

APPENDIX A

Oxenfoord Home Farm

Lodge

LB

B 6372

1.9m

Track

150.6m

B 6372

Issues

Cranston De



Corporate Resources
Midlothian Council
Fairfield House
8 Lothian Road
Dalkeith EH22 3ZQ

Change of use from agricultural building and associated land to car wash and valeting business (retrospective) at Oxenfoord Home Farm Pathhead.

Reproduced from the Ordnance Survey map with the permission of the controller of Her Majesty's Stationary Office. Crown copyright reserved. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings

Midlothian Council Licence No. 100023416 (2012)

File No: 11/00857/DPP

Scale: 1:2,500



NOTICE OF REVIEW

CORPORATE RESOURCES

LE: 11/00857/DPP

Under Section 43A(8) Of the Town and Country Planning (SCOTLAND) ACT 1997 (As amended) In Respect of Decisions on Local Developments

RECEIVED 07 MAY 2012

The Town and Country Planning (Schemes 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.

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://eplanning.scotland.gov.uk>

1. Applicant's Details		2. Agent's Details (if any)	
Title	M R	Ref No.	
Forename	ANDREW	Forename	FROM
Surname	HEROMAN	Surname	1ST
Company Name	SPRAYWAYS	Company Name	PLANNING
Building No./Name	NO 1	Building No./Name	
Address Line 1	OXENFOORD	Address Line 1	APPLICATION
Address Line 2	HOME FARM	Address Line 2	
Town/City	PATHHEAD	Town/City	
Postcode	EH 37 5T11	Postcode	GOERGE
Telephone	[REDACTED]	Telephone	JOHNSTON
Mobile	[REDACTED]	Mobile	
Fax	[REDACTED]	Fax	
Email	[REDACTED]	Email	
3. Application Details			
Planning authority	MIDLOTHIAN COUNCIL		
Planning authority's application reference number	11/00857/DPP.		
Site address	OXENFOORD HOME FARM PATHHEAD MIDLOTHIAN EH 37 5T11		
Description of proposed development	CAR WASH and Valeting Business -		

Date of application

23 / 12 / 2011

Date of decision (if any)

8 / 2 / 2012

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

4. Nature of Application

Application for planning permission (including householder application)



Application for planning permission in principle



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)



Application for approval of matters specified in conditions



5. Reasons for seeking review

Refusal of application by appointed officer



Failure by appointed officer to determine the application within the period allowed for determination of the application



Conditions imposed on consent by appointed officer



6. 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.

Further written submissions



One or more hearing sessions



Site inspection



Assessment of review documents only, with no further procedure



If you have marked either of the first 2 options, 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 necessary.

TO EXPLAIN THE SPECIAL CIRCUMSTANCES THAT MAKE THIS USE OF THE SITE ACCEPTABLE.

7. Site inspection

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

Can the site be viewed entirely from public land?



Is it possible for the site to be accessed safely, and without barriers to entry?



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

N/A.

8. 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.

SEE ATTACHED PAPER "PLANNING APPLICATION: OXENFORD HOME FARM, PATHHEAD (3 PAGES) .

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes ☐ No ☒

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

n/a.

9. 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

n/a:

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.

10. Checklist

Please mark the appropriate boxes to confirm that 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 requesting 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 hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:

Name:

ANDREW HEROMAN

Date:

3/5/12

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act

PLANNING APPLICATION: OXENFORD HOME FARM
PATHHEAD, MIDLOTHIAN EH37 5TY

IN FEBRUARY 2010 THE APPLICANT CONTACTED
COUNCIL LICENSING WHO ADVISED NO LICENCE
AND PLANNING WAS REQUIRED. THE APPLICANT
DID NOT SPEAK TO DEVELOPMENT MANAGEMENT
TEAM (PLANNING OFFICERS).

THE PLANNING ENFORCEMENT OFFICER VISITED
HAVING RECEIVED AN ENFORCEMENT COMPLAINT.
THE APPLICANT WAS THEN NOTIFIED HE HAD BEEN
WRONGLY INFORMED AND NEEDED TO GO THROUGH
THE PROPER PLANNING PROCEDURES.

THE BUILDING IN QUESTION WAS USED ORIGINALLY
AS A GRANARY BUT WITH CHANGES IN THE
FARMING THIS WAS NO LONGER VIABLE. WITH
THE ~~large~~ HEIGHT OF THE BUILDING IT IS NOT
FEASIBLE FOR MODERN MACHINERY TO ENTER.

THE BUILDING CAN NOT BE ECONOMICALLY CONVERTED
TO ANOTHER USE FOR EXAMPLE HOUSING AS IT
HAS NO AMENITY SPACE, ON THE EDGE OF A
WORKING FARM, ONLY TWO SMALL ROOMS
UPSTAIRS AND UNABLE TO PUT WINDOWS IN
TWO OF FOUR ~~ends~~ WALLS.

THE CAR WASH SUPPORTS ~~an~~ AGRICULTURAL USE
BY MAKING USE OF A REDUNDANT BUILDING

WITHOUT CONFLICT WITH THE FARM. FURTHER
IT COMPLIMENTS EQUESTRIAN USE WITH OWNERS
CLEANING THEIR VEHICLES ~~BEFORE~~ AFTER THEY HAVE
BEEN TO SHOWS ETC.,

THE IDEA OF SETTING THE CAR WASH AT
OXENFORD HOME FARM WAS TO ASCERTAIN AN
INCOME WITHIN THE FARM BUSINESS, AS
AGRICULTURE IS EXTREMELY DIFFICULT TO MAKE A
LIVING FROM.

