

## **Notice of Review: Land East of 2 Newlandrig, Gorebridge Determination Report**

Report by Chief Officer Place

### **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' for planning permission in principle for the temporary siting (for five years) of a mobile home on land east of 2 Newlandrig, Gorebridge.

### **2 Background**

- 2.1 Planning application 24/00059/PPP for planning permission in principle for the temporary siting (for five years) of a mobile home on land east of 2 Newlandrig, Gorebridge was refused planning permission on 26 April 2024; 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, excluding the standard advisory notes, issued on 26 April 2024 (Appendix D); and
  - A copy of the key plans/drawings (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 agreed procedures, the LRB:

- Have determined to undertake a site visit (only elected members attending the site visit can participate in the determination of the review); and
  - Have determined to progress the review by way of a hearing.
- 4.2 The case officer's report identified that there were four consultation responses and no representations received. As part of the review process the interested parties were notified of the review. 42 additional comments have been received all supporting the application - these additional representations are from representors who did not make comment to the planning application prior to the review and the vast majority simply state that they support the applicant or the application. All comments can be viewed online on the electronic planning application case file.
- 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 back to the 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 20 June 2022, 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. The development to which this permission relates shall commence no later than the expiration of five years beginning with the date of this permission.

**Reason:** To accord with the provisions of Section 59(2) of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning (Scotland) Act 2019).

2. Development shall not begin until an application for approval of Matters Specified in Conditions for a scheme to deal with any contamination of the site has been submitted to and approved by the planning authority. The scheme shall contain details of the proposals to deal with any contamination and include:
  - i. the nature, extent and types of contamination on the site;
  - ii. measures to treat or remove contamination to ensure that the site is fit for the uses hereby approved, and that there is no risk to the wider environment from contamination originating within the site;
  - iii. measures to deal with contamination encountered during construction work; and
  - iv. the condition of the site on completion of the specified decontamination measures.

Before the new residential unit is occupied the measures to decontaminate the site shall be fully implemented as approved by the planning authority.

3. On completion of the decontamination/ remediation works referred to in condition 2, and prior to the new residential unit being occupied or brought into use, whichever is the earlier, a validation report or reports shall be submitted to the planning authority confirming that the works have been carried out in accordance with the approved scheme. No part of the new residential unit shall be occupied unless or until the planning authority have approved the required validation.

**Reason for conditions 2 and 3:** To ensure that any contamination on the site is adequately identified and that appropriate decontamination measures are undertaken to mitigate the identified risk to site users and construction workers, built development on the site, landscaped areas, and the wider environment.

4. No development shall be undertaken until details of the proposed water supply have been submitted to and approved in writing by the planning authority. If the residential unit is to connect to the public water supply, details of the connection shall be submitted. If the residential unit is to connect to a private water supply, details of the proposed supply, including capacity of the water storage tank, confirmation that the source and storage facilities are sufficient and that the supply is adequate both in terms of sufficiency and wholesomeness to service the proposed residential unit shall be submitted. Before the new residential unit is occupied the installation of the water supply hereby approved shall be completed to the satisfaction of the planning authority.

**Reason:** To ensure that the residential unit is provided with adequate water supply facilities prior to occupation.

5. Development shall not begin until an application for the approval of matters specified in conditions for the following details has been submitted to and approved in writing by the planning authority:
- a) A detailed layout plan of the site, showing the siting of the proposed residential unit, details of vehicular access, parking provision and manoeuvring within the site and details of all walls, fences or other means of enclosure, including bin stores or other ancillary structures;
  - b) Existing and finished ground levels and floor levels for all buildings and open space in relation to a fixed datum;
  - c) Detailed plans, sections and elevations of the proposed residential unit, indicating the colour and type of materials to be used on the external walls, roof and windows;
  - d) Details of all hard surfacing;
  - e) Details of a sustainability/biodiversity scheme for the site, including the provision of boxes for bats and swifts;
  - f) Details of the provision of superfast broadband connections for the residential unit;
  - g) Proposals for the treatment and disposal of foul and surface water drainage from the proposed residential unit. Unless otherwise approved in writing by the planning authority, the surface water drainage shall comply with the standards detailed in the SUDS Manual; and
  - h) Details of a scheme of landscaping and a plan showing the position, number, size and species of all trees and shrubs that are proposed to be planted; all trees on the site which are to be removed and retained; and details of the means of protection of all trees that are to be retained.

Development thereafter shall comply with the approved details or such non-material variations as may be approved in writing by the planning authority.

**Reason:** *Permission is granted in principle only. No details were approved with the application and detailed consideration is required for the siting, massing and design of the proposed residential unit and site access arrangements; to ensure protected species are not adversely affected; to comply with policies RD1, DEV6, ENV6, ENV7 and ENV11 of the Midlothian Local Development Plan 2017 and Policies 6, 14, 17, 22 and 24 of National Planning Framework 4.*

6. The details of the hardstanding required in terms of condition 5d) shall be porous materials.

**Reason:** *To prevent water run off from the site into the surrounding countryside; to comply with Policy 22 of National Planning Framework 4.*

7. The tree protection measures required in terms of condition 5h) shall be put in place before any works begin on site and shall be retained as approved until development on site is completed. The protective fencing should be in accordance with BS5837 and shall include signage indicating prohibited activities within this



Construction Exclusion Zone. Evidence of the signage shall also be supplied to the council. Proof of these protection measures and signage being in place shall be submitted to the planning authority before works begin, including groundworks or vegetation stripping.

