

# Refuse of Planning Permission

Town and Country Planning (Scotland) Act 1997

Local Review Body  
Tuesday 4 September 2018  
Item No 5.2

## Local Review Body: Review of Planning Application Reg. No. 17/00900/DPP

Chris Turner Consultant  
Old School House  
School Lane  
Stow  
Lincoln  
LN1 2DQ

Midlothian Council, as Planning Authority, having considered the review of the application by Westland Horticulture, 14 Granville Industrial Estate, Dungannon, BT70 1NJ, which was registered on 25 April 2018 in pursuance of their powers under the above Act, hereby **refuse** permission to carry out the following proposed development:

**Siting of two residential caravans for a temporary period of two years (retrospective) at Land West of Wellington Cottages, Springfield Road, Penicuik**, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	1:20000	29.11.2017
Site Plan	1:500	29.11.2017
Site Plan		29.11.2017

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

The residential caravans are sited in the countryside, where there is a presumption against establishing new residential units/accommodation, without justification contrary to policy RD1 of the Midlothian Local Development Plan 2017. It has not been demonstrated to the satisfaction of the Planning Authority that the caravans are required for the furtherance of an acceptable countryside activity (including security requirements). Furthermore, there are alternative locations to accommodate workers in the surrounding local area which are served by good public transport links.

The Local Review Body (LRB) considered the review of the planning application at its meeting of 20 June 2018. The LRB carried out a site visit on the 20 June 2018.

In reaching its decision the LRB gave consideration to the following development plan policies and material considerations:

Development Plan Policies:

1. RD1 Midlothian Local Development Plan – Development in the Countryside
2. ENV6 Midlothian Local Development Plan – Special Landscape Areas

Material considerations:

1. The individual circumstances of the associated peat extraction business.

Dated: 20/06/2018

A handwritten signature in black ink, appearing to read 'Peter Arnsdorf', with a large, stylized initial 'P'.

Peter Arnsdorf  
Planning Manager (Advisor to the Local Review Body)  
Communities and Economy  
Midlothian Council

On behalf of:

Councillor R Imrie  
Chair of the Local Review Body  
Midlothian Council

## NOTICE TO ACCOMPANY REFUSAL ETC.

### TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

***Notification to be sent to applicant on refusal of planning permission or on the grant of permission subject to conditions, or***

***Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under section 43A(8)***

1. 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 question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. 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 reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by 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.

#### ***Important Advisory Note:***

***The caravans located on site do not benefit from planning permission and as such shall be removed from the site – the Council will contact you separately under its Planning Enforcement powers regarding this breach of planning control.***

*Advisory note:*

*If you have any questions or enquiries regarding the Local Review Body procedures or this decision notice please do not hesitate to contact Peter Arnsdorf, Planning Manager tel: 0131 2713310 or via [peter.arnsdorf@midlothian.gov.uk](mailto:peter.arnsdorf@midlothian.gov.uk)*