

# Refuse of Planning Permission

Town and Country Planning (Scotland) Act 1997

Local Review Body  
Tuesday 4 September 2018  
Item No 5.4

## Local Review Body: Review of Planning Application Reg. No. 17/00864/DPP

Douglas Strachan  
79 High Street  
Dalkeith  
EH22 1JA

Midlothian Council, as Planning Authority, having considered the review of the application by Mrs Lorna McKellar, Mansfield Farmhouse, Mansfield Farm, Mayfield, EH22 5TJ, 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:

**Conversion of steading to form 4 dwellinghouses at Mansfield, Dalkeith, EH22 5TJ**, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	#3.01 1:1250	13.12.2017
Site Plan	#3.02 1:200	13.12.2017
Existing floor plan	#3.05 1:100	13.12.2017
Existing floor plan	#3.09 1:100	13.12.2017
Existing elevations	#3.06 1:100	13.12.2017
Existing elevations	#3.11 1:100	13.12.2017
Existing elevations	#3.10 1:100	13.12.2017
Site Plan	#3.03 1:200	13.12.2017
Proposed floor plan	#3.07 1:100	13.12.2017
Proposed floor plan	#3.12 1:100	13.12.2017
Proposed elevations	#3.08 1:100	13.12.2017
Proposed elevations	#3.13 1:100	13.12.2017
Illustration/Photograph	#3.04	13.12.2017
Design and Access Statement		13.12.2017

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

1. *The proposal involves the conversion of outbuildings to residential units which are sited in the countryside and are not redundant and so the proposal is contrary to policy RD1 of the adopted Midlothian Local Development Plan 2017.*

2. *Inadequate private amenity space would be provided for the proposed houses, with one of the gardens outwith the application site boundary. Two of the gardens would be directly overlooked by the existing property adjacent to the site, resulting in a loss of privacy for both future and existing occupants. Overall the gardens of the proposed dwellings would not provide sufficient levels of amenity to the proposed dwellings.*
3. *The proposed layout would result in a low standard of amenity for both the existing and proposed houses as a result of the proximity of the vehicular access, resulting in a lack of privacy and potential noise disturbance.*
4. *For the above reasons, the proposal is an overdevelopment of the site, which is contrary to policy DEV6 of the adopted Midlothian Local Development Plan 2017.*
5. *The proposal presents a significant threat to road safety given the poor vehicular and pedestrian access.*

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. DEV6 Midlothian Local Development Plan – Layout and design of new development
2. DEV7 Midlothian Local Development Plan – Landscaping in new development
3. IT1 Midlothian Local Development Plan – Digital infrastructure
4. RD1 Midlothian Local Development Plan – Development in the countryside
5. ENV15 Midlothian Local Development Plan – Species and habitat protection and enhancement
6. IMP1 Midlothian Local Development Plan – New development
7. IMP2 Midlothian Local Development Plan – Essential infrastructure required to enable new development to take place

Material considerations:

1. The individual circumstances of the application site.

Dated: 20/06/2018

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

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.

*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)*