**Reason:** *To ensure that any trees affected by the proposal are protected during development; to protect the trees and canopy cover in the site and wider area; to comply with policies RD1, ENV6, ENV7 and ENV11 of the Midlothian Local Development Plan 2017 and Policy 6 of National Planning Framework 4.*

8. The scheme of landscaping approved in accordance with condition 5h) shall be carried out and completed within six months of the residential unit either being completed or brought into use, whichever is the earlier date. Any trees removed, dying, severely damaged or becoming seriously diseased within five years of planting shall be replaced in the following planting season by trees of a size and species similar to those originally required

**Reason:** *To ensure the landscaping is carried out and becomes successfully established; to comply with policies ENV7 and ENV11 of the Midlothian Local Development Plan 2017 and Policies 6 of National Planning Framework 4.*

9. Before the residential unit is occupied the installation of the means of drainage treatment and disposal approved in terms of condition 5g) above shall be completed to the satisfaction of the planning authority.

**Reason:** *To ensure that the residential unit is provided with adequate drainage facilities prior to occupation; to comply with Policy 22 of National Planning Framework 4.*

10. The development is granted for a period of five years from the date that the residential unit is installed at the site.

**Reason:** *Due to the temporary nature of the unit proposed, the impact this has on the character and setting of the surrounding rural area and special landscape area; and to enable the Planning Authority to exercise appropriate control at the expiry of the temporary permission.*

11. Within three months of the date of expiry of the limited period of planning permission, the residential unit and associated services and fittings hereby approved shall be removed and the site shall be restored to its condition prior to the marquee hereby approved being on site.

**Reason:** *To ensure that the site is returned to its condition prior to development being carried out; in the interest of protecting the surrounding rural and special landscape area.*

## **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

**Peter Arnsdorf**  
**Planning, Sustainable Growth and Investment Manager**

**Date:** 13 September 2024  
**Report Contact:** Mhairi-Anne Cowie, Planning Officer  
[Mhairi-Anne.Cowie@midlothian.gov.uk](mailto:Mhairi-Anne.Cowie@midlothian.gov.uk)

**Background Papers:** Planning application 24/00059/PPP available for inspection online.

# Appendix A



## Planning Service Place Directorate

Midlothian Council  
Fairfield House  
8 Lothian Road  
Dalkeith, EH22 3AA

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Application for planning permission in principle for  
siting of mobile home for a temporary period of 5  
years

Land east of 2 Newlandrig, Gorebridge

File No. 24/00059/PPP

Scale 1:1500





Fairfield House 8 Lothian Road Dalkeith EH22 3ZN Tel: 0131 271 3302 Fax: 0131 271 3537 Email: [planning-applications@midlothian.gov.uk](mailto:planning-applications@midlothian.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100649966-006

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☒ Applicant ☐ Agent

## Applicant Details

Please enter Applicant details

|                      |  |  |   |
|----------------------|--|--|---|
| Title:               | <input type="text" value="Mr"/>              | You must enter a Building Name or Number, or both: * |   |
| Other Title:         | <input type="text"/>                         | Building Name:                                       | <input type="text"/>                    |
| First Name: *        | <input type="text" value="Alasdair"/>        | Building Number:                                     | <input type="text" value="2"/>          |
| Last Name: *         | <input type="text" value="Dickinson"/>       | Address 1 (Street): *                                | <input type="text" value="Newlandrig"/> |
| Company/Organisation | <input type="text" value="Willow Farm Ltd"/> | Address 2:   | <input type="text"/>                    |
| Telephone Number: *  | <input type="text" value="REDACTED"/>        | Town/City: *   | <input type="text" value="Gorebridge"/> |
| Extension Number:    | <input type="text"/>                         | Country: *   | <input type="text" value="Midlothian"/> |
| Mobile Number:       | <input type="text"/>                         | Postcode: *  | <input type="text" value="EH23 4NS"/>   |
| Fax Number:          | <input type="text"/>                         |  |   |
| Email Address: *     | <input type="text" value="REDACTED"/>        |  |   |

## Site Address Details

Planning Authority:

Midlothian Council

Full postal address of the site (including postcode where available):

Address 1:

2 NEWLANDRIG

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

GOREBRIDGE

Post Code:

EH23 4NS

Please identify/describe the location of the site or sites

Northing

662757

Easting

336905

## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

To site a caravan act compliant mobile lodge on our farm.

## Type of Application

What type of application did you submit to the planning authority? \*

- ☐ Application for planning permission (including householder application but excluding application to work minerals).
- ☒ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? \*

☒ Refusal Notice.

☐ Grant of permission with Conditions imposed.

☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please see supporting documents.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? \*

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

Please see supporting documents: 1. Response to Midlothian Council Delegated Worksheet. 2. Letter of Support. 3. Accounts Summary.

## Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

24/00059/PPP

What date was the application submitted to the planning authority? \*

25/01/2024

What date was the decision issued by the planning authority? \*

26/04/2024

## 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.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

☐ Yes ☒ No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure \*

Further written submissions on specific matters

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

Any issues or questions raised by LRB can be addressed by further written submissions.

Please select a further procedure \*

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

On site visit would be beneficial to show possibilities of the land/farm.

Please select a further procedure \*

Holding one or more hearing sessions on specific matters

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

Hearing to discuss any issues may be beneficial. Also to show the local support from members of public.

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? \*

☐ Yes ☒ No

Is it possible for the site to be accessed safely and without barriers to entry? \*

☒ Yes ☐ No

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

None.

## Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. \*

T Yes ≤ No

Have you provided the date and reference number of the application which is the subject of this review? \*

T Yes ≤ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

≤ Yes ≤ No T N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

T Yes ≤ No

Note: 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. 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.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*

T Yes ≤ No

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 (if any) from the earlier consent.


## Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Alasdair Dickinson

Declaration Date: 14/06/2024





March 2024

Re: Alasdair and Michelle Dickinson Planning Application

To Whom It May Concern,

My name is David Cunningham. I am a director of Seed Merchants Dods of Haddington Ltd. I am also a bio-agronomist, specializing in development and maintenance of regenerative farming programs across Scotland and the UK. This farming in nature's image to produce food within a process that benefits the environment.

The reason for this letter of support is because I became aware of Alasdair and Michelle Dickinson applying to build an eco- lodge at their Newlandrig property in Mid-Lothian. Given my experience in environmentally responsible farming and having worked with the Dickinson's on their path into a complete regenerative farming system, I volunteered to detail my thoughts, as I can see the Dickinson's vision as a blueprint for many other farmers, new farming entrants and a bastion for truly sustainable agriculture.

**My Background and outline of Regenerative Farming.**

In the last 10 years I have been asked to work with research bodies such as The James Hutton Institute to make their hill farm in Angus carbon neutral and work as modulator to several PhD students in European funded climate change mitigation projects. They also invited me to be the technical specialist on a UK wide, further expanded to EU wide symposium on legume development project over a 10 week period during lockdown in 2020. As a company, Dods of Haddington have around 5000 ha of land across various farms in Scotland that have been converted to full regenerative programs, whereby they have managed to cut fertilizer inputs in half and reduce pesticide use by 60-90% without yield loss. In summary these farms have managed this by accumulation and retention of soil carbon or 'humus', which in turn prevents the massive loss of greenhouse gases such as carbon dioxide, methane and nitrous oxide to the atmosphere. When retained in the soil in a more stable form, they are a massive benefit to the farmer, who will now need far less inorganic synthetic fertiliser. Every farmer who participates in this concept of harnessing nature's techniques has a unique virtue and those that came to the concept regenerative farming

under their own volition are in my opinion, the future of sustainable food production and security and without sometimes knowing it, the best equipped to mitigate the threats of climate change.

There are hundreds of techniques used towards the aim of soil carbon and moisture retention, microbial proliferation with the ultimate aim of producing food with enhanced nutrient density, colour, shelf life. The result; a healthier population. For every 1% increase in soil humus, soil can hold an extra 170 000L of water per hectare. Soil in such a state does not drought, does not leach nutrients such as nitrate into rivers or the sea, creating downstream pollution and drinking water contamination. As a result, governments are less burdened with flood defences, less burden on NHS and can boast carbon offset credentials. Many of these farming methods are new and innovative, some simply forgotten after the introduction of chemical and mechanical developments over the last 70 years. Anyone reading this support letter of application, should contact my office, should they wish to further discuss.

### **Background to relationship with Alasdair and Michelle Dickinson**

Alasdair and Michelle aim to develop an outdoor, purely grass fed system of rotationally grazed cattle in conjunction with their already developed egg business. There are capital costs such as: fencing, stock drinking troughs, water pipes, the correct grass seed mixtures to be planted and many more; all crucial to the carbon capture and retention that this grazing system has to offer.

I was approached in 2020 through mutual contacts and asked to advise on the Dickinson's project and introduce any ideas. In my role as a bio-agronomist, it is a common occurrence that my first task with most farmers is to change their paradigm of thought towards natural methods of plant growth, with the aim of maximizing that potential. On meeting the Dickinsons, there was clearly no requirement to change their mindset and they were already well versed in the concepts of enhanced crop growth that would not require inorganic inputs. They also had a clear goal in mind; to make their newly acquired land an example of environmentally responsible agriculture through the concept of plant diversity, soil food web diversity all contributing to soil carbon capture. My contribution to their goal was not conceptual, as they already had a vision. By steadily growing the business through lower input systems such as their successful and nowadays, renowned egg business, their vision was to expand into a larger livestock operation when funds allowed. I am assuming the sale of their current house is to reallocate equity towards some of their large future capital expenditure and a lodge situated where they would have better vision and therefore security over their livestock. With their current house so close to a fast road and also for the associated safety of operations of slow tractors out of their driveway would make sense to them and to other road users. I can also appreciate the continuity of their environmental

position on farming to become an extension of how and where they live. I speak to many farmers, who although having achieved enormous reductions in their artificial agricultural inputs, have a great frustration that they cannot apply that to an old house.

A very serious but often unspoken threat to farmers is the burden of debt and I know several families in East Lothian agriculture where this has ended in tragedy. This was discussed a few years ago at the East Lothian Agricultural Discussion Society, after I was chairman. The path that the Dickinsons appear to be choosing to grow the business 'organically' (pardon the pun) and develop their vision redistributing the assets they have while still seeking outside employment to contribute to the financing, is a responsible concept that was discussed to offset the costs and debt pressure of expansion or just continuation of a farming business. In light of recent interest rate fluctuation and vulnerability of farm profits subject to inputs costs (such as the tripling of fertiliser costs when Russia invaded Ukraine), theirs is a clever strategy of business security.

#### **Technical principles of Regenerative Farming of livestock the Dickinsons will follow.**

With regard to cattle farming, I need to correct a widely regarded misconception about ruminant husbandry and how it relates to greenhouse gas emissions. It is accurate to report that cattle emit methane in the majority of farming situations when they are fed processed feed or non-diversified forage. When fed on correctly chosen, diverse pasture mixtures, this emission of the methane by farting and belching is in fact minimal. We humans do the same when our gut bacteria cannot completely digest our food, particularly that which is processed. In regenerative farming, rather than using the common 3-way grass mixture of ryegrass, timothy and clover, we have up to 15 species including many herbs in the grass mixtures to be planted, which in turn allows the forage to spend longer in the rumen (multiple stomachs in cows) and the soluble carbohydrates are entirely used, so not creating anywhere near the volume of methane by-product. We also encourage use of various seaweed kelp extracts that allow more efficient digestion in the rumen resulting in 80% reduction of methane.

