

**Notice of Review: Land 200M South West of Wellington School, Penicuik****Determination Report**

Report by Ian Johnson, Head of Communities and Economy

**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' regarding an application for planning permission in principle for the erection of a dwellinghouse at land 200 metres south west of Wellington School, Penicuik.

**2 Background**

- 2.1 Planning application 16/00460/PPP for planning permission in principle for the erection of a dwellinghouse at land 200 metres south west of Wellington School, Penicuik was refused planning permission on 21 November 2016; 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 statement (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, issued on 21 November 2016 (Appendix D); and
  - A copy of the relevant drawings/plans (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](http://www.midlothian.gov.uk)

**4 Procedures**

- 4.1 In accordance with procedures agreed by the LRB, the LRB by agreement of the Chair:

- Have scheduled a site visit for Monday 6 March 2017; and
  - Have determined to progress the review by way of a written submissions.
- 4.2 The case officer's report identified that two consultation responses and one representation have been received. As part of the review process the interested parties were notified of the review. No additional comments have been received. All the comments can be viewed online on the electronic planning application case file via [www.midlothian.gov.uk](http://www.midlothian.gov.uk)
- 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 to the next 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 19 June 2012 and 26 November 2013, 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. Development shall not begin until an application for approval of matters specified in conditions for a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
    - i existing and finished ground levels and floor levels for all buildings and roads in relation to a fixed datum;

- ii existing trees, landscaping features and vegetation to be retained; removed, protected during development and in the case of damage, restored;
- iii proposed new planting including trees, shrubs, hedging and grassed areas;
- iv location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
- v schedule of plants to comprise species, plant sizes and proposed numbers/density;
- vi programme for completion and subsequent maintenance of all soft and hard landscaping; and
- vii drainage details and sustainable urban drainage systems to manage water runoff.

All hard and soft landscaping shall be carried out in accordance with the scheme approved in writing by the planning authority as the programme for completion and subsequent maintenance (vi). Thereafter any trees or shrubs removed, dying, becoming seriously diseased or damaged within five years of planting shall be replaced in the following planting season by trees/shrubs of a similar species to those originally required.

***Reason:*** To ensure the quality of the development is enhanced by landscaping to reflect its setting in accordance with policies DP1 and DP2 of the Midlothian Local Plan and national planning guidance and advice.

2. Development shall not begin until an application for approval of matters specified in conditions for the siting, design and external appearance of the proposed residential unit and other structures has been submitted to and approved in writing by the planning authority. The application shall include samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.

***Reason:*** To ensure the quality of the development is enhanced by the use of quality materials to reflect its setting in accordance with policies DP1 and DP2 of the Midlothian Local Plan and national planning guidance and advice.

3. Development shall not begin until an application for approval of matters specified in conditions for the site access, internal roads, footpaths, car parking and transportation movements has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
  - i existing and finished ground levels for all roads in relation to a fixed datum;
  - ii proposed vehicular and pedestrian access;
  - iii proposed internal roads/driveways (including turning facilities) and footpaths;

- vi proposed visibility splays, traffic calming measures, lighting and signage; and
- v a programme for completion for the construction of access, roads, footpaths and car parking.

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:*** *To ensure the future users of the buildings, existing local residents and those visiting the development site during the construction process have safe and convenient access to and from the site.*