WITH THE PROPOSAL OF THE SAID BUSINESS IT IS
~~PROVIDING~~ PROVIDING A SERVICE TO THE COUNTRYSIDE
COMMUNITY. IN ADDITION CREATING EMPLOYMENT
OPPORTUNITIES WHERE THERE IS HIGH RURAL
UNEMPLOYMENT,

THIS IS A SUSTAINABLE DEVELOPMENT ~~WILL~~ WITH
AN OPPORTUNITY TO WORK LOCALLY, USE LOCAL
SERVICES AND ALSO SUSTAIN LOCAL EMPLOYMENT.
IT SAVES PEOPLE DRIVING INTO DALKEITH WHERE
THERE IS NO SERVICE EXCEPT FOR IDEL WHERE
THERE IS A MACHINE WASH, NOT A SERVICE

AS FOR THE DETRIMENTAL ON THE CHARACTER
AND APPEARANCE OF GREAT LANDSCAPE VALUE,

IT IS AN EXISTING BUILDING, THERE ARE NO
STRUCTURES HAVING VISUAL IMPACT AND SAVES

PLANNING APPLICATION: OXENFORD HOME FARM
BATHHEAD, MIDLOTHIAN, EH

THE BUILDING FALLING INTO DISRU DISREPAIR. IT IS NOT
CONTRARY TO DPI RATHER THE RE-USE OF WHAT
WAS A COMMERCIAL FARM BUILDING AS A
CONTINUING BUSINESS ENABLES THE COLLECTION OF
BUILDING TO MAKE A CONTINUED CONTRIBUTION
TO THE RURAL ENVIRONMENT

IN CONCLUSION THERE HAS NEVER BEEN A ROAD
TRAFFIC INCIDENT. IT HAS GOOD ROAD ACCESS
TURNING RIGHT LANE OFF A68. THERE IS
NO CONGESTION OFF B ROAD AS THERE IS A
LARGE FORECOURT FOR WAITING VEHICLES.
THERE ARE MORE ROAD ISSUES CAUSED BY
VOGRIE COUNTRY PARK.

IT IS BEING SERVICED AT A REASONABLE COST.
THERE IS NO UNACCEPTABLE DISCHARGE.
SCOTTISH WATER AND SEPA ARE OK WITH THE
WASTE AS IT GOES INTO A SEPTIC TANK.
BIODEGRADABLE MATERIAL IS USED.

PLEASE NOTE COUNCILLERS HAVE RECENTLY
GIVEN PERMISSION FOR A NEW KENNEL
BUSINESS AS CRANSTOWN; NEW HOMES,

LEADBURN MANOR KISHERY WHICH HAS GREATER
IMPACT ON THE COUNTRYSIDE THAN THE RE-USE OF
AN EXISTING BUILDING.

—————

END

—————

MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference:

11/00857/DPP

Site Address:

Oxenfoord Home Farm, Ford, Pathhead.

Site Description:

The application site is part of the working farm at Oxenfoord Home Farm. The site itself is a small area located close to the B6372 from Pathhead to Gorebridge, which also provides access to the site. This area is surfaced with gravel. There is a large parking area for the farm vehicles to the south of the site. There are a number of buildings around the site, mainly agricultural metal clad buildings. Part of the application premises is located within a two storey stone building with slate roof and white painted timber windows. There is a 1.8 metre high stone wall along the boundary of the site and the B6372.

Proposed Development:

Change of use from agricultural building and associated land to car wash and valeting business (retrospective).

Proposed Development Details:

It is proposed to change the use of part of the front section of the farm to a car wash and valeting business. The area is currently surfaced with gravel between the boundary wall and agricultural buildings. There is vehicular entrance and exit to the site. It is also proposed to change part of the stone building into an office connected to the car wash.

The proposed office building is part of an existing redundant steading which is not in agricultural use.

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

11/00373/DPP Change of use from agricultural building and associated land to car wash and valeting business (retrospective). Withdrawn – no fee paid.

Consultations:

Transportation has no objection.

Scottish Water has no objection.

Representations:

No representations were received.

Relevant Planning Policies:

RP1 Protection of the countryside
RP4 Prime agricultural land
RP6 Areas of great landscape value
ECON8 Rural Development
DP1 Development within the countryside

Planning Issues:

Policy RP1 of the Midlothian Local Plan states that development will only be permitted within the countryside if it is required for the furtherance of agriculture or accords with policy DP1. Policy DP1 is principally concerned with new and converted housing in the countryside, however does state that all new buildings in the countryside will respect the character of existing buildings.

Policy RP4 of the local plan states that development will not be permitted which leads to the permanent loss of prime agricultural land unless it is allocated to meet Structure Plan requirements, there is a locational justification which outweighs the environmental or economic interests served by retaining the farmland in productive use and the development accords with all other relevant Local Plan policies and proposals.

Policy RP6 states the development will not be permitted where it may adversely affect the special scenic qualities and integrity of the AGLV.

Policy ECON8 promotes rural development where it is appropriate to, and does not have an adverse impact on, the character and amenity of the countryside.

The application site comprises part of the farmyard and part of an existing, but unused, agricultural building which are related to the working farm. The land is not in active use as agricultural land therefore the development would not lead to the permanent loss of prime agricultural land.

The application site is located within the countryside area of Midlothian. As such there is a presumption against uses and businesses which would not normally be found in the countryside. In general the types of acceptable countryside activities, listed in policy RP1, include agriculture, horticulture, forestry, countryside recreation and tourism.

A car wash business would normally be found within areas of population, such as the towns and villages of Midlothian. This would ensure that the business was located near to its customer base.

There is no locational justification for siting a car wash in the proposed location. It is inappropriate given that it is not an acceptable countryside activity or business. The paraphernalia associated to the car wash business on this prominent site would likely have an adverse impact on the character and appearance of the area. Siting the car wash in this location, some distance from a customer base, results in a very unsustainable operation.

Policy ECON8 states that the proposed development must be 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 fails on all counts.

In addition to this, the site is located on prime agricultural land. If permitted, the development would result in the loss of prime agricultural land, albeit that land is part of the farmyard complex. Farm buildings and courtyards are equally required in agricultural processes and their permanent loss could be detrimental to the future viability of the farm or could lead to the construction of new buildings elsewhere in this sensitive area of great landscape value.