When cattle are reared with a brood of hens in the same space, the hens, by their nature will pick through the dried cattle dung to forage parasites such as gut worms that otherwise disrupt the digestion inside the series of stomachs in cattle, or other ruminants. This is a natural concept. Once in the grass these gut parasites will reinfest more cattle and so the cycle deteriorates food conversion ratios but increases methane emissions. To counteract these gut worms, farmers will use worming pesticides such as Ivermectin. Such chemicals, not only kill gut parasites but also severely disrupt the balance of bacteria and microflora in the gut (much in the way antibiotics affect human guts). The resultant incomplete digestion leaves huge volumes of methane. Having the insight to combine a hen and cattle enterprise

on these diverse pastures whereby the hens act as a natural predator to the cattle parasites makes ecological as well as financial sense.

Multi species grasses also capture more carbon dioxide that is escaping from the soil as a result of continuing decomposition. This is part of the 'carbon cycle' and a plant captures this valuable gas on the underside of its leaves as one of the main ingredients of photosynthesis (the other being water). A diverse species pasture has more shapes, sizes and ability to turn to the sun to capture more light energy to full this process. The sugar created by photosynthesis fuels the growth of these plants, but often forgotten, as much as 30-50% of these sugars are released through the roots to feed soil microbes attached to the roots, which in return for their free gift, solubilise and return nutrients to the plant for maximum growth.

This is the basis of how grazing works most efficiently, based on natures model, first observed with buffalo on the American Great Plains. Please let me explain:


Historically, the most renowned fertile soil in the world (high soil carbon, high microbiology and nutrient dense) was the Great Plains of America, prior to western agriculture interference and the resulting 'Great Dust Bowl' of the 1930's initiating the financial Depression. Huge herds of buffalo roamed in tight units for safety and grazed the long grasses. These highly diverse species of tall grasses and herbs had reciprocal lengths of roots in the soil, covered in microbes as described above. After grazing, the livestock always left 4 inches of growth, left dung behind them *moved on* without returning to that patch for months. What happened next was the crux of these pastures successfully regenerating. (Obviously there was no artificial fertiliser), When the top green part of the plant was cut down to 4 inches the photosynthetic panel (solar panel/ leaf) of the plant cannot produce enough sugar to release sufficient sugars to feed the roots and all the microbes attached to these roots. The plant would then suck up all the mineral reserves from its roots to bolster the regrowth of it's leaves and cut off it's own roots, to the length of microbe covered root the reduced leaf can sufficiently supply. All microbes at this point are starved so produce billions of spores (reproductive fruiting bodies to safeguard their future continuity). This takes about 3 days, during which time, if the grass is grazed again and reserves removed, the plant will be reduced to survival mode and could take many weeks to recover. A drought or water logging at this time could be terminal. During these 3 critical days, as the plant recovers, a new set of roots grows into the soil profile and grows through a minefield of new spores that instantly colonise the new roots and continues the feeding of the plant. The leaves grow faster and the increased sugar production feeds the root zone microbes. All the old roots now rot down to create a feed for bacteria, fungi, shredders and other parts of the soil food web, releasing large chunks of nutrition as they do for further plant growth. Some of these microbes are specialists in fixing nitrogen from the atmosphere for plant use or dissolving huge reserves of phosphorus from the soil to energise these many processes. Much of this old rotting root material becomes humus, that will hold water, retain nutrients,

act as a habitat for the soil food web and in each cycle increase the overall retained soil carbon content. Carbon has a unique quality of absorbing most of what is placed beside (hence it is used in air filters etc). This is the sponge that prevents water run-off and leaching, retained for use during dry periods such that we experienced last summer. The Dickinson's land experienced no such drought; a consequence of their farming endeavours.

This concept of how buffalo interacted with their surrounding herbage is the basis on which the Dickinsons are planning their grazing system. There will be minimal inorganic fertility used, minimal insecticides or other pesticides required. It does however require moving electric fences and a close monitoring of all stock, which cannot strictly be done from their current house.

When I began working with the Dickinsons I was able to guide them in the selection of species grown for the best low inputs, high return system and some technique adjustments. Their farming is an extension of their lifestyle and the whole family, including their young children, play their part in it's development. Building a wooden house (wood is stored carbon too!) within the boundaries of the farm has the potential to a permaculture marvel of energy efficiency and under the Dickinson's vision.

I would encourage the Council involved in their planning application to allow them the chance to continue their concept, which needs a very hands-on approach. It is fiscally logical, environmentally and demographically brilliant in that it can be demonstrated benchmark for future development within an industry that struggles with uneconomic and sometimes non environmental sensible precedents.

Should you wish to discuss further, please do not hesitate to contact me 

Sincerely,

David Cunningham

Director

Dods of Haddington Ltd.



