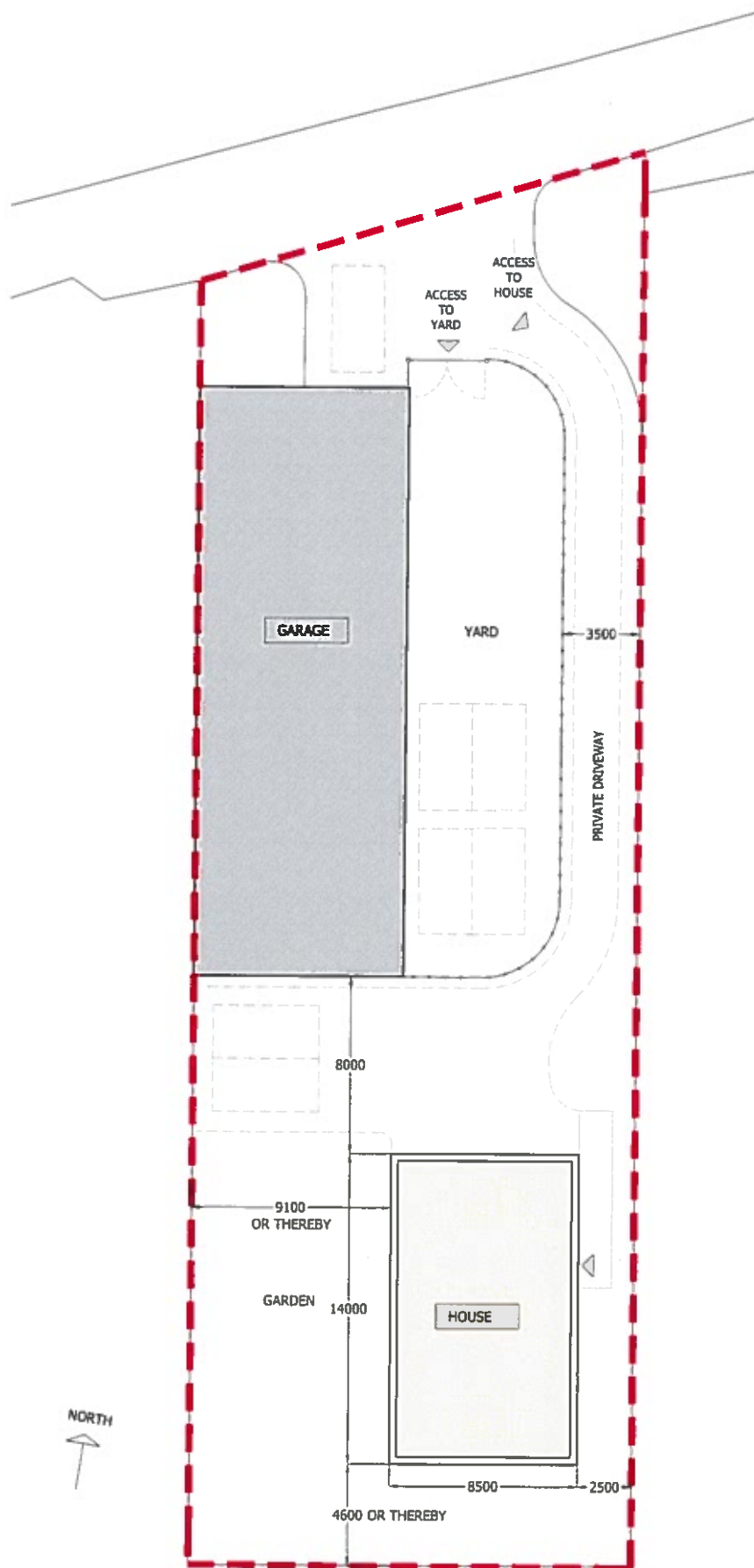
Making an application

Please note that when you submit a planning application, the information will appear on the Planning Register and the completed forms and any associated documentation will also be published on the Council's website.

Making comment on an application

Please note that any information, consultation response, objection or supporting letters submitted in relation to a planning application, will be published on the Council's website.

The planning authority will redact personal information in accordance with its redaction policy and use its discretion to redact any comments or information it considers to be derogatory or offensive. However, it is important to note that the publishing of comments and views expressed in letters and reports submitted by applicants, consultees and representatives on the Council's website, does not mean that the planning authority agrees or endorses these views, or confirms any statements of fact to be correct.



PROJECT

Proposed New House at
6 Ashbank, Gorebridge for
Mr & Mrs G Lawrence

DRAWING

Site Plan as Proposed

DATE 30.04.14	DRAWN CM	SCALE 1:200@A3
PROJECT APP 13.05/015	DRAWING No. PL02	REVISION -