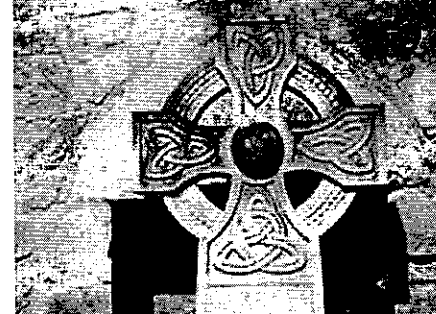
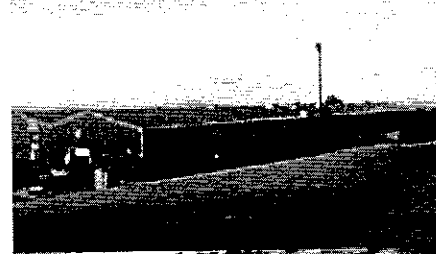
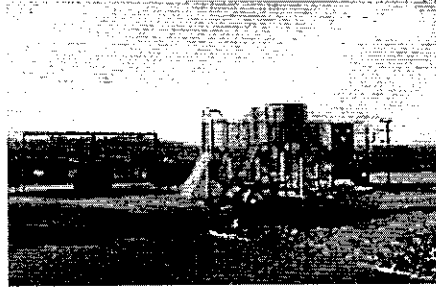
Recommendation:

It is recommended that planning permission be refused for the following reasons:

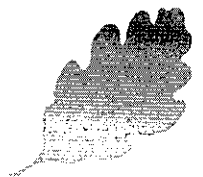
1. The proposed car wash is not an appropriate use within the countryside and there is no locational justification for the proposed use to be located within the countryside. As such, the proposed development is contrary to adopted Midlothian Local Plan policies RP1, RP4, ECON8 and DP1.
2. The proposed car wash would have a detrimental impact on the character and appearance of the area of great landscape value and therefore does not comply with the terms of policy RP1, RP6, ECON8 and DP1.

APPENDIX D

Midlothian Local Plan



Midlothian



Midlothian Local Plan

ADOPTED BY RESOLUTION OF
MIDLOTHIAN COUNCIL
ON 23 DECEMBER 2008

This Plan has been produced by the
Planning Unit Strategic Services

Midlothian Council
Fairfield House
8 Lothian Road
Dalkeith
Midlothian
EH22 3ZN

2.1 The Natural Heritage

Policy Title

RP1 PROTECTION OF THE COUNTRYSIDE

2.1.1 National Planning Policy National policy on development in the countryside is set out in SPP 3 *Planning for Housing* (now replaced by SPP3 *Planning for Homes* – refer to para. 3.2.6) and SPP 15 *Planning for Rural Development*. SPP 3 *Planning for Housing* stipulates that, in general, rural housing should be provided in accessible locations, within or adjacent to existing settlements. This promotes a more sustainable pattern of development, making efficient use of land and buildings, safeguarding environmental resources and offering opportunities to reduce travel. Traditionally, planning policies have sought to restrict new houses in the countryside, to maintain rural character and amenity and safeguard agricultural production. SPP 3 sets out the case for some small-scale housing in rural areas to assist in the regeneration of the rural economy where this can be justified through local plans.

2.1.2 SPP 15 *Planning for Rural Development* confirms that most development will continue to be met within or adjacent to existing settlements in the more accessible and densely populated areas. Once again, it suggests that there may be scope in rural areas for some small-scale housing development and for businesses to diversify where there is access to public transport and services, or where these may be provided at reasonable cost.

2.1.3 SPP 3 and SPP 15 highlight the need for high quality development that fits in the landscape and further guidance is provided in PAN 72 *Housing in the Countryside*. Advice on rural diversification is set out in PAN 73 *Rural Diversification* which addresses issues such as sustainable diversification, accessibility, infrastructure, scale and design, and the need to respond to individual circumstances.

2.1.4 Structure Plan Policy The Structure Plan strategy for countryside areas is to strike a balance between protecting the character of the countryside from development pressures whilst allowing some limited and appropriate development. Midlothian's countryside falls within the Areas of Restraint referred to in para.1.2.19. ELSP policy ENV3 allows for acceptable development in the countryside where it has an operational requirement for such a location that cannot be met on a site within an urban area or land allocated for that purpose, and is compatible with the rural character of the area. Acceptable countryside

development includes agriculture, horticulture, forestry and countryside recreation. Other types of development may be allowed including tourism and other recreational uses, the reuse of redundant rural buildings that make a positive contribution to the landscape, and agricultural diversification of an appropriate scale and character. Such developments must be justified in local plans and must:

- ❖ be well integrated into the rural landscape;
- ❖ reflect its character and quality of place; and
- ❖ not result in a significant loss of prime agricultural land.

Any additional infrastructure required as a result of such development must be either committed through the ELSP Action Plan or funded by the developer.

2.1.5 Local Plan Policy Local Plan policy for protecting Midlothian's countryside follows both national and Structure Plan guidance and makes provision for acceptable countryside development. It allows some scope for rural development opportunities related to specific countryside activities including farm diversification, tourism and waste disposal (where this is essential as a method of site restoration). Provision is made for appropriate development within the areas identified as non-conforming land uses in the Green Belt, where such development satisfies policy RP3, and for development in accordance with the detailed provisions for development in the countryside as set out in policy DP1.

2.1.6 In all such cases development must demonstrate the need for a countryside location; have due regard to scale, character, landscape fit, accessibility to public transport and services; and avoid the significant loss of prime quality agricultural land.