**Willow Farm Ltd**  
**Management accounts**

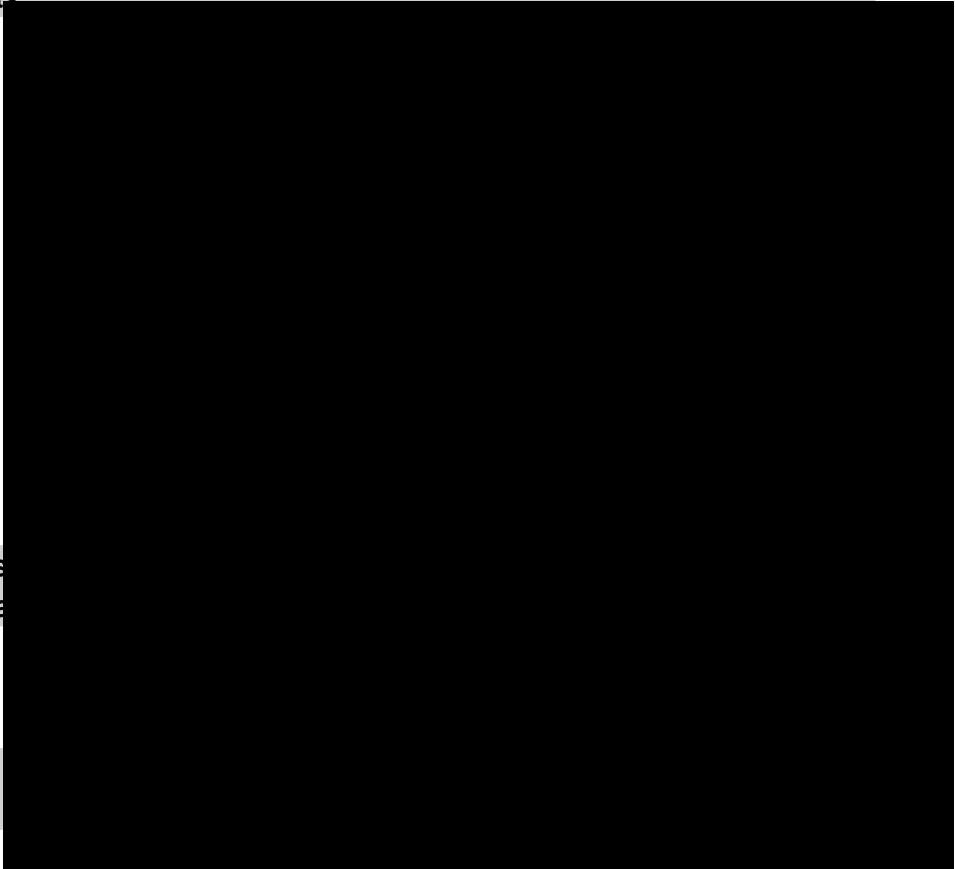
Sales  
SIACCS payments

Land payment  
BBL repayments

**Sales net of payments**  
**Total income net of pa**

Cost of sales

**Gross profit**  
**Gross margins**



## **Applicant response and statement**

### **To whom this may concern:**

I am struggling to understand why my planning application was refused and feel that an overly inflexible approach has been taken in relation to what is a relatively non-standard but increasingly common way of sustainable farming. That approach appearing to be largely only suited to 'traditional' farming approaches, which many will now appreciate are themselves becoming less common. Most importantly I feel that the proposals align well with National Planning Framework 4. National Planning Framework 4 - gov.scot (www.gov.scot)

**Please see below a response to the planning department's delegated worksheet.**

**Applicant response in red.**

## **MIDLOTHIAN COUNCIL**

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

**Planning Application Reference:** 24/00059/PPP

**Site Address:** Land East of 2 Newlandrig, Gorebridge

**Site Description:** The application site forms part of an existing small farm and field adjacent to Newlandrig. The associated farmland extends to the east and northeast, with countryside beyond to the west and northwest and Newlandrig to the southwest. There is a tree lined burn to the north and established landscaping surrounding the site. The site and surrounding area were formerly a tree nursery and have a significant amount of overgrown trees. There is an existing polytunnel which houses chickens in the associated land, with the eggs sold from here. The polytunnel only houses the birds in winter during poor weather, or in emergency situations such as bird flu. They are raised out on pasture/woodlands otherwise.

**Proposed Development:** Application for planning permission in principle for siting of mobile home for a temporary period of 5 years.

**Proposed Development Details:** The application is for planning permission in principle for a residential unit in a mobile home. The application site is set back into the site amongst trees, accessed by the existing vehicular access and track.

At present there are chickens on the associated land, with their eggs being sold from a repurposed horsebox. The submissions state the applicant is also looking to graze

cattle in the future. The proposal will provide accommodation to allow farming on the associated land in a regenerative way. This is proposed for 5 years.

A new septic tank and discharge via soakaway are proposed and the mobile home will connect to the public water supply. The mobile home is a lodge which the applicant states meets all requirements for a caravan and related legislation.

The application includes a supporting statement, coal mining report, labour requirement information, business accounts, Arboricultural Impact Assessment, a letter of support from a specialist in regenerative farming, details of water and electricity provision, rainwater harvesting and construction. The submissions provides a rationale and justification for the proposal and also references to NPF4.

The application site boundary was drawn very tightly around the proposed mobile home. During the course of the application, the applicant sought to change the position of the residential unit. The proposed position was outwith the original application site boundary and so could not be considered under the current application. If the applicant wishes for an alternative position to be considered outwith the original site boundary, this will require a new planning application.

The site footprint will be exactly the same. I provided two site plans with the orientation of the lodge rotated 90 degrees. I stated I was happy for the planning department to choose which they preferred. A new planning application and associated costs seems rather unnecessary.

The applicant has been given the opportunity to provide further information, relating to the viability of the business, during the assessment period for the planning application.

**Background (Previous Applications, Supporting Documents, Development Briefs):** Surrounding associated land

23/00812/PNAG (to east of current site) Erection of agricultural building. Permitted.  
21/00795/PNAG (to south of current site) Erection of agricultural building and alterations to existing private way. No objection.

19/00498/PNAG (to west of current site) Erection of agricultural building. Permitted.