## **6 Recommendations**

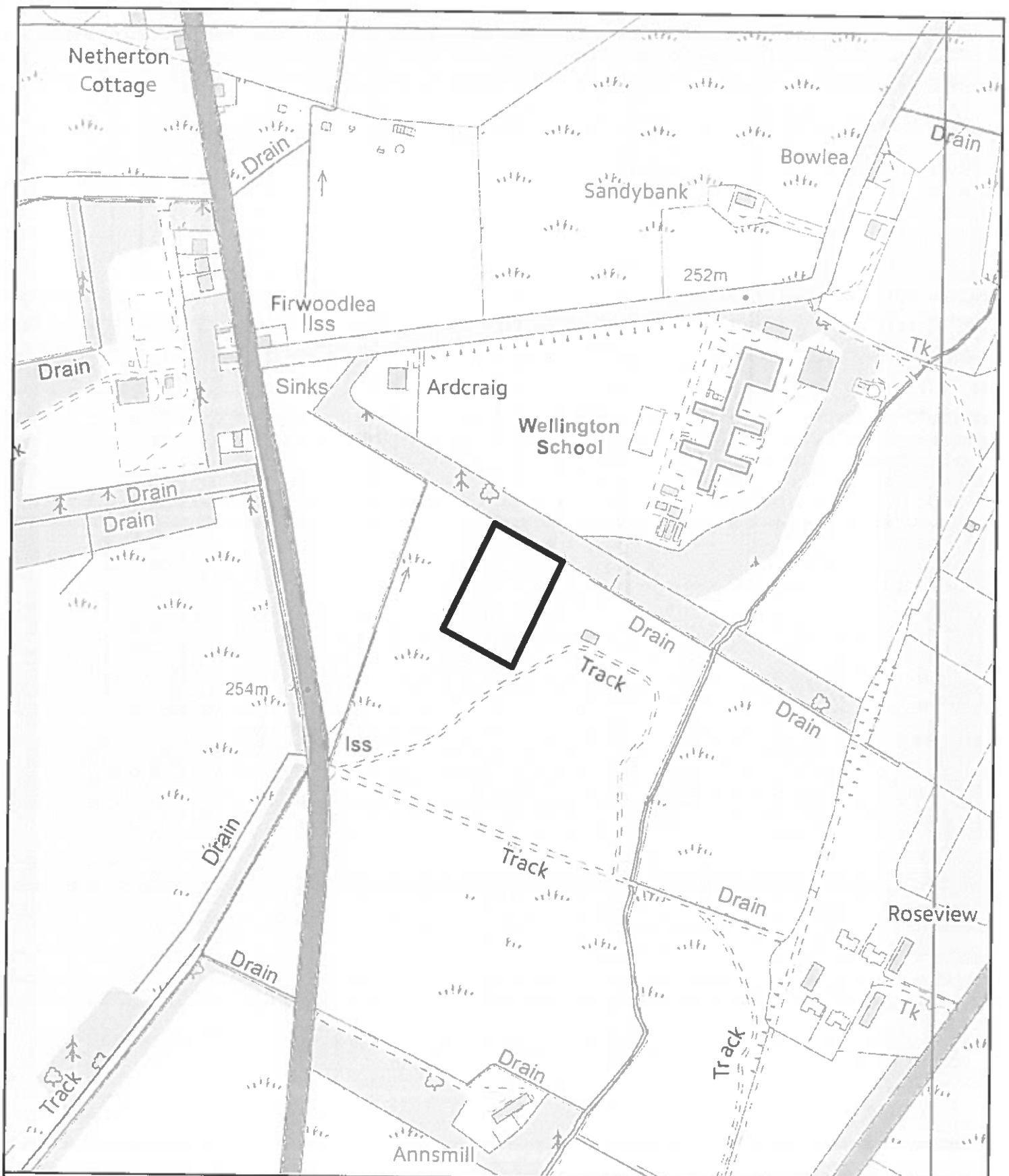
- 6.1 It is recommended that the LRB:
- a) determine the review; and
  - b) the planning advisor draft and issue the decision of the LRB through the Chair

**Date:** 21 February 2017

**Report Contact:** Peter Arnsdorf, Planning Manager (LRB Advisor)  
peter.arnsdorf@midlothian.gov.uk

**Tel No:** 0131 271 3310

**Background Papers:** Planning application 16/00460/PPP available for inspection online.



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

**Planning Permission in Principle for the erection of one  
dwellinghouse at Land 200M South West Of Wellington  
School, Penicuik**

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**File No. 16/00460/PPP**

**Scale: 1:4,000**



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# NOTICE OF REVIEW

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

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND) Regulations 2013

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

**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://www.eplanning.scot>**

1. Applicant's Details		2. Agent's Details (if any)	
Title	Mr	Ref No.	
Forename	Colin	Forename	
Surname	Campbell	Surname	
Company Name		Company Name	
Building No./Name	White Heather Cottage	Building No./Name	
Address Line 1	Ruddenleys Farm	Address Line 1	
Address Line 2	Lamancha	Address Line 2	
Town/City	West Linton	Town/City	
Postcode	EH46 7BQ	Postcode	
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	

3. Application Details	
Planning authority	MidLothian Council
Planning authority's application reference number	16/00460/PPP
Site address	
Roseview Farm, Leadburn, MidLothian, EH46 7BD	
Description of proposed development	
Single story 3 bedroom dwelling house.	