2.1.7 In certain locations some limited and controlled development related to low density housing, new or expanded businesses, the winning of mineral resources, renewable energy and tourist accommodation may be acceptable and specific provisions are set out in proposal ECON1 and policies HOU55, ECON7, ECON8, MIN1 and NRG1. In such circumstances, these policies take precedence over the provisions of policy RP1. For countryside areas that are also Green Belt, policy RP2 takes precedence. Additional limited development may be acceptable where it satisfies the particular provisions of policy DP1, for example, in respect of the reuse of redundant non-residential buildings in the countryside.

RP1 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 DPI.

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).

Policy Title

RP4 PRIME AGRICULTURAL LAND

2.1.18 National Planning Policy SDD Circular 18/1987 confirms that prime quality land is a valuable and flexible national resource and as such should be protected from irreversible development. Although the Scottish Government no longer requires to be notified of development proposals that would result in the loss of prime farmland, the protection of this land remains as an objective for structure and local plans. Furthermore, in particular circumstances, land other than prime quality can be important for the maintenance of agricultural employment and the rural economy. For example, the loss of part of a holding can have important implications for the viability of the remainder.

2.1.19 Structure Plan Policy Most of Lothian's key settlements are surrounded by prime land. In meeting the strategic land requirements, some loss of such land will be unavoidable. However, much prime land remains and the ELSP requires that local plans include policies to safeguard its overall integrity (policy ENV1D). The ELSP also recommends support for agricultural diversification proposals outwith the Green Belt (policy ENV3).

2.1.20 Local Plan Policy Prime quality agricultural land, which supports a wide range of crops, is a finite resource in Scotland representing less than 6% of total farmland. Around 25% of Midlothian's area constitutes prime land; it is therefore important that unplanned development is not allowed to erode Midlothian's contribution to Scotland's resources of prime land.

2.1.21 The remainder of Midlothian's agricultural land, though of lesser quality, is a major contributor to the farming economy. There is concern that this land should not become fragmented in a way that reduces its ability to be farmed efficiently or prevents it making a contribution to agricultural production.

Rural depopulation is not an issue in Midlothian owing to the proximity of Edinburgh.

2.1.22 Local Plan policy RP4 conforms with national and ELSP policy to retain prime farmland for agricultural production and to prevent loss of lesser quality land which is locally valuable. In some cases, development may not lead to the permanent loss of prime agricultural land and therefore may be acceptable. Special provisions regarding opencast coal working are detailed in para. 2.1.69. For the purposes of policy RP4, the Local Plan uses the Macaulay Institute Land Capability for Agriculture system to identify prime agricultural land. It should be noted that, within broad areas of prime farmland, there may exist small areas of non-prime land which may be identified as a result of the detailed analysis of sites. This does not reduce the status of the land protected in this Plan by policy RP4.

2.1.23 Where any proposal is located on prime agricultural land, the applicant must demonstrate either that there is no other suitable site or that the proposal will not lead to the permanent loss of the resource. On other agricultural land, the applicant must show that the operation of the farm as a viable unit will not be damaged by the proposal. In some cases, proposals for agricultural diversification in locations outwith the Green Belt may be acceptable provided local employment opportunities are maintained or increased and the criteria in policy RP1 are satisfied.

**RP4 PRIME AGRICULTURAL LAND**

Development will not be permitted which leads to the permanent loss of prime agricultural land (Classes 1, 2 and 3.1 of the Macaulay Institute Land Classification for Agriculture system) unless:

- A. the site is allocated to meet Structure Plan requirements; or
- B. there is a locational justification for the development which outweighs the environmental or economic interests served by retaining the farmland in productive use; and
- C. the development accords with all other relevant Local Plan policies and proposals.

Policy Titles

RP6 AREAS OF GREAT LANDSCAPE VALUE**RP7 LANDSCAPE CHARACTER**

2.1.29 National Planning Policy SDD Circular 2/1962 introduced the concept of Areas of Great Landscape Value (AGLVs), requiring local authorities to define their boundaries and to exercise careful control over development proposals in order to safeguard these areas. Particular reference was made to their importance as a tourist resource. In addition, Scottish Natural Heritage (SNH) and Historic Scotland have produced *Guidance on Local Landscape Designations* which promotes the adoption of an 'all-landscapes' approach, within which landscapes of particular value that warrant safeguarding are designated. NPPG 14 *Natural Heritage* requires that policies be included in local plans for the conservation and enhancement of landscape character. In addition, SNH has produced *The Lothians Landscape Character Assessment*, which provides valuable local guidance on the character of Midlothian's landscape and its capacity to accommodate new development. The Conservation (Natural Habitats and Conservation) Regulations 1994 also expect policies to encourage the management of features of the landscape, which are of importance for wild flora and fauna, by maintaining their function in assisting the migration, dispersal and genetic exchange of wild species.

2.1.30 Structure Plan Policy ELSP policy ENV1D continues to safeguard AGLVs or other local landscape designations from inappropriate development. The extent of the areas of landscape interest should

be defined in local plans, and policies included for their protection and enhancement. In addition, ELSP policy ENV4 requires local plans to take account of landscape designations in accordance with new guidance produced by SNH.

2.1.31 Local Plan Policy It is essential not only to maintain the distinctiveness of Midlothian's landscape character, and its diversity as a whole, but also to recognise that there is a need to give particular protection to certain areas considered to be of outstanding local landscape value and attractiveness. These are identified as AGLVs which are areas sensitive to any developments that could potentially damage their special scenic attraction. For example, the widespread planting of conifers would be considered inappropriate within AGLVs, especially in open moorland or in "wild" landscapes.

2.1.32 The Local Plan Proposals Map identifies the following areas as AGLVs:

- ❖ the rolling hill country of the Pentlands, Moorfoots and Lammermuirs;
- ❖ the incised river valleys of the North and South Esk and the Tyne;
- ❖ the estate landscapes of Penicuik, Arncliffe and Vogrie; and
- ❖ Gladhouse, Edgelaw, Glencorse, Rosebery, Loganlea and North Esk reservoirs.