2 Newlandrig (to west)

10/00276/DPP Change of use from agricultural building to ancillary building for dwellinghouse. Consent with conditions.

**Consultations:**

The Council's **Senior Manager Neighbourhood Services (Roads)** was consulted but did not respond. In previous enquires for proposals for the land associated with the site they have had no objections but requested details of vehicle access and parking to be submitted. There has been no significant change in circumstances in the area since the previous comments were received. **No Objection.**



The Council's **Protective Services Manager** has no objection to the proposal provided conditions are attached to any permission approved relating to ground contamination mitigation works. They also queried the water, wastewater and electricity supplies proposed. The applicant has provided additional information regarding this which has addressed their concerns. They recommend a condition be attached to any permission requiring that the septic tank be registered with the SEPA and that this complies with their requirements. **No objection.**

The **Coal Authority** has no objection but recommend an informative note be attached to any permission relating to future works. **No objection.**

**Scottish Water** has no objection but states they will not accept any surface water connections to the combined sewer. There is no public waste infrastructure in the area so private treatment options need to be investigated. **No objection – sealed or soakaway septic tank system as per discussion with Scottish Water/Sepra and their recommendations.**

**Representations:** No representations have been received.

**Relevant Planning Policies:** The development plan is comprised of National Planning Framework 4 (2023) and the Midlothian Local Development Plan 2017. The following policies are relevant to the proposal:

National Planning Framework 4 (NPF4)

- **Policy 1 Tackling the climate and nature crises;** sets out to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis. **The sole purpose of the farm is to produce food in such a way that restores natural wildlife habitats, increases soil carbon sequestration, and eliminate input chemicals. This requires initial capital investment. Please see 'letter of support' submitted with original application. The majority of our customers come to the farm while out and about anyway so no additional travelling and associated emissions/congestion. We will also be creating a number of wildlife ponds.**
- **Policy 2 Climate mitigation and adaptation;** sets out to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change. **By nature of design, regenerative agriculture practises are set up to adapt to the ever changing climate but also help reverse climate change. Please see 'letter of support' submitted with original application section titled: Technical principles of Regenerative Farming of livestock**

- **Policy 3 Biodiversity;** sets out to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. Herbal leys, wildflower meadows, wildlife ponds, tree planting and rewilding. Net increase of biodiversity. Please see 'letter of support' submitted with original application section titled: **Technical principles of Regenerative Farming of livestock.**
- A recent study published shows a 76% decline in insect numbers in Scotland since 2004. See link below. Regenerative agriculture can help reverse this loss.
- <https://www.buglife.org.uk/news/bugs-matter-citizen-science-survey-shows-further-decreases-in-insect-numbers-in-scotland/#:~:text=The%20troubling%20extent%20of%20insect,76%25%20in%20Scotland%20since%202004.>
- **Policy 5 Soils;** sets out to protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development. The policy also sets out acceptable scenarios for development on prime agricultural land. Regenerative agriculture practices actually increases top soil. Please see 'letter of support' submitted with original application section titled: **My Background and outline of Regenerative Farming.**
- **Policy 6 Forestry, woodland and trees;** sets out to protect and expand forests, woodland and trees. Planting new trees within an agroforestry system. New woodland creation. All at our own cost. Considerable capital required for saplings, fencing/protection and management.
- **Policy 13 Sustainable Transport;** sets out to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably. Planning approval will eliminate commuting to Glasgow for work. Significant reduction in transport related emissions and congestion. This will also allow a reduction in number of household vehicles. Easy access to the farm for customers by bicycle or by walking. Many of our customer walk from Gorebridge, Pathhead, Edgehead, Ford, Vogrie Country Park and Dewartown.

- **Policy 14 Design, quality and place;** sets out to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle.
- **Policy 15 Local Living and 20 minute neighbourhoods;** sets out to encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options. Our farm lies adjacent to the B6372, which is a busy commuter road. The vast majority of our customers are travelling this route anyway. We are also only minutes from large settlements. Customers can walk or cycle to the farm.
- **Policy 17 Rural Homes;** supports development proposals or new homes in rural areas where the development is suitably scaled, sited and designed to be in keeping with the character of the area and the development, and meets set conditions including where the site is allocated for housing within the local development plan. Development proposals for new homes in rural areas shall consider how the development will contribute towards local living. Responsibly sourced timber lodge within a woodland landscape. The development will increase the character of the landscape due to the need of woodland management. Also, local food for local people. Please see link below showing support from local members of public and customers.
- <https://www.facebook.com/share/p/caaEFD2gK536A1nF/>
- **Policy 22 Flood risk and water management;** sets out to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. Rainwater harvesting as submitted in the original application utilises rainwater for grey water use and irrigation for vegetable production.
- **Policy 24 Digital Infrastructure;** sets out to encourage, promote and facilitate the rollout of digital infrastructure across Scotland to unlock the potential of all our places and the economy. Fibre broadband or satellite broadband easily accessible.

The relevant policies of the **2017 Midlothian Local Development Plan** are; **DEV5 Sustainability in New Development** sets out the requirements for development with regards to sustainability principles;

**DEV6 Layout and Design of New Development** states that good design and a high quality of architecture will be required in the overall layout of development proposals. This also provides guidance on design principles for development, materials, access, and passive energy gain, positioning of buildings, open and private amenity space provision and parking; **Architecture design is not applicable as a caravan act compliant lodge has strict design and size restrictions.** Layout of development keeps any disturbance to a minimum. Any removed topsoil will be reused in vegetable production. The lodge is also mobile.

