



PRE - APPLICATION REPORT REGARDING SITING OF FIVE HOLIDAY ACCOMMODATION UNITS AT LAND BETWEEN BRAIDLAW FARMHOUSE AND THE A766, PENICUIK (25/00142/PAC)

Report by Chief Officer Place

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to advise the Committee of the submission of a Proposal of Application Notice (PAN) and corresponding pre-application consultation for five holiday accommodation units on land between Braidlaw Farmhouse and the A766, Penicuik.
- 1.2 The pre-application consultation is reported to Committee to enable Councillors to express a provisional view on the proposed major development. The report outlines the proposal, identifies the key development plan policies and material considerations and states a provisional, without prejudice, planning view regarding the principle of development.

2 BACKGROUND

- 2.1 Guidance on the role of Councillors in the pre-application process published by the Commissioner for Ethical Standards in Public Life in Scotland, was reported to the Committee at its meeting of 30 August 2022. The guidance clarifies the position regarding Councillors stating a provisional view on proposals at pre-application stage.
- 2.2 A pre-application consultation for five holiday accommodation units on land between Braidlaw Farmhouse and the A766 was submitted on 11 March 2025. The applicant is Euan Pearson, Pearson Planning.
- 2.3 As part of the pre-application consultation process, two public events have been scheduled. The first event is scheduled to take place on 11 June 2025 at Ladywood Leisure Centre, Penicuik. The second event is scheduled for 25 June 2025 at the same venue.
- 2.4 An applicant must wait 12 weeks from the date of submission of a PAN before submitting a planning application. The 12-week period will expire on 4 June 2025, however as the public events are scheduled for after that date the earliest date that a planning application for the proposal could be submitted is 26 June 2025. The subsequent

planning application must be accompanied by a Pre-Application Consultation Report detailing the consultation undertaken, a summary of written responses and views expressed at the public events, and an explanation of how the applicant took account of the views expressed and an explanation of how members of the public were given feedback on the applicant's consideration of their views.

- 2.5 A copy of the pre application notice has been sent by the applicant to the Penicuik and District Community Council.
- 2.6 It is reasonable for an Elected Member to attend one of the events without a Council planning officer present, but the Member should (in accordance with the Commissioner's guidance reported to the Committee at its meeting in August 2022) not offer views, as the forum for doing so will be at meetings of the Planning Committee.

3 PLANNING CONSIDERATIONS

- 3.1 In assessing any subsequent planning application the main planning issue to be considered in determining the application is whether the proposed development complies with development plan policies unless material planning considerations indicate otherwise. The views of consultees and representors will be material considerations in the assessment of an application for the proposed development.
- 3.2 The development plan is comprised of National Planning Framework 4 (2023) and the Midlothian Local Development Plan 2017 (MLDP). Section 24(3) of the Town and Country Planning (Scotland) Act 1997 states that where there is an incompatibility between the provisions of the National Planning Framework and the provisions of a local development plan whichever of them is the later in date is to prevail. At present this means that where there is an incompatibility NPF4 takes precedence, this will change when a new local development plan is adopted.
- 3.3 The application site measures approximately 8.2 hectares and is situated to the southwest of Penicuik and consists of open fields associated with Braidlaw Farmhouse and associated livery to the north. The A766 runs along the southern boundary of the site and access from the A766 to the farmhouse and livery runs from south to north through the site. The site sits at an elevated level from the A766 and is within the countryside and a special landscape area. There is a high-pressure gas pipeline running through the western part of the site. Braidwood Steading is to the north, beyond the farmhouse and livery. There is a woodland to the east and partial along the southern boundary, with open fields to all other boundaries.
- 3.4 The relevant policies of the National Planning Framework 4 (NPF4) are:
 - Policy 1 Tackling the climate and nature crisis
 - Policy 2 Climate mitigation and adaptation

- Policy 3 Biodiversity
- Policy 13 Sustainable transport
- Policy 20 Blue and green infrastructure
- Policy 22 Flood risk and water management
- Policy 24 Digital infrastructure
- Policy 29 Rural development
- Policy 30 Tourism

3.5 The relevant policies of the Midlothian Local Development Plan 2017 (MLDP) are:

- RD1 Development in the Countryside
- VIS2 Tourist Accommodation
- ENV6 Special Landscape Areas
- ENV7 Landscape Character
- DEV5 Sustainability in New Development
- DEV6 Layout and Design of New Development
- DEV7 Landscaping in New Development
- TRAN5 Electric Vehicle Charging
- IT1 Digital Infrastructure

3.6 The site is designated as countryside. However, the development plan is generally supportive of holiday accommodation proposals in principle to support the Council's ambition to improve the range of tourism accommodation in the county, provided the units meet design and environmental criteria as set out in policy. While the principle of holiday accommodation is generally accepted, detailed consideration will need to be given to the design matters. In particular, the site's relationship to the surrounding rural area and the impact on the landscape character of the area, as well as the layout, siting, scale, design and materials of the proposed accommodation and any other associated works. There must also be an important emphasis placed on the sustainability of the development and its impact on the climate crisis. The impact of the proposed development on the high-pressure gas pipeline running through the site must also be considered with the relevant statutory consultees being consulted.