2.1.33 In addition, many localities contain areas of a diverse yet distinctive landscape character which enhance the attractiveness of Midlothian as a whole. Policy RP7 aims to afford protection to these local landscape character areas and to provide support for landscape planning and management.

RP6 AREAS OF GREAT LANDSCAPE VALUE

Development will not be permitted where it may adversely affect the special scenic qualities and integrity of the Areas of Great Landscape Value (AGLVs).

The scale, siting, design, form, materials and impact on important landscape features are all aspects of a proposal that could have an adverse effect on the AGLV. These considerations will apply to developments to be located either within or affecting the setting of areas designated as AGLVs.

Policy Title

ECON8 RURAL DEVELOPMENT

3.3.34 National Planning Policy SPP 15 *Planning for Rural Development* sets out Government guidance on how rural areas of Scotland can achieve sustainable development. PAN 73 *Rural Diversification* sets out a policy framework based on the premise that the future of rural Scotland lies in economic diversification allied to a strong commitment to environmental stewardship. It encourages planning authorities to have positive policies to support rural diversification where this is appropriate to the specified area, while addressing issues such as accessibility, provision of infrastructure, and the scale and design of new development.

3.3.35 Structure Plan Policy The ELSP 2015 supports some limited economic development in rural areas, if justified through local plans. Policy ECON7 makes provision for local plans to allocate land for general industry/business or office use in or adjacent to existing settlements so long as the land is outwith the Green Belt, the development is small-scale and in character. Policy ENV3 gives support for the reuse of important redundant rural buildings and for diversification which will support the rural

economy, where such development is justified in local plans.

3.3.36 Local Plan Policy It is recognised that there may be scope to sustain and encourage productive social and economic activity in the countryside of Midlothian, particularly in terms of rural business development, without compromising the natural and built environment and the landscape quality of the countryside itself.

3.3.37 Opportunities for rural development may take many forms including the conversion of redundant farm buildings, farm diversification, and sustainable tourism (see policy ECON7). Policy HOU55 gives support to low density rural housing in specified countryside areas of Midlothian. This policy makes allowance for related rural business use, where justified. All proposals considered under policy ECON8 would have to be in accord with all other relevant Local Plan policies, including the detailed development policies in Section 4.

3.3.38 In Midlothian, the Country Parks may be appropriate for suitable leisure, recreation, sporting and tourism activities, subject to the locational criteria and environmental safeguards set out in policy ECON8.

ECON8 RURAL DEVELOPMENT

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:

- 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.

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.

4.1 Development in the Countryside

DP1 DEVELOPMENT IN THE COUNTRYSIDE

1 New Housing

1.1 Single Houses (not related to Housing Groups/ Farm Steadings)

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 (see policy RP1 - Protection of the Countryside and policy RP2 - Protection of the Green Belt for definition of respective acceptable countryside activities). 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.

In approving the new house, the Council will require that it, and any other houses within the control of the applicant related to the same countryside activity, will be subject of an occupancy condition and/or a legal agreement. It will generally be the case that a legal agreement will be required. This will relate to the employment of the occupiers of the house or houses, and tie the new dwelling to the landholding associated with the countryside activity in question.

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.

1.2 Housing Groups

Where there are clearly identifiable groupings of 5 or more houses in close proximity, already located in the countryside and outwith village envelopes, it may be possible to supplement these with a limited number of additional dwellings subject to the following criteria:

- a) the location is outwith the Green Belt;
- b) the new units are restricted to a maximum of 1 new unit per 5 existing units within the Local Plan period;
- c) the location is close to local services (school, shops) and/or has access to a regular public transport service giving access to such facilities;
- d) the new units fit in the landscape and are of a character and scale appropriate to the existing units;
- e) the new units are capable of being served by an adequate and appropriate access;
- f) the new units are capable of being provided with drainage and a public water supply at reasonable cost, or an alternative acceptable private water supply, and avoid unacceptable discharge to watercourses;
- g) the new units incorporate sustainable building design;
- h) the new units enhance the landscape and appearance of the existing group of buildings; and
- i) the new units will not result in ribbon development and the plot size/width should be similar to other units within the group.

Housing groups to which this policy may apply must form a cohesive entity. The new unit should generally be located within gaps in the group.

Supplementary planning guidance will be prepared identifying house groups to which this section of DP1 should apply. The success or otherwise of the new policy will be reviewed before consideration is given to widening its application in future Local Plans, if appropriate.

1.3 Redundant Farm Steadings and Other Redundant Non-Residential Buildings in the Countryside

Where it can be demonstrated that farm steadings or other group/s of non-residential buildings have become redundant, support will be given to their conversion or, where justified and not in the Green Belt, redevelopment. Where buildings are capable of renovation and conversion, and are examples of traditional, architectural or historic interest, their demolition and redevelopment will be resisted. Premature demolition of such properties, in advance of approval for replacement buildings, will be likely to result in the Council considering the replacement buildings proposal in terms of policy DP1 Section 1.1. Any increase in the footprint of the existing buildings shall require to be justified as being necessary to the overall quality of the development. In the case of conversion, the proposal shall meet the following criteria:

- a) the building makes a significant and positive contribution to the landscape and its retention is considered to be beneficial to its surroundings;
- b) the building is capable of conversion without requiring any alterations to its external appearance or any extensions other than of a minor nature, and provided that any such alteration or extension does not detract from its character or attractiveness;
- c) the building is structurally sound, in a reasonable state of repair, and capable of conversion without substantial rebuilding;
- d) the building is capable of being served by an adequate and appropriate access;
- e) the building can be serviced at reasonable cost and there would be no unacceptable discharge to watercourses; and
- f) the conversion of the building to such use is, in the particular circumstances of the case, the most satisfactory means by which it may be retained.