**CORPORATE RESOURCES**

FILE: 16/00460/PPP

RECEIVED 05 JAN 2017

MAC

Date of application

28.06.2016

Date of decision (if any)

21.11.2016

**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.

Further Written submissions: please see statement below and appended image  
Site inspection: to allow for consideration as necessary of the proposal

#### 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:

The site can be viewed from the main road adjustment, the site is accessible by means of a farm gate and gravel access road

## 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.

This application has been rejected on two grounds, firstly that the authority is not satisfied that the property will support the furtherance of genuine countryside activity. It is submitted that Mr & Mrs Campbell currently live in rented accommodations within the area which is of a substantially substandard nature. Further Mrs Campbell has considerable health issues with means that a single story, modern, economical and accessible property are required to support independent living. It is also submitted that the proposed currently lives within the locality and is the proprietor of a sustainable timber fire wood business. The business currently employs the proposed and one other. Mr Campbell intends also to utilize the land (some 5 acres) as a small holding. Secondly, It is also stated that the proposed property can not be "sited and integrated without having a significant detrimental impact on the landscape". the original proposal stated that a development sympathetic to the surrounding environment be proposed. No request was received for clarification on this point however a potential design is provided at note 2 for consideration. (this is purely provided to enable an aesthetic consideration. It is further submitted that the proposed dwelling house be to the left hand side of the site as faced from the roadside and will be complemented by the existing tree line to the left with consideration for further planting and landscaping.

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.

The additional information provided with the review is was not given at the initial application stage as we were unaware of the detail required

## 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

1. Site location drawing
2. Illustration of potential dwelling house

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:  Date:

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.

## **MIDLOTHIAN COUNCIL**

### **DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:**

**Planning Application Reference:** 16/00460/PPP

**Site Address:** Land 200m south west of Wellington School, Penicuik.

**Site Description:** The application site comprises part of an agricultural field. There is a tree belt to the north separating the site from Wellington School, with the field on all other boundaries. The A701 runs to the west. There is an existing field access to an agricultural building which is to the east.

**Proposed Development:** Planning permission in principle for the erection of one dwellinghouse.

**Proposed Development Details:** As the application is for planning permission in principle, no detailed plans have been submitted for the proposed house. The applicant has stated the house is to be single storey and three bedroom. The plans show the house is to be accessed from the existing field access.

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

Land to the east of the site

05/00134/PNAG Erection of agricultural storage building. No objection.

**Consultations:** The **Policy and Road Safety Manager** has no objection in principle but recommends conditions be attached to any permission relating to visibility splays, the width of the access and parking.

The **Coal Authority** were consulted on this application as it appeared that the site was within a High Risk Area. However they confirmed that this is not the case and they recommended a standard advice note be attached to any permission.

**Representations:** One letter of objection has been received, on the following grounds:

- Querying why they were not neighbour notified;
- The sewerage from their property discharges with the arrangements at Wellington School and they would expect no changes to this arrangement;
- There is low water pressure in the area;
- Concern over the impact the development would have on trees;
- Issues over streetlighting being turned off which has resulted in fly tipping and damage to buildings;
- Major alterations to the existing road would be required to accommodate a vast increase in traffic; and
- Without any facilities, ie shops, schools, the Council might pay for transport costs of school buses.

**Relevant Planning Policies:** The relevant policies of the **2008 Midlothian Local Plan** are;

**RP1 Protection of the Countryside** states that 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, tourism, or waste disposal (where this is shown to be essential as a method of site restoration); it is within a designated non-conforming use in the Green Belt; or it accords with policy DP1;

**RP7 Landscape Character** which advises that development will not be permitted where it may adversely affect the quality of the local landscape. Provision should be made to maintain local diversity and distinctiveness of landscape character and enhance landscape characteristics where improvement is required;

**DP1 Development in the Countryside** is divided into sections entitled New Housing, Design of New Housing, House Extensions, Replacement Houses and Appearance of all Buildings. The section on New Housing is divided into four subsections: Single Houses (not related to Housing Groups/Farm Steadings); Housing Groups; Redundant Farm Steadings and Other Redundant Non-Residential Buildings in the Countryside; and Rural Buildings of Value. The relevant section in this case is 'Single Houses'. This states that new houses will be permitted in the countryside only where they can be demonstrated to be required for the furtherance of an established countryside activity. Applicants are 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 is required to submit an independent report on the viability of the associated business and labour requirements, demonstrating the long-term need for the proposed house.

The section on 'Appearance of All Buildings' states that 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; and

**DP2 Development Guidelines** sets out Development Guidelines for residential developments. The policy indicates the standards that should be applied when considering applications for dwellings.

