

Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

Local Review Body
Tuesday 6 September 2016
Item No 5.2

Local Review Body: Review of Planning Application Reg. No. 15/00994/DPP

APT Planning and Development
6 High Street
East Linton
EH40 3AB

Midlothian Council, as Planning Authority, having considered the review of the application by Mr John Lessels, C-O Apt Planning And Development Ltd, 6 High Street, East Linton, EH40 3AB, which was registered on 22 March 2016 in pursuance of their powers under the above Act, hereby **refuse** permission to carry out the following proposed development:

Erection of 5 dwellinghouses; formation of access road and associated works at Land West Of Springfield House, Lasswade, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	14081(OS)100-B 1:2500	22.12.2015
Site Plan	14081(PL)100-B 1:500	22.12.2015
Site Plan	14081(01)001-A 1:500	22.12.2015
Proposed floor plan	14081(PL)001-B 1:200	22.12.2015
Proposed floor plan	14081(PL)002-B 1:200	22.12.2015
Roof plan	14081(PL)003-B 1:200	22.12.2015
Proposed floor plan	14081(PL)010-B 1:200	22.12.2015
Proposed floor plan	14081(PL)011-B 1:100	22.12.2015
Proposed floor plan	14081(PL)012-B 1:100	22.12.2015
Proposed floor plan	14081(PL)013-B 1:100	22.12.2015
Proposed floor plan	14081(PL)014-B 1:100	22.12.2015
Proposed floor plan	14081(PL)015-B 1:100	22.12.2015
Proposed elevations	14081(PL)020-B 1:100	22.12.2015
Proposed elevations	14081(PL)021-B 1:100	22.12.2015
Other statements		22.12.2015
Design and Access Statement		22.12.2015

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

1. *The proposed development is located on land identified as countryside within the Green Belt and, as such, is contrary to policies RP1, RP2 and DP1 of the adopted Midlothian Local Plan as no adequate justification for the redevelopment of the site with houses has been provided.*
2. *It has not been demonstrated to the satisfaction of the Planning Authority that adequate landscaping can be secured to ensure that the development would not have a detrimental impact on the landscape character and amenity of the surrounding area and Area of Great Landscape Value, therefore the proposal is contrary to policies RP5, RP6 and RP7 of the adopted Midlothian Local Plan.*
3. *The development is contrary to policy RP9 of the adopted Midlothian Local Plan as it has not been demonstrated that there is a locational need for the development in the river valley.*

The Local Review Body (LRB) considered the review of the planning application at its meeting of 7 June 2016. The LRB carried out a site visit on the 6 June 2016.

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

Development Plan Policies:

1. RP1 Midlothian Local Plan – Protection of the Countryside
2. RP2 Midlothian Local Plan – Protection of the Green Belt
3. RP5 Midlothian Local Plan – Woodland, Trees and Hedges
4. RP6 Midlothian Local Plan – Areas of Great Landscape Value
5. RP7 Midlothian Local Plan – Landscape Character
6. RP9 Midlothian Local Plan – Protection of River Valleys
7. DP1 Midlothian Local Plan – Development in the Countryside

Material considerations:

1. The individual circumstances of the proposal

Dated: 07/06/2016

Councillor J Bryant
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