In the case of redevelopment, the resulting buildings will:

- a) make a significant and positive contribution to the landscape;
- b) be of a character and scale appropriate to its immediate surroundings;
- c) be capable of being served by an adequate and appropriate access;
- d) be capable of being serviced at reasonable cost and there would be no unacceptable discharge to watercourses; and
- e) only exceptionally exceed 5 houses, unless the site is close to an existing settlement;

and, in both circumstances (conversion and redevelopment), criteria B, C and F of policy COMF4 will apply.

1.4 Rural Buildings of Value

There are a number of large rural non-residential buildings that are either listed or of other value to the local landscape and whose current use has or may become redundant. As a means of retaining or enhancing the building (and associated structures), and proposals being restricted to such properties lying outwith the Green Belt, there could be scope for some additional new development not normally supported in these locations if fully justified as necessary to enable the conversion/restoration.

The additional new development shall:

- a) only be that necessary to effect the conversion/ restoration and the new development is the only practical means by which the conversion/ restoration can be achieved;
- b) not detract from the character of the original building of value;
- c) be of a scale and design to complement the original building;
- d) be capable of being served by an adequate and appropriate access;
- e) take cognisance of proximity to public transport services and other community facilities in considering the number of new dwellings; and
- f) be capable of being serviced at reasonable cost and avoiding unacceptable discharge to watercourses.

Rosslynlee is a potential candidate for supporting such development. As a means to enable the conversion of the C(s) listed house, once it is no longer required for healthcare use, options will be considered for alternative use of the building along with some new development within the grounds that is required to support the agreed conversion. The site includes areas where redevelopment could be acceptable as a means to replace buildings that do not enhance the setting of the listed building. The site has a number of limitations, principally its remoteness from community facilities; lack of public transport provision; and substandard road access. Any conversion/partial redevelopment would have to be of a scale and design to address these issues appropriately. The Council will continue to work with interested parties to achieve an acceptable scheme for the Rosslynlee site.



In addition (and as an exception), to enable restoration/improvement to the fabric of Dalkeith Palace and/or the listed or other important structures within the grounds of Dalkeith Estate, consideration will be given to appropriate proposals within Dalkeith Estate that are complementary and associated with its current historic/tourist functions.

2 Design of New Housing

New houses and their curtilages will be designed to enhance the appearance of the countryside. The quality of design and construction must be of a high standard and will in most instances be traditional in nature. Innovative design will not be discouraged provided the character of the location is not detrimentally affected by the siting and appearance of the new dwelling. The use of high quality external finishing materials will be required. On open sites, or within areas of established sensitivity, such as Conservation Areas, Areas of Great Landscape Value or along the main tourist routes, new houses will be expected to make use of appropriate natural materials for roofs (such as slate and clay tiles) and wall finishes.

3 House Extensions

Extensions to existing dwellings which could be used to provide a second dwelling will only be allowed if subject to a legal agreement preventing future subdivision. (Refer also to detailed development policy DP6 - House Extensions.)

4 Replacement Houses

The demolition of an existing dwelling in the countryside and its replacement by a new house on the same site will be permitted where:

- a) the proposal relates to a complete dwelling (i.e. not the plot of a previous, now demolished, house); and
- b) it can be demonstrated that the existing dwelling is incapable of renovation or improvements to allow its continued habitation; and
- c) the size of the proposed dwelling is not significantly larger than the existing dwelling; and
- d) the appearance of the new dwelling is a significant improvement on the existing property and therefore enhances the environment of the area; and
- e) the existing dwelling is served by an adequate and appropriate access and is already serviced at reasonable cost with an acceptable discharge to local watercourses or to mains drainage; and
- f) sustainable building design is incorporated.

5 Appearance of All Buildings

All new buildings in the countryside will respect the character of existing buildings in terms of design, scale and materials used, blend with the landscape, conform with the countryside policies, and incorporate sustainable building design.

Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 11/00857/DPP

Mr Andrew Herdman
Sprayways
Blinkbonny Farm
Gorebridge
EH23 4NP

Midlothian Council, as Planning Authority, having considered the application by Mr Andrew Herdman, Sprayways, Blinkbonny Farm, Gorebridge, EH23 4NP, which was registered on 23 December 2011 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Change of use from agricultural building and associated land to car wash and valeting business (retrospective) at Oxenfoord Home Farm, Pathhead, Midlothian, EH37 5TY

in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan/Inc neighbours notified	1:3500	23.12.2011
Location Plan/Inc neighbours notified	1:2500	23.12.2011
Illustration/photograph		23.12.2011
Illustration/photograph		23.12.2011
Illustration/photograph		23.12.2011
Illustration/photograph		23.12.2011

The reason(s) for the Council's decision are set out below:

1. The proposed car wash is not an appropriate use within the countryside and there is no locational justification for the proposed use to be located within the countryside. As such, the proposed development is contrary to adopted Midlothian Local Plan policies RP1, RP4, ECON8 and DP1.
2. The proposed car wash would have a detrimental impact on the character and appearance of the area of great landscape value and therefore does not comply with the terms of policy RP1, RP6, ECON8 and DP1.

Dated 8 / 2 / 2012

.....

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.