The **2014 Midlothian Local Development Plan Proposed Plan** contains similar policies.

**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's local plan contains restrictive policies relating to proposals for new housing developments within the countryside. These policies aim to prevent the creeping suburbanisation of the countryside, which is under significant pressure due to the convenient commuting distance to Edinburgh. There are also some enabling policies, within the adopted Midlothian Local Plan, which support residential developments within the countryside in some limited circumstances.

Policy RP1 of the local plan sets out the terms for acceptable forms of development in the countryside. The policy aims to restrict development to that required for the

furtherance of an established, and acceptable, countryside activity or business. Residential development is not specifically supported by this policy unless it complies with the terms of policy DP1 and some specific criteria relating to the siting and design of the development.

No supporting information or justification has been submitted along with the proposal. The application form states that the house would provide a home for a family who have moved into the area for work. The applicant has not argued that the proposed dwellinghouse is required in connection with the furtherance of an established countryside business or activity. Therefore the only opportunity for the application to comply with policy RP1 is to first of all comply with the terms of policy DP1.

There are no buildings within the site and so there is no justification for the new house through the redundant buildings section of policy DP1. The site does not form part of an identified housing group. There is no Local Plan policy support for the house as proposed within this countryside location.

The application site is within an agricultural field which is highly visible from the south, east and west. The site is also on slightly elevated land which exacerbates its visibility and prominence. Any house at the site would be highly visible which would be to the detriment of the landscape character of the area, which would be the case even if there were a scheme of landscaping to try to integrate the house into the surrounding area.

At 2 hectares in size, it is likely that the site could accommodate a house along with the required amount of parking and garden ground.

In regards the representor's comments, neighbour notification was carried out as per the Council's procedures and government regulations and the application was advertised in the local press. Should permission be granted, it is likely that conditions would be attached to any consent relating to sewerage, water pressure and landscaping. Given that the proposal is only for one house, it is unlikely that there would be a significant increase in traffic in the area. The comments made in relation to streetlighting and transportation to schools indicates that the representor is making comments on the potential redevelopment of the Wellington School site and not the current proposal for one house.

**Recommendation:** Refuse planning permission.



# Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 16/00460/PPP

Mr Colin Robert Campbell  
White Heather Cottage  
Ruddenleys Farm  
1 Lamancha  
By West Linton  
Peebleshire  
EH46 7BQ

Midlothian Council, as Planning Authority, having considered the application by Mr Colin Robert Campbell, White Heather Cottage, Ruddenleys Farm, 1 Lamancha, By West Linton, Peebleshire, which was registered on 11 October 2016 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

**Planning Permission in Principle for the erection of one dwellinghouse at Land 200M South West Of Wellington School, Penicuik**

In accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan		11.10.2016

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

1. *It has not been demonstrated to the satisfaction of the Planning Authority that the house is required for the furtherance of an established countryside activity and so the proposal is contrary to policies RP1 and DP1 of the adopted Midlothian Local Plan.*
2. *It has not been demonstrated to the satisfaction of the Planning Authority that the house can be sited and integrated without having a significant detrimental impact on the landscape character of the area and therefore the proposal is contrary to policy RP7 of the adopted Midlothian Local Plan.*

Dated 21 / 11 / 2016



.....  
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](mailto:planningconsultation@coal.gov.uk)

Website: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

### **STANDING ADVICE - DEVELOPMENT LOW RISK AREA**

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. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

Further information is also available on The Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

Property specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com)

*This Standing Advice is valid from 1<sup>st</sup> January 2015 until 31<sup>st</sup> December 2016*



Proposed Dwelling House

Mr & Mrs C R Campbell

White Heather Cottage

Ruddenleys Farm

Lamancha

West Linton

EH46 7BQ

Existing Agricultural  
Building

Existing Access Road

Proposed New  
Dwelling House

Proposed  
new access  
Road

FRED WILSON ASSOCIATES  
ARCHITECTS  
19 DOUGLAS ROAD  
SILVERDALE  
FIFE  
MOUNTAIN ROAD RD  
TEL/FAX: 01463 477548  
FRED@FREDWILSON.CO.UK



Bungalow  
3 Bedrooms

FLOOR AREA:  
129.60m<sup>2</sup>

FRONTAGE:  
18.00m

RIDGE HEIGHT:  
5.152m



CORPORATE RESOURCES	
FILE:	
RECEIVED	05 JAN 2017