

Notice of Review: Land adjacent to Noblehall, Howgate

Determination Report

Report by Chief Officer Place

1 Purpose of Report

- 1.1 The purpose of this report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for planning permission in principle for the erection of dwellinghouse on land adjacent to Noblehall, Howgate.

2 Background

- 2.1 Planning application 22/00127/PPP for planning permission in principle for the erection of dwellinghouse on land adjacent to Noblehall, Howgate was refused planning permission on 17 June 2022; a copy of the decision is attached to this report.
- 2.2 The review has progressed through the following stages:
- 1 Submission of Notice of Review by the applicant.
 - 2 The Registration and Acknowledgement of the Notice of Review.
 - 3 Carrying out Notification and Consultation.

3 Supporting Documents

- 3.1 Attached to this report are the following documents:
- A site location plan (Appendix A);
 - A copy of the notice of review form and supporting information (Appendix B). Any duplication of information is not attached;
 - A copy of the case officer's report (Appendix C);
 - A copy of the decision notice, excluding the standard advisory notes, issued on 17 June 2022 (Appendix D); and
 - A copy of the key plans/drawings/images (Appendix E).
- 3.2 The full planning application case file and the development plan policies referred to in the case officer's report can be viewed online via www.midlothian.gov.uk

4 Procedures

- 4.1 In accordance with agreed procedures the LRB:
- Have determined to undertaking a site visit; and
 - Have determined to progress the review of written submissions.

- 4.2 The case officer's report identified that there were four consultation responses and one representation received. As part of the review process the interested party was notified of the review. No additional comments have been received. All comments can be viewed online on the electronic planning application case file.
- 4.3 The next stage in the process is for the LRB to determine the review in accordance with the agreed procedure:
- Identify any provisions of the development plan which are relevant to the decision;
 - Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies;
 - Consider whether or not the proposal accords with the development plan;
 - Identify and consider relevant material considerations for and against the proposal;
 - Assess whether these considerations warrant a departure from the development plan; and
 - State the reason/s for the decision and state any conditions required if planning permission is granted.
- 4.4 In reaching a decision on the case the planning advisor can advise on appropriate phraseology and on appropriate planning reasons for reaching a decision.
- 4.5 Following the determination of the review the planning advisor will prepare a decision notice for issuing through the Chair of the LRB. A copy of the decision notice will be reported back to the LRB for noting.
- 4.6 A copy of the LRB decision will be placed on the planning authority's planning register and made available for inspection online.

5 Conditions

- 5.1 In accordance with the procedures agreed by the LRB at its meeting of 20 June 2022, and without prejudice to the determination of the review, the following conditions have been prepared for the consideration of the LRB if it is minded to uphold the review and grant planning permission.

1. The development to which this permission relates shall commence not later than the expiration of five years beginning with the date of this permission.

Reason: To accord with the provisions of Section 59(2) of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning (Scotland) Act 2019).

2. Development shall not begin until an application for the approval of matters specified in conditions for the following details has been submitted to and approved in writing by the planning authority:
 - a) A detailed layout plan of the site showing the; siting of the proposed house, details of vehicular access, parking provision

and manoeuvring within the site and details of all walls, fences or other means of enclosure, including bin stores or other ancillary structures;

- b) Existing and finished ground levels and floor levels for all buildings, open space and access roads in relation to a fixed datum;
- c) Detailed plans, sections and elevations of the proposed house, indicating the colour and type of materials to be used on the external walls, roof and windows;
- d) Details of all hard surfacing and kerbing;
- e) Details of a sustainability/biodiversity scheme for the site, including the provision of house bricks and boxes for bats and swifts;
- f) Details of the provision of ultrafast fibre broadband connections for the house;
- g) Details of the provision of an electric vehicle charging station;
- h) Proposals for the treatment and disposal of foul and surface water drainage from the proposed house. Unless otherwise approved in writing by the planning authority, the surface water drainage shall comply with the standards detailed in Scottish Water's SUDS Manual; and
- i) Details of a scheme of existing and proposed landscaping at the site and a plan and planting schedule detailing the position, number, size and species of all trees and shrubs that are proposed to be planted; all trees on the site which are to be removed and retained; and details of the means of protection of all trees that are to be retained.

The details shall include the phasing/timing of implementation of the development components set out in a) – i) above.

Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be agreed in writing with the planning authority.

Reason: *Permission is granted in principle only. No details were approved with the application and detailed consideration is required for the siting, massing and design of the proposed dwellinghouse and site access arrangements; to ensure protected species are not adversely affected.*

- 3. The house approved in terms of conditions 2a) and 2c) shall be a maximum of two storeys high with the upper level of accommodation provided wholly within the roofspace.