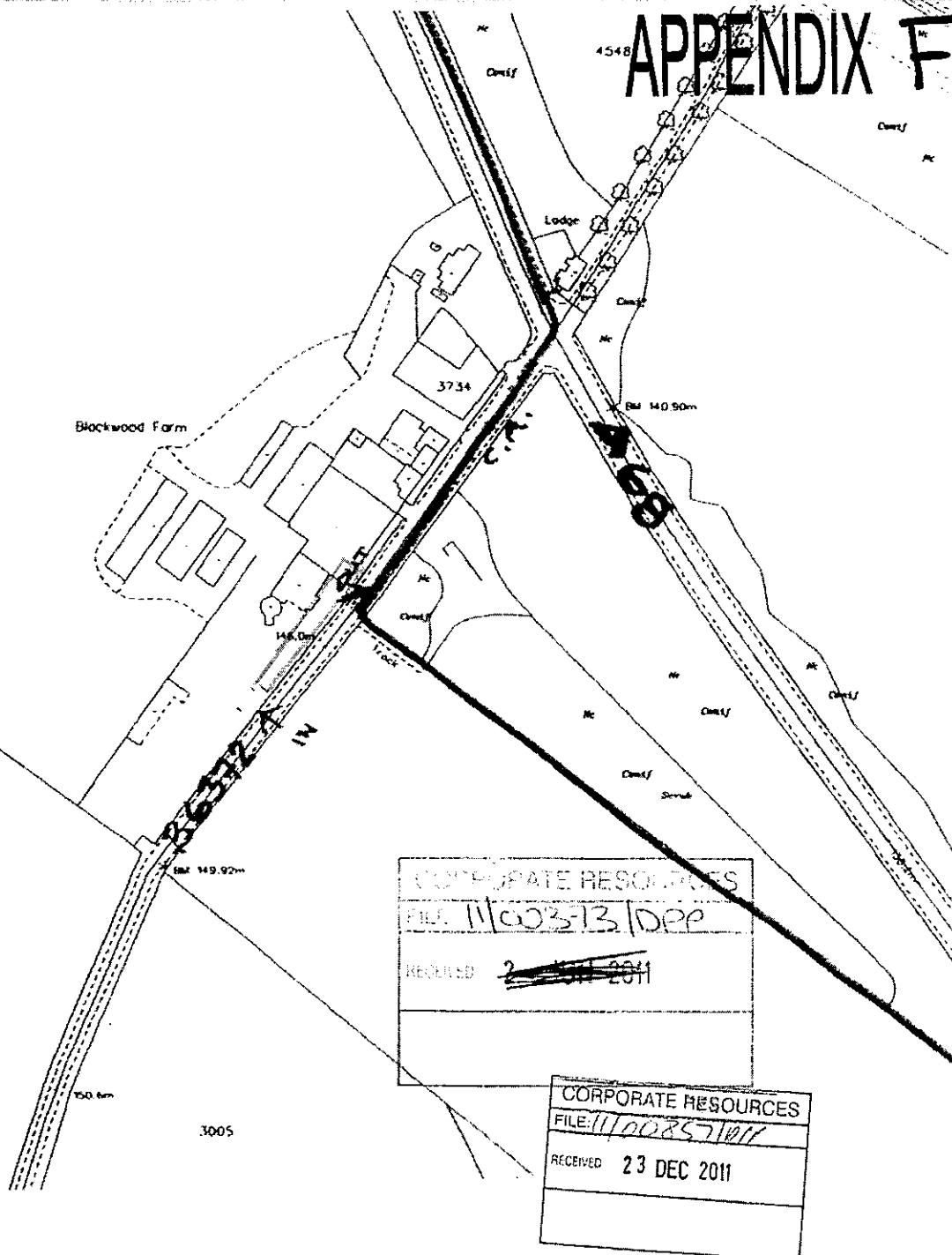
Making comment on an application

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

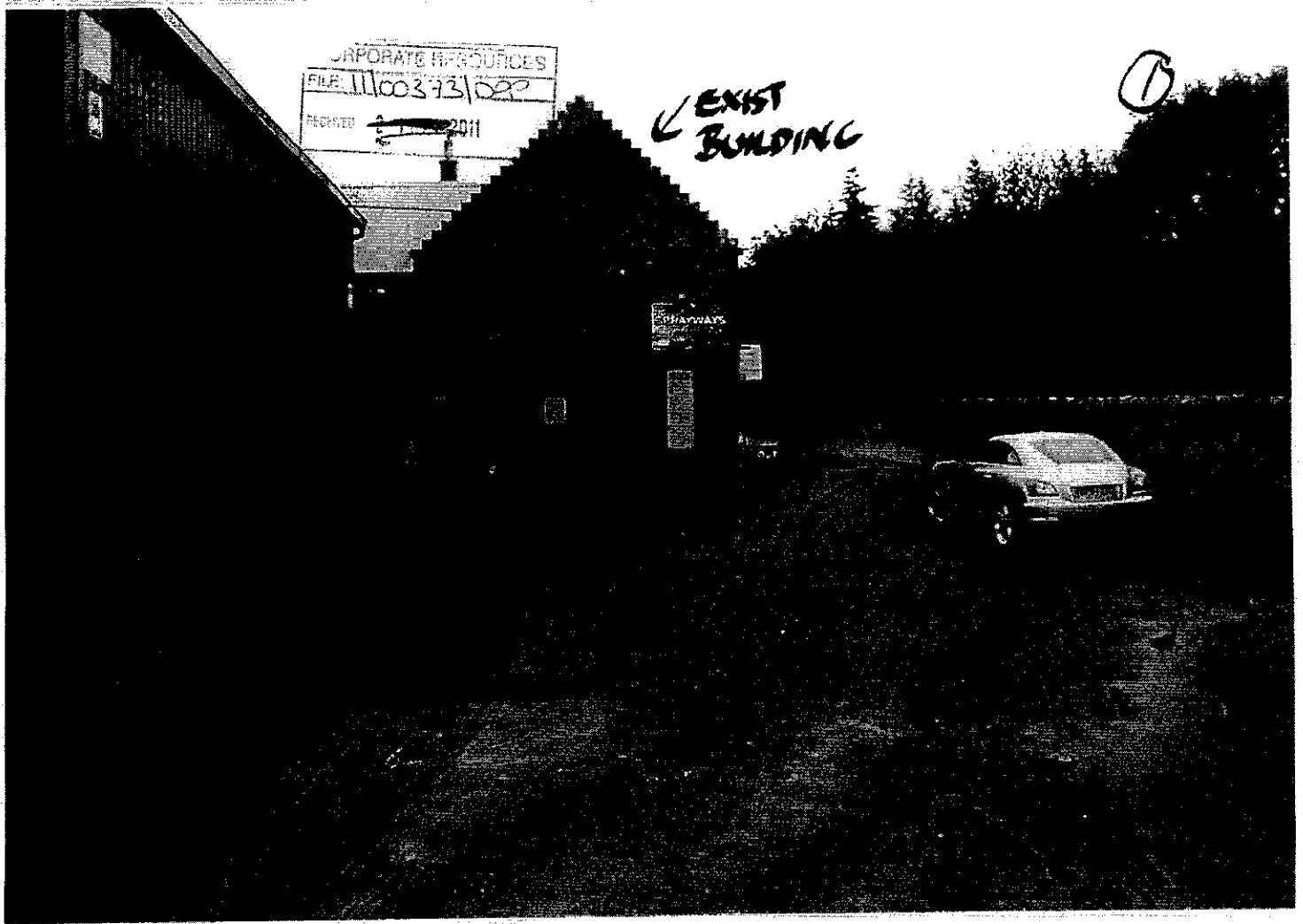
The planning authority will redact personal information in accordance with its redaction policy and use its discretion to redact any comments or information it considers to be derogatory or offensive. However, it is important to note that the publishing of comments and views expressed in letters and reports submitted by applicants, consultees and representors 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.