4 PROCEDURES

- 4.1 The Scottish Government's Guidance on the Role of Councillors in Pre-Application Procedures provides for Councillors to express a 'without prejudice' view and to identify material considerations regarding a major application.
- 4.2 The Committee is invited to express a 'without prejudice' view and to raise any material considerations which they wish the applicant and/or officers to consider. Views and comments expressed by the Committee will be entered into the minutes of the meeting and relayed to the applicant for consideration.

4.3 The Scottish Government's Guidance on the Role of Councillors in Pre-Application Procedures advises that Councillors be expected to approach their decision-making with an open mind in that they must have regard to all material considerations and be prepared to change their views that they are minded towards if persuaded that they should.

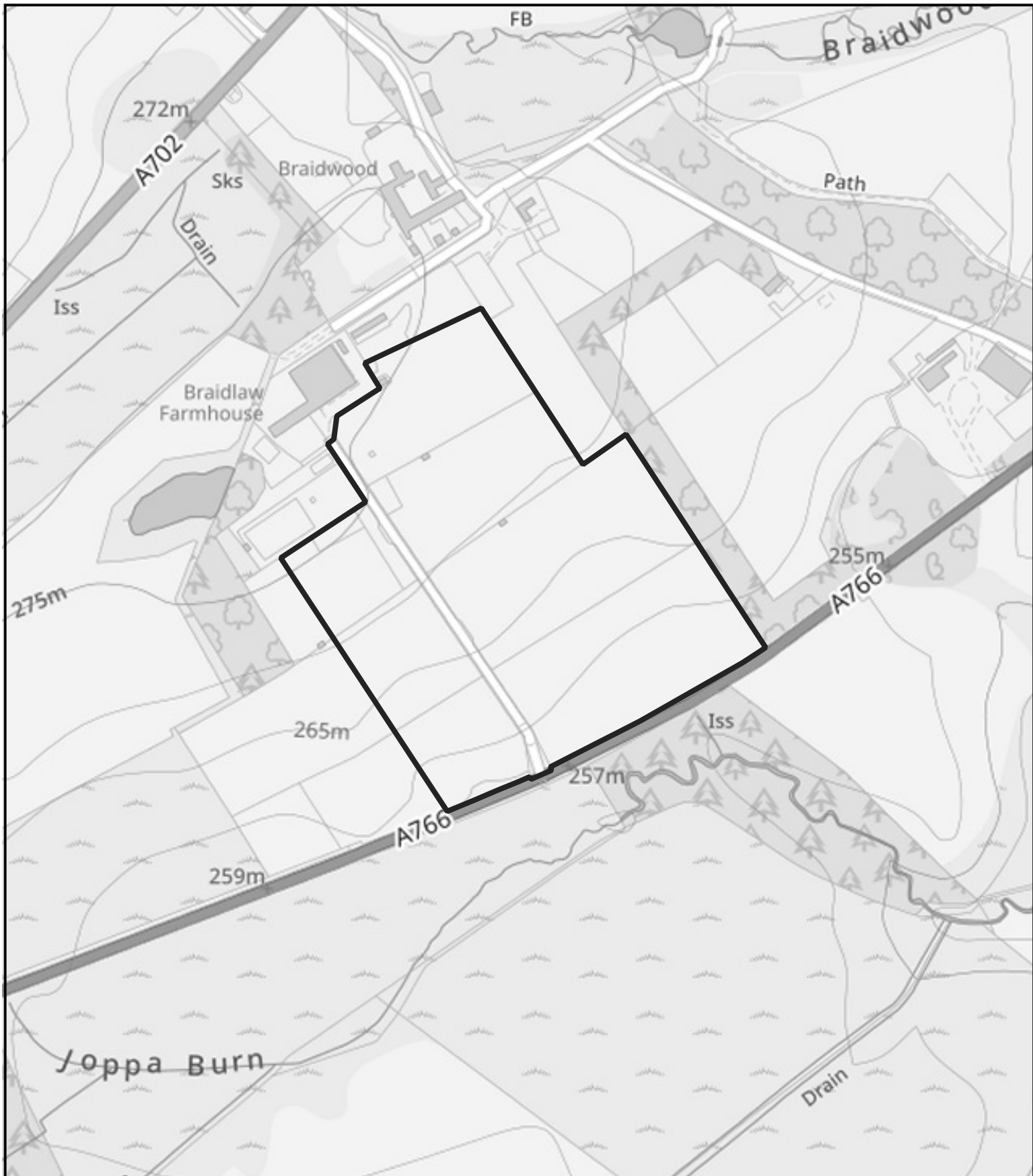
5 RECOMMENDATION

5.1 It is recommended that the Committee notes:

- a) the provisional planning position set out in this report;
- b) that any comments made by Members will form part of the minute of the Committee meeting; and
- c) that the expression of a provisional view does not fetter the Committee in its consideration of any subsequent formal planning application.

Peter Arnsdorf
Planning, Sustainable Growth and Investment Manager

Date: 18 April 2025
Application No: 25/00142/PAC
Applicant: Euan FS Pearson, Pearson Planning
Agent: None
Validation Date: 11 March 2025
Contact Person: Mhairi-Anne Cowie
Email: mhairi-anne.cowie@midlothian.gov.uk
Attached Plan: Location Plan



**Planning Service
Place Directorate**

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Proposal of application notice for holiday accommodation development

Land between Braidlaw Farmhouse and The A766 Penicuik

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