Reason: *To be in keeping with the surrounding houses within the housing group; to protect the visual amenity of the surrounding rural area.*

- 4. The scheme of landscaping approved in accordance with condition 2i) shall include details of native tree and hedgerow planting to the south and west of the house as well as along the site boundaries.
- 5. The scheme of landscaping approved in accordance with condition 2i) shall be carried out and completed within six months of the house either being completed or brought into use, whichever is the

earlier date. Any trees removed, dying, severely damaged or becoming seriously diseased within five years of planting shall be replaced in the following planting season by trees of a size and species similar to those originally required.

Reason for conditions 4 and 5: *To ensure the landscaping is appropriate to the rural surroundings and integrates the development into the area; to ensure that the landscaping is carried out and becomes successfully established.*

6. Before the new house is occupied the installation of the means of drainage treatment and disposal approved in terms of condition 2h) above shall be completed to the satisfaction of the planning authority.

Reason: *To ensure that the house is provided with adequate drainage facilities prior to occupation.*

7. Development shall not begin until an application for approval of matters specified in conditions for a programme of archaeological works (monitored soil strip) has been carried out at the site by a professional archaeologist in accordance with details submitted to and approved in writing by the planning authority.

Reason: *To ensure this development does not result in the unnecessary loss of archaeological material in accordance with policy ENV25 of the Midlothian Local Development Plan 2017.*

6 Recommendations

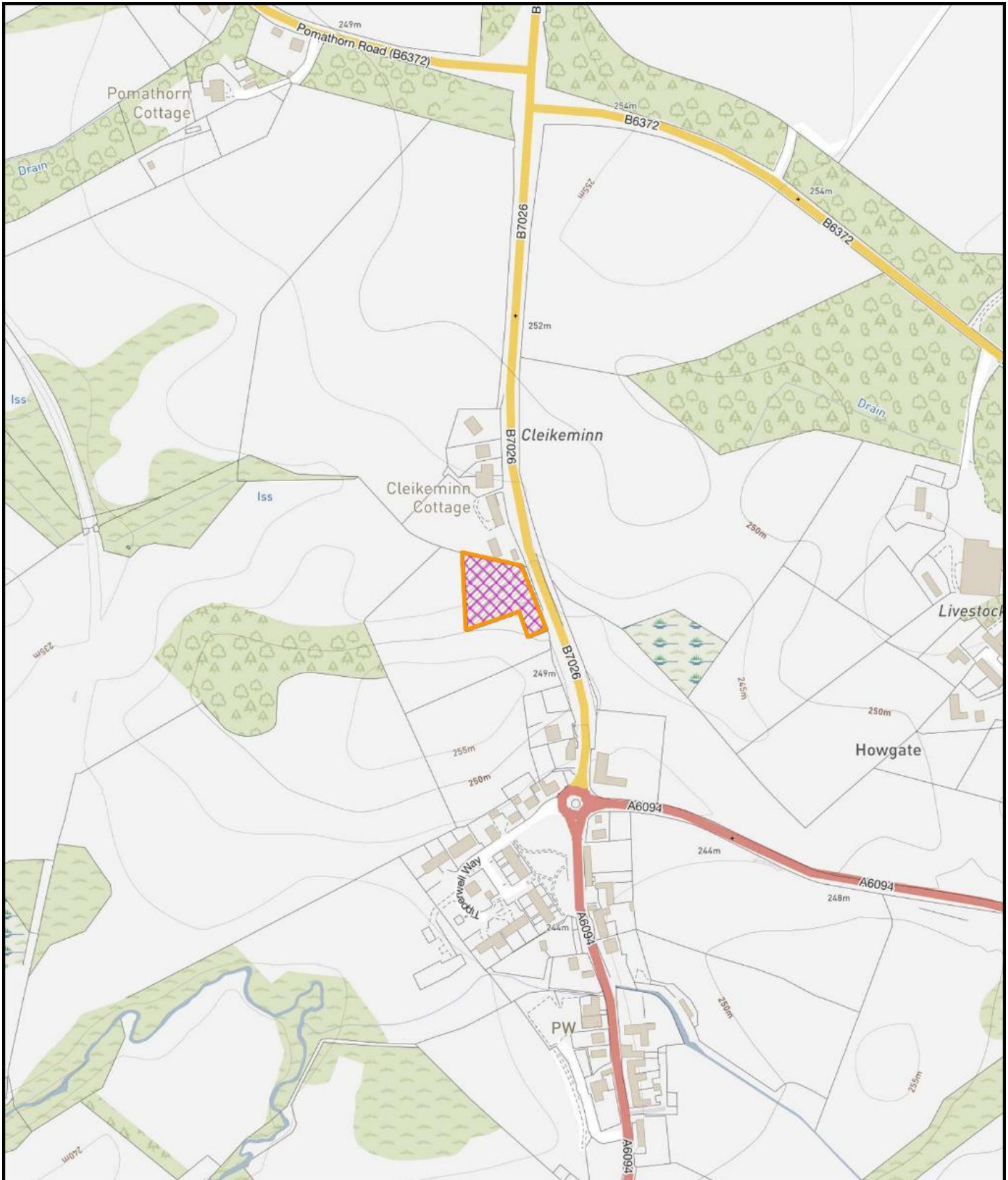
- 6.1 It is recommended that the LRB:
 - a) determine the review; and
 - b) the planning advisor draft and issue the decision of the LRB through the Chair

Peter Arnsdorf
Planning, Sustainable Growth and Investment Manager

Date: 28 November 2022
Report Contact: Mhairi-Anne Cowie, Planning Officer
Mhairi-Anne.Cowie@midlothian.gov.uk

Background Papers: Planning application 22/00127/PPP available for inspection online.