APPENDIX F


NORTH.
1:2500



Change of use of agricultural building and associated land to car wash and valeting (retrospective)



CORPORATE RESOURCES	
FILE:	11/00857/001
RECEIVED	23 DEC 2011



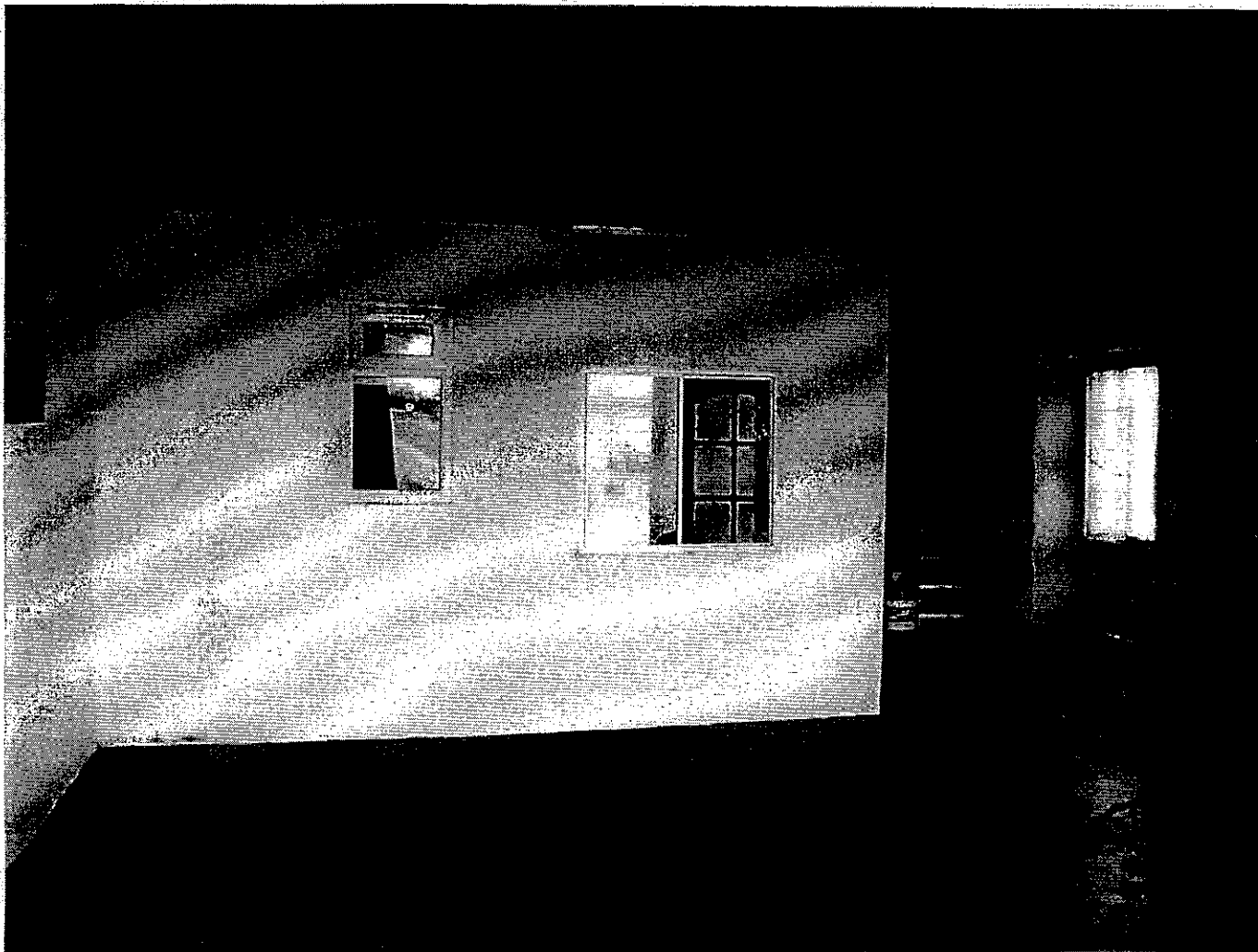
CORPORATE RESOURCES	
FILE:	W/003731022
RECEIVED	23 DEC 2011



CORPORATE RESOURCES
FILE: 11/00372/099
23 DEC 2011

4

CORPORATE RESOURCES
FILE: 11/00857/099
RECEIVED 23 DEC 2011



CORPORATE RESOURCES	
FILE:	11/00 851 1011
RECEIVED	23 DEC 2011



CORPORATE RESOURCES	
FILE:	11100 857 PM
RECEIVED	23 DEC 2011