**DEV7 Landscaping in New Development** requires development proposals to be accompanied by a comprehensive scheme of landscaping. The design of the scheme is to be informed by the results of an appropriately detailed landscape assessment; **Very limited landscaping requirements. Only removal of topsoil and upgraded farm track and small parking space with hardstanding. Topsoil reused in vegetable production and adding additional layers to low lying areas in arable fields.**

**TRAN5 Electric Vehicle Charging** seeks to support and promote the development of a network of electric vehicle charging stations by requiring provision to be considered as an integral part of any new development or redevelopment proposals;

**IT1 Digital Infrastructure** supports the incorporation of high speed broadband connections and other digital technologies into new homes, business properties and redevelopment proposals;

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**RD1 Development in the Countryside** states 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 or tourism; it accords with other named policies; or it accords with the Council's Supplementary Guidance on Development in the Countryside and Green Belt. All such development will need to be: of a scale and character appropriate to the rural area and well integrated into the rural landscape; capable of being serviced with an adequate and appropriate access; capable of being provided with drainage and a public water supply at reasonable cost, or an acceptable private water supply, avoiding unacceptable discharge to watercourses; and accessible by public transport and services, within 1 mile of a bus route with a frequency of 1 bus per hour; **Furtherance of agriculture, farm related diversification, horticulture, forestry and tourism. The sole purpose of the farm. We have access to mains water and mains electricity. Our farm has a lot of local support from members of the public. Please see link of local support.**

**ENV4 Prime Agricultural Land** does not permit development leads to the permanent loss of prime agricultural land unless there is appropriate justification to do so; Current arable land is farmed using conventional agricultural methods. Artificial fertilisers, herbicides and pesticides are all used. Planning approval will eradicate these wildlife/natural habitat destroying practices. The lodge location is not prime agricultural land.

**ENV6 Special Landscape Areas** states that development proposals will only be permitted where they incorporate high standards of siting and design and where they will not have significant adverse effect on the special landscape qualities of the area; The lodge siting will not adversely effect the qualities of the landscape. Surrounding woodland health will be vastly improved due to thinning.

**ENV7 Landscape Character** states that development will not be permitted where it significantly and adversely affects local landscape character. Where development is acceptable, it should respect such character and be compatible in terms of scale, siting and design. New development will normally be required to incorporate proposals to maintain the diversity and distinctiveness of the local landscapes and to enhance landscape characteristics where they have been weakened; Already addressed in previous comments.

**ENV11 Woodland, Trees and Hedges** states that development will not be permitted where it could lead directly or indirectly to the loss of, or damage to, woodland, groups of trees (including trees covered by a Tree Preservation Order, areas defined as ancient or semi-natural woodland, veteran trees or areas forming part of any designated landscape) and hedges which have a particular amenity, nature conservation, biodiversity, recreation, landscape, shelter, cultural, or historical value or are of other importance. New woodland creation, woodland health restoration, new hedge laying/planting. All at our own cost.

**Supplementary Guidance for Housing Development in the Countryside and Green Belt (SG)** has been prepared to expand this policy and the criteria to be met in such proposals. This can provide some support for development which is required for the furtherance of an established countryside activity. The onus is on the applicant to demonstrate compliance with the relevant policies to the satisfaction of the Council. In demonstrating the need for a permanent dwelling, the Council will expect an application to be accompanied by an independent report prepared by a suitably qualified professional to support the need for a house and on the viability of the associated business and its operational requirements. In outlining the needs of the business, it should be apparent to the Council whether the need can be met within an existing settlement and whether the occupier will be employed full-time in the associated countryside activity, and therefore whether it meets the other requirements of the policy. Already addressed in previous comments and below.

**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 application is for planning permission in principle and so no details of the proposed mobile home, parking or facilities have been provided. In effect this planning application is to establish a new residential unit on the site. This is correct. However, it is temporary planning permission. If any issues arise during the 5 year period or if in 5 years the business is not viable then the lodge can be easily removed. It appears no consideration to the time, investment and public service we provide has been taken into consideration. We will also be paying council tax so a net increase to council income. There are strict caravan act compliance laws and regulations that we will adhere to.

The primary focus of the NPF4 planning policies seek for developments to be sustainable and give consideration to the global climate and nature crises. In response to NPF4 the agent has stated:

- - The type of regenerative farming proposed in the future will help tackle the climate and nature crises, as well as climate mitigation and adaptation and minimise soil disturbance;
- - This will protect and increase biodiversity;
- - The proposal will increase forestry;
- - There will be no commuting to site and will remove existing vehicle movements;
- - Rainwater harvesting is proposed;
- - The proposal is for a local business with multiple enterprises, employment and educational opportunities; and
- - The proposal will improve the natural assets of the land, environment and local economic growth.

The supporting statement also makes reference to tourism through the installation of 2 ecopods which will provide income and create employment in the servicing. This requires planning permission and does not form part of the current application, therefore this cannot be taken into account in the assessment of this application. Application has been submitted for the first pod.

The site is within the countryside. The abovementioned details relate in the main to the future use of the site as a regenerative farm rather than the impact on NPF4 as a result of a residential unit here. The site is in a fundamentally unsustainable location for a new residential unit, remote from public transport and local services, unless entirely linked to a viable business which can support the house and its occupants. The majority of trips to and from the site are likely to be done by private car, which is not in line with NPF4's focus on sustainability. 'Remote' from public transport is an over exaggeration – nearest bus stop is 1.7 miles, nearest train station is 1.8 miles. Approving planning permission will result in a considerable net reduction in travel, and associated issues, due to no commute to Glasgow for work. The development

has a number of positive impacts in relation to the NPF4. The business will support two full time employees. Myself and my wife.