Appendix A



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

Erection of dwellinghouse Land Adjacent to Noblehall, Howgate

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File No.22/00127/PPP

Scale: 1:5,000





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 the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100536540-002

The online reference 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.

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:	<input type="text" value="Fred Walker Associates"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Peter"/>	Building Name:	<input type="text" value="19 Biggar Road"/>
Last Name: *	<input type="text" value="Walker"/>	Building Number:	<input type="text"/>
Telephone Number: *	<input type="text" value="01968 672588"/>	Address 1 (Street): *	<input type="text" value="Silverburn"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Penicuik"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Midlothian"/>
		Postcode: *	<input type="text" value="EH26 9LQ"/>
Email Address: *	<input type="text" value="REDACTED"/>		

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mrs"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text"/>
First Name: *	<input type="text" value="Peta"/>	Building Number: <input type="text" value="60"/>
Last Name: *	<input type="text" value="Harris"/>	Address 1 (Street): * <input type="text" value="Crown Drive"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Inverness"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="IV2 3QG"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text" value="REDACTED"/>	

Site Address Details

Planning Authority:	<input type="text" value="Midlothian Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

<input type="text" value="Land south of Noble Hall at Cleikeminn, Howgate, Penicuik EH26 8QD."/>
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Northing	<input type="text" value="658385"/>	Easting	<input type="text" value="324742"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Proposed site for a single dwelling house on what is, at present, farmland.

Type of Application

What type of application did you submit to the planning authority? *

- ☐ Application for planning permission (including householder application but excluding application to work minerals).
- ☒ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? *

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

The applicant remains of the view that the proposed house plot forms a natural extension to Cleikeminn & feels that the suggested site layout continues the established pattern of the settlement. Site contours, existing trees & proposed planting would all combine to minimise impact on neighbours, the wider landscape & views west to the Pentland Hills from the B7026. Please see original Design & Access Statement, which details the case for compliance with relevant planning policy.

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

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

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. You can attach these documents electronically later in the process: * (Max 500 characters)

- Location Plan & Site Layout 769/PPP - Design & Access Statement

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

22/00127/PPP

What date was the application submitted to the planning authority? *

18/02/2022

What date was the decision issued by the planning authority? *

17/06/2022

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.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☒ Yes ☐ No

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

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

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

☒ Yes ☐ No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

Note: 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. 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.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

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 (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Peter Walker

Declaration Date: 06/09/2022

Application for Planning Permission in Principle.

Proposed site for a new dwelling house: - Land adjacent to Noble Hall at Cleikeminn, Howgate, Penicuik EH26 8QD.

Cleikeminn comprises 5 dwellings & lies within Howgate but a short distance to the north of the main village, on the west side of the B7026 Glencorse / Auchendinny - Howgate road.

The proposed house site lies immediately to the south of Cleikeminn on agricultural ground which is generally used for sheep grazing. The plot sits below road level & is sheltered by landscape / vegetation to the north & east but has open views towards the Pentland hills to the west.

The proposed development would form a natural extension to Cleikeminn, continuing the group. Separation from the main village of Howgate would be maintained by the steep hillside to the south of the proposed site. The location below road level together with existing & proposed planting would contribute to minimising visual impact on neighbours & on views to the west from the B7026.

Relevant Planning Policy

Extracts from Midlothian Local Plan: Supplementary Guidance Development in the Countryside: Policy DP1, Section 1.2: Housing Groups: -

Context

"3. Planning policy in Midlothian primarily allows for the development of a new house in the countryside only where it can be demonstrated that it is required for the furtherance of an established countryside activity (refer to MLP policies RP1 and DP1). The Housing Groups policy (policy DP1, section 1.2 – refer Appendix B) provides an exception to this by permitting, subject to satisfying certain criteria, a new house to be built where there is an existing group of at least five houses at the commencement of the Local Plan period, ie 23 December 2008. This brings some flexibility to the 'development in the countryside' policy to enable it to accommodate limited growth whilst ensuring that any such development is:

- of an appropriate scale to the locality;
- causes minimal adverse impact to the landscape and character of the area; and
- has appropriate access to public transport and/or local facilities."

APPENDIX B: Policy DP1 – Development in the Countryside **Section 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."

Response - FWA

- a) Cleikeminn / Howgate lies outwith the Edinburgh Green Belt.
- b) The long established grouping of 5 units has not been added to in recent times.
- c) Penicuik lies a short distance to the north with schools, shops & regular public transport to Edinburgh.
- d) Detailed design would be addressed in a future detailed Planning application but the intention would be to create a new dwelling of appropriate character & scale.
- e) The well established access to the fields would be used to access the plot.
- f) Subject to agreement with Scottish Water & SEPA, it is anticipated that a new connection would be made to the public water supply & a 'biodisc' type domestic treatment plant would be located within the curtilage.
- g) Any new dwelling must be designed with sustainability & energy efficiency in mind. The south-westerly aspect lends itself to taking advantage of the principles of passive solar design together with micro generation in the form of solar panels. There would also be scope on site for ground &/or air source heat pump technology.
- h) Again, house design would be tackled at detailed Planning application stage but with appropriate siting as proposed here, sympathetic planting & reference to the traditional buildings in & around Howgate the new dwelling would compliment & contribute to the established group at Cleikeminn.
- i) Cleikeminn would remain distinct from the main village of Howgate. The plot size proposed is broadly similar to neighbouring properties.

Fred Walker Associates, Architects.
February 2022



Looking North Over Proposed Site to Cleikeminn



Looking East Towards Proposed Site & B7026

MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference: 22/00127/PPP

Site Address: Land adjacent to Noblehall, Howgate, Penicuik.

Site Description: The application site comprises part of an agricultural field used for grazing. There are some buildings on site which appear to be used for stabling horses. There are fields to the west, south and east and five houses and associated garden ground to the north. The land slopes up to the south and the site sits lower than the road to the east. The village of Howgate lies further south. There is landscaping between the site and the house to the north, with the remainder of the boundaries open.

Proposed Development: Application for planning permission in principle for erection of dwellinghouse.

Proposed Development Details: The application is for planning permission in principle, however the applicant's agent has submitted an indicative site plan. This shows the siting of one four bed house centrally within the site. The existing field access will be used for the house. The access point is outwith the site boundary but in land the applicant controls. Two parking spaces are indicated, along with new planting and dry stone wall boundaries. This will be served by a new septic tank and soakaway and will connect to the public water supply.

A supporting statement has been submitted, making reference to housing group policies. The statement makes the following comments:

- The proposed site forms part of a housing group, or a similar size to the neighbouring plots and would be a natural extension to the group;
- The lower ground levels and existing and proposed planting out minimise visual impact on neighbours and views from the west; and,
- The house will be of appropriate scale for the area and include micro-renewable technology.

Background (Previous Applications, Supporting Documents, Development Briefs): No relevant history.

Consultations:

The Council's **Policy and Road Safety Manager** has no objection.

The Council's **Senior Manager Protective Services** was consulted and states that there appears to be a business operating from Noblehall to the north which produces wood products. Due to the nature of the business, this is likely to have a detrimental impact on the amenity of any future residents at this site. There could be measures to mitigate this to bring any noise to an acceptable level for any future occupants.

Scottish Water has no objection. They state that there is no waste water infrastructure in the area and that they will not accept any surface water connections to the combined sewer. They also state their records appear to show abandoned water infrastructure within the site. They ask the applicant to contact them if the infrastructure requires to be removed to allow works to proceed.

The Council's **Archaeological Consultant** recommends a condition be attached to any permission requiring a programme of archaeological works be submitted for approval before any works begin on site.

Representations: One representation has been received neither objecting to nor supporting the proposal. They state there is a wood fuel business in the area which involves processing logs between April and September that may result in noise to the proposed house.

Relevant Planning Policies: The relevant policies of the **2017 Midlothian Local Development Plan** are;

DEV5 Sustainability in New Development sets out the requirements for development with regards to sustainability principles;

DEV6 Layout and Design of New Development states that good design and a high quality of architecture will be required in the overall layout of development proposals. This also provides guidance on design principles for development, materials, access, passive energy gain, positioning of buildings, open and private amenity space provision and parking;

DEV7 Landscaping in New Development requires development proposals to be accompanied by a comprehensive scheme of landscaping. The design of the scheme is to be informed by the results of an appropriately detailed landscape assessment;

TRAN5 Electric Vehicle Charging seeks to support and promote the development of a network of electric vehicle charging stations by requiring provision to be considered as an integral part of any new development or redevelopment proposals;

IT1 Digital Infrastructure supports the incorporation of high speed broadband connections and other digital technologies into new homes, business properties and redevelopment proposals;

RD1 Development in the Countryside states 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 or tourism; it accords with other named policies; or it accords with the Council's Supplementary Guidance on Development in the Countryside and Green Belt. All such development will need to be: of a scale and character appropriate to the rural area and well integrated into the rural landscape; capable of being serviced with an adequate and appropriate access; capable of being provided with drainage and a public water supply at reasonable cost, or an acceptable private water supply, avoiding unacceptable discharge to watercourses; and accessible by public transport and services, within 1 mile of a bus route with a frequency of 1 bus per hour. In the case of businesses, these should not be primarily of a retail nature and do not harm the amenity of nearby residents through unacceptable levels of noise, light or traffic;