The Planning Authority has restrictive planning policies with regards to new residential proposals within the countryside. These restrictions aim to prevent the creeping suburbanisation of the countryside which is under significant pressure due to the convenient commuting distance to Edinburgh. However there are enabling policies within the adopted Midlothian Local Development Plan and NPF4 which support residential developments within the countryside in some instances, subject to specific criteria. Policy RD1 of the MLDP, policy 17 of NPF4 and the related supplementary guidance includes several sections where houses in the countryside could be acceptable in planning terms. I will strongly argue that our proposal, and project as a whole, will ultimately stop creeping suburbanisation of the countryside, on our land at least. We are seeking to protect and improve our land as not only as food producing but as a natural asset to Midlothian.

The proposed residential unit is not a replacement house or for the conversion or redevelopment of existing redundant farm buildings or other non-residential buildings. The proposal is not an enabling development where it is clearly shown that this is the only means of preventing the loss of a heritage asset and securing its long term future. The proposed residential unit also does not form part of a group of five or more houses.

The NPF4 and MLDP can support the principle of new residential units in the countryside if it is demonstrated that this is necessary to support the sustainable management of a related rural business, this need is permanent and that the occupier will be employed full-time in the associated countryside activity. It must also be demonstrated that there is an essential need for a worker to live permanently at this place of work and justification that this cannot be met within an existing settlement.

The applicant states the residential unit is required to support the egg production business operating for the land around the site, as well as future plans for cattle grazing and regenerative farming. The applicant currently operates this business from the neighbouring house at 2 Newlandrig, however they are seeking to sell this house and invest the money in the business. Related policy puts the onus on the applicant to demonstrate that the need for a new house is permanent and any application shall be accompanied by an independent report prepared by a suitably qualified professional to support the need for a house and on the viability of the associated business and its operational requirement. The residential unit is not only required to scale the egg production but also to fund new agricultural infrastructure and new enterprises. Also, tree planting, wildlife ponds, hedge laying and wildflower meadow creation. This all requires capital input and time investment. Example: Fencing to reduce tree sample damage from deer will cost in excess of £60k. All paid for with taxed income.

The supporting information states that the keeping of chickens and egg production operations from the wider side requires there to be a residential unit on site. The labour requirements are such that there needs to be a daily presence on site for



various jobs related to this production. Some business accounts have been submitted showing the profits from the operations on site.

The supporting information has been submitted by the applicant rather than an independent body specialising in such matters, such as the Scottish Agricultural College. Please see the attached document to the original submitted application titled – Letter of Support. David Cunningham is a bio-agromomist and a leading expert in regenerative agricultural. Pastured raised eggs is a non-mainstream production method so the SRUC (Scottish Agricultural College) as independent body would not be appropriate. We have been operational for 3 years and cannot meet 50% of the demand for eggs alone. In order to scale up production and introduce more enterprises, full time presence on farm is required. I do appreciate the letter of support is a technical read but it's important to highlight the facts and also show why we use experts in their given fields to guide progression.

The business account information is very limited in detail, with little information regarding cash flow, breakdown of costs, details of overheads, wages, etc. Therefore it has not been demonstrated that the business is viable when taking all these factors into account. Also the fact that the proposal includes a statement that the sale of the applicant's house would fund the business and that they are in employment elsewhere indicates this is not a viable business at present. The attached account information was provided by Steedman Accountants. The summary clearly shows profit year on year and will do so again this year. I have previously stated that we do not pay ourselves wages currently as we work elsewhere and invest the profit back into the business. Employment elsewhere does not indicate that the business is not viable as stated by the duty planning officer. Also, sale of our current house to fund large infrastructure also does not indicate the business is not viable. Instead, this will allow eradication of our land mortgage payments and machinery costs plus have enough capital remaining to fund all the required infrastructure and new enterprise needs. This is where some common ground is needed between the planning officers and applicant. I do not feel any consideration has been given to the significant time and capital it requires to build a farm business and also what we have achieved in the last three years. For example: fencing our field boundaries to a sufficient degree as to minimise damage caused by deer eating young tree saplings will cost in excess of £60,000.00. Tree planting, hedgerow formation, wildlife corridors, etc all have considerable initial capital expenditure. Using our own capital to do this instead of relying on banks is a much more sustainable way to future proof the food production of the farm business. Being debt free will also have a knock-on effect to the consumer as the cost of produce doesn't have the burden of servicing debt payments.

We have transformed the land from an abandoned overgrown willow plantation, (originally owned by Scottish Coal as a carbon offset) to a highly productive parcel of agricultural land. Again, I feel no consideration has been given to our 6 year journey so far.

The keeping of livestock could provide justification for a residential unit. However the keeping of chickens at the land associated with the site does not provide justification



for a residential unit here. Other similar applications in the Council area with far larger livestock numbers for cattle or sheep have not justified the need for a residential unit in this way and have not been supported. In regards security, the associated land is at the edge of Newlandrig and by a busy road so there is a good level of passive supervision in the area. The site is close to Gorebridge and Dalkeith where there is a large amount of housing, including new developments, which would afford the operators of the business quick access to the associated land. No information has been submitted to demonstrate there is a requirement for someone to live at this site and it has not been demonstrated that the need cannot be met in an existing settlement. It would appear that it would be desirable for there to be a residential unit at this site rather than there being a quantifiable need for this. The comparisons to cattle and sheep are not applicable, even with much larger stocking densities. Cattle and sheep do not have the same daily requirements as pastured poultry. For example, pastured egg production requires on site presence at dawn and dusk (also multiple visits per day in between) 365 days per year. To do this living off-site will incur more travel to and from the farm multiple times per day, increasing congestion and emissions. In regards to security, the planning officer has stated that security is not a risk due to passive supervision by traffic on the B