ENV7 Landscape Character states that development will not be permitted where it significantly and adversely affects local landscape character. Where development is acceptable, it should respect such character and be compatible in terms of scale, siting and design. New development will normally be required to incorporate proposals to maintain the diversity and distinctiveness of the local landscapes and to enhance landscape characteristics where they have been weakened; and

ENV18 Noise states that the Council will seek to prevent noisy developments from damaging residential amenity or disturbing noise sensitive uses. Where new developments with the potential to create significant noise are proposed, these may be refused or required to be modified so that no unacceptable impact at sensitive receptors is generated. Applicants may be required to carry out a noise impact assessment either as part of an Environmental Impact Assessment or separately. Where new noise sensitive uses are proposed in the locality of existing noisy uses, the Council will seek to ensure that the function of the established operation is not adversely affected.

Supplementary Guidance for Housing Development in the Countryside and Green Belt is adopted and expands policy RD1 and the criteria to be met in such proposals. This provides some support the development of one house where there is a group of 5 or more existing dwellinghouses. A house may be permitted where there is small-scale infill within such groups. Houses should generally be located within any gaps in the group. Where there are no gaps, consideration will be given to locations adjoining the existing group, particularly where there is a site that adjoins the group on two sides. Where there are existing physical or visual barriers separating the site or where distance results in the site being remote from the host group, development will not be acceptable. Proposals in open fields adjoining a group, which have not physical features to provide containment will not be acceptable. Proposals which impact adversely on trees, hedgerow and boundary features, or are located on the opposite side of physical features which form strong boundaries for a group will not be acceptable. The design of any proposed dwelling is an important consideration. Development must be small-scale in relation to the existing group and respect the character, cohesiveness and amenity of the group being extended.

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 planning authority has restrictive policies in relation to proposals for new housing developments within the countryside. These aim to prevent the creeping suburbanisation of the countryside which is under significant pressure due to the convenient commuting distance to Edinburgh. However there are enabling policies, within the adopted Midlothian Local Development Plan, which support some forms of residential developments within the countryside. The wording of Policy RD1 contains several sections where houses could be acceptable in the countryside.

The proposed house is not required for the furtherance of an established countryside activity, nor is it a replacement house nor does it relate to the conversion or redevelopment of existing redundant farm buildings or other non-residential

buildings. The proposal is not an enabling development where it is clearly shown that this is the only means of preventing the loss of a heritage asset and securing its long term future.

Policy RD1 provides some support for houses in groups where 1 new dwelling is permitted during the plan period where there are 5 existing units. There are 5 houses within the group to the north of the site and therefore potential for one further house in the current MLDP period. Any new house must form part of the group and meet the criteria included in the SG for suitable plots within groups. The specific guidance for the housing group at Cleikeminn in the previous Supplementary Planning Guidance states the fields to the west and east are very open with no physical features to provide containment. It was considered that there is only potential for an additional house within the garden grounds of existing properties.

The indicative site plan shows a house to the south of the housing group, which is well contained by existing landscaping. This is not a gap site but joins the group on one side. The indicative position of the house does not follow the pattern of the houses in the group, which are close to the road and of a particular character. Also the existing landscaping which forms the northern boundary of the site creates a natural boundary containing the group, meaning that the site sits outwith this. The site is in an open field adjoining the group and has no physical features within the field to provide containment. The proposed plot size is similar to the house to the north, but is approximately the same size as the other three houses in the group combined.

The combination of the site and the natural boundary of the group with the existing landscaping, it is difficult to read this application site as being part of the group. The plot does not visually relate to the group but appears separate to this and there is not much reference made to the group. For any house to be supported at this group, there needs to be a relationship between the two. There is a perceived and physical separation between the site and the group through the landscaping and indicative siting of the house.

Notwithstanding the lack of policy support for the principle of a house here, the following details are considered.

The application site area is sufficiently large to be able to accommodate a dwellinghouse and garden ground.

The site is served by an existing access and there are no road safety concerns. The housing group was originally included as part of the SPG as it was considered to have access to local services.

Scottish Water did not raise any concerns over water supply. Should permission be granted a planning condition would be attached requiring further details of drainage and sewerage provision.

The application is for planning permission in principle and so no detailed plans of the proposed house are required or have been submitted. Should the current application be approved, a further application would be required detailing the design, materials

and site layout. Due to the sensitive location within the countryside, it is important that any new house is in keeping with and does not detract from the character and appearance of the group and area. The other houses in the group are all single storey, some with accommodation in the roofspace. These are all of traditional design and scale. Any new house should reflect the character of the existing built environment in the area.

There appears to be a business operating from Noblehall to the north which produces wood products. There is no planning permission in place for this and, due to the nature of the business, this will create a lot of noise and so is likely to have a detrimental on the amenity of any future residents at this site.

Recommendation: Refuse planning permission in principle.

Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 22/00127/PPP

Fred Walker Associates
19 Biggar Road
Silverburn
Penicuik
Midlothian
EH26 9LQ

Midlothian Council, as Planning Authority, having considered the application by Mrs Peta Harris, 60 Crown Drive, Inverness, IV2 3QG, which was registered on 18 February 2022 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 at Land adjacent to Noblehall, Howgate, Penicuik

In accordance with the application and the following documents/drawings:

<u>Document/Drawing.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	LP 1:1250	18.02.2022
Site Plan	PPP 1:1000 1:500	18.02.2022

The reason for the Council's decision is set out below:

1. *On account of the proposed layout of the development and the physical separation between the application site and the housing group at Cleikeminn it has not been demonstrated to the satisfaction of the Planning Authority that the proposed house forms part of a housing group and so there is no justification for the development of a residential unit in the countryside which would be contrary to policy RD1 of the adopted Midlothian Local Development Plan 2018 and the related supplementary planning guidance.*

Dated 17 / 6 / 2022



.....
Duncan Robertson
Lead Officer – Local Developments
Fairfield House, 8 Lothian Road, Dalkeith, EH22 3ZN



**The Coal
Authority**

Any Planning Enquiries should be directed to:

Planning and Local Authority Liaison

Direct Telephone: 01623 637 119

Email: planningconsultation@coal.gov.uk

Website: www.gov.uk/coalauthority

STANDING ADVICE

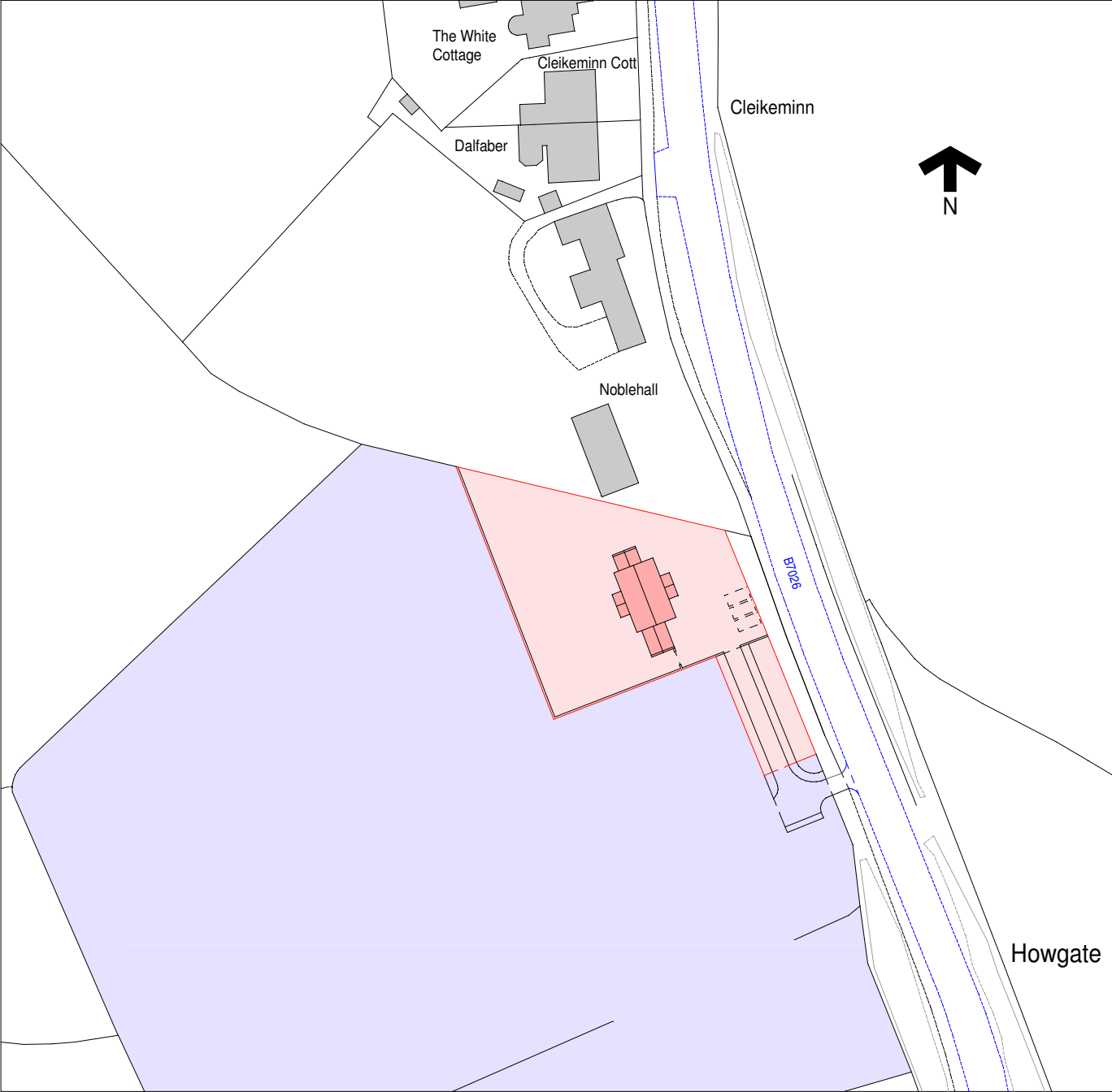
The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

Standing Advice valid from 1st January 2021 until 31st December 2022

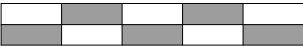
Appendix E

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LOCATION PLAN 1:1250 SCALE

0 10 20 30 40 50 metres



Proposed area of development

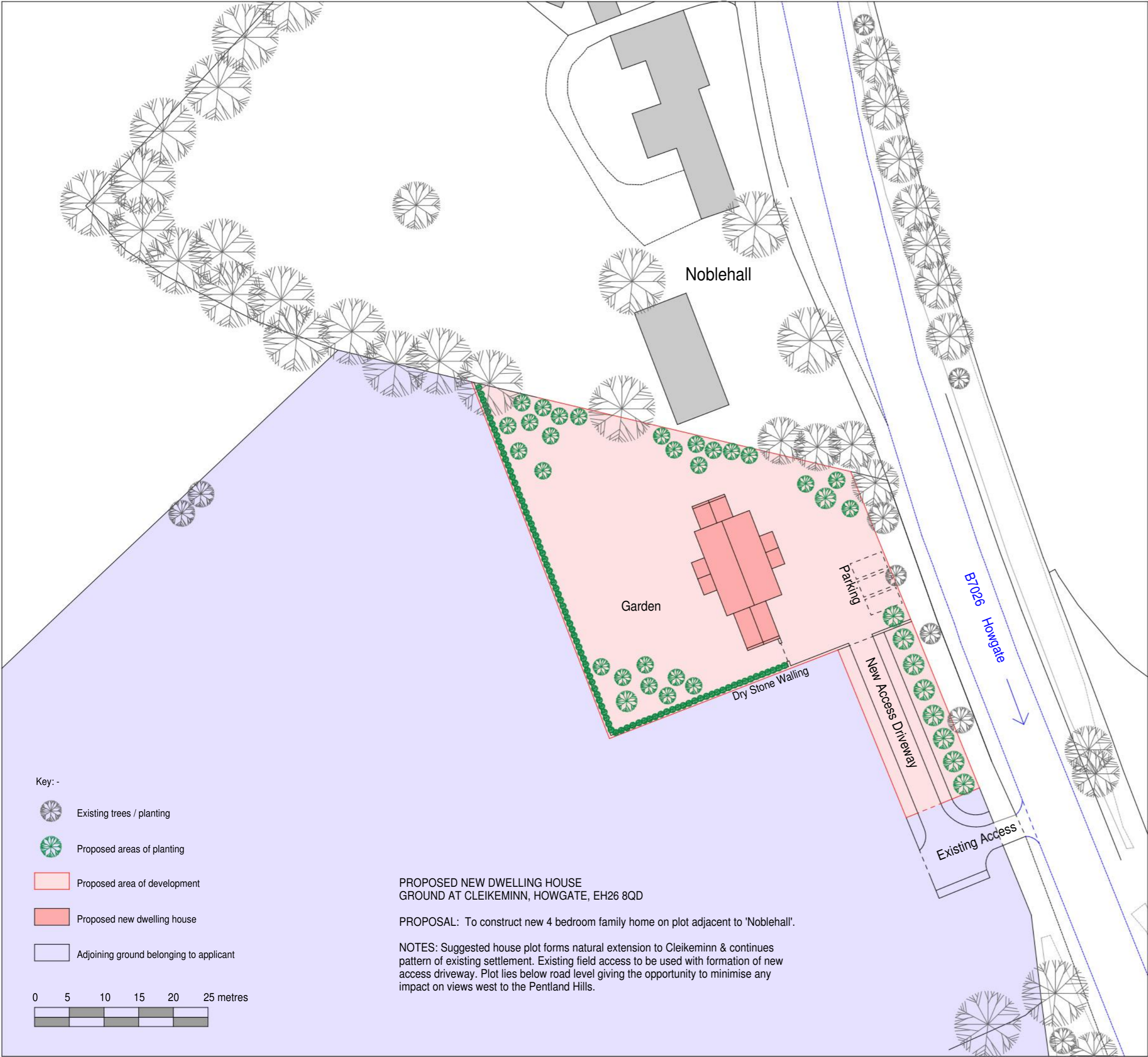


Proposed new dwelling house

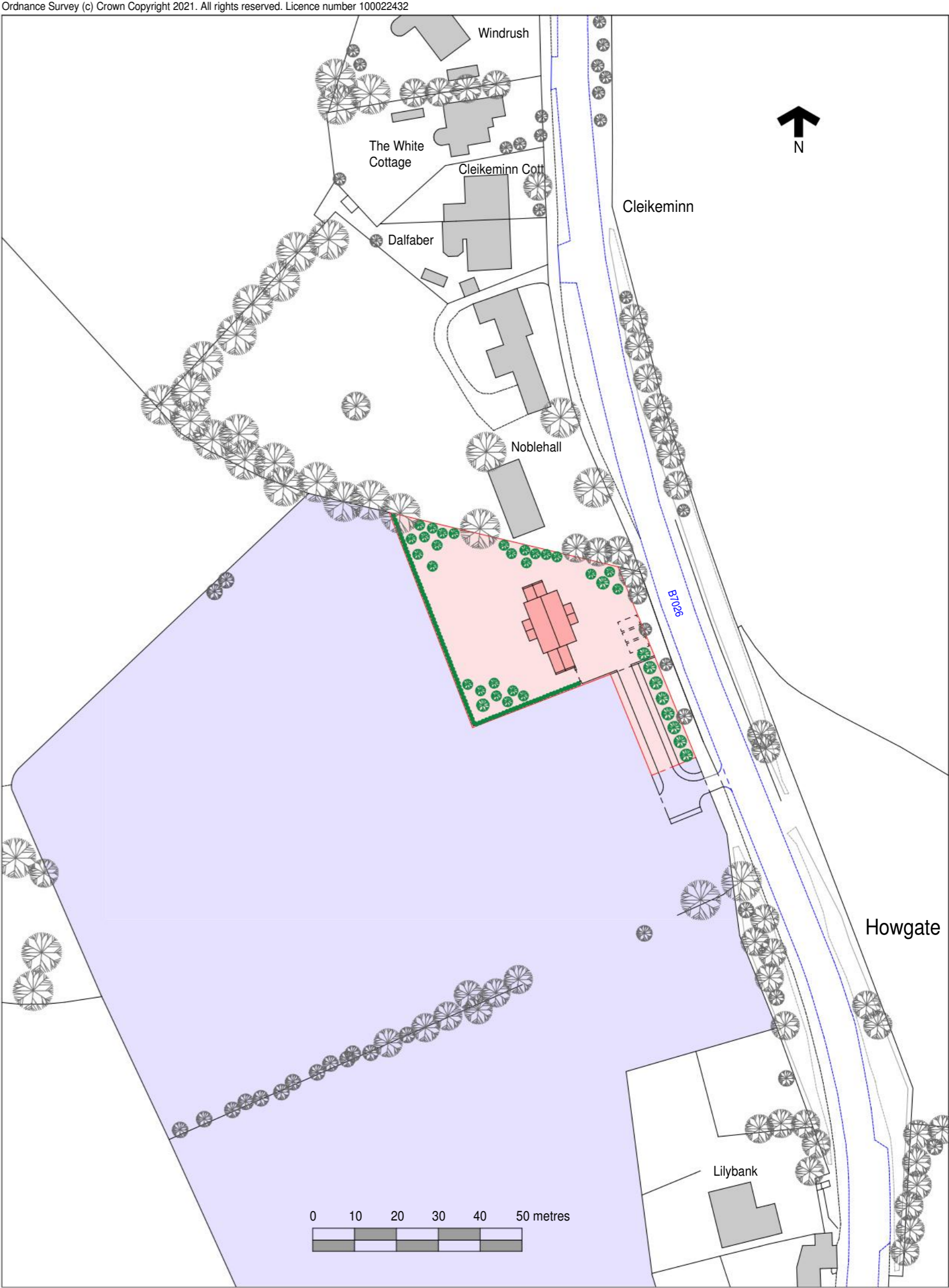


Adjoining ground belonging to applicant

suffix	revision	date 26/1/22		
ADDRESS		GROUND AT CLEIKEMINN HOWGATE EH26 8QD		
job title		PROPOSED NEW HOUSE SITE		
drawing		LOCATION PLAN		
769		drg. no. LP	/	/
			/	/
			/	/
			/	/
scale (at A4) 1/ 1250		date	drawn	checked
FWA		FRED WALKER ASSOCIATES ARCHITECTS 19 BIGGAR ROAD SILVERBURN PENICUIK MIDLOTHIAN EH26 9LQ TEL: 01968 672588 INFO@FREDWALKERASSOCIATES.CO.UK		



PROPOSED SITE LAYOUT 1:500 SCALE



LOCATION PLAN 1:1000 SCALE



LOOKING WEST FROM EXISTING ACCESS



LOOKING WEST FROM B7026



PROPOSED SITE



PANORAMA LOOKING SOUTH WEST

suffix	revision	date	26/1/22
ADDRESS	GROUND AT CLEIKEMINN HOWGATE EH26 8QD		
job title	PROPOSED NEW HOUSE SITE		
drawing	LOCATION PLAN SITE LAYOUT		
769	drp. no.	1/	1/
PPP	1/	1/	1/
scale (at A2)	date	drawn	checked
1/			
FRED WALKER ASSOCIATES ARCHITECTS 19 BIGGAR ROAD SILVERBURN PENICUIK MIDLOTHIAN EH26 9LQ TEL: 01968 672588 INFO@FREDWALKERASSOCIATES.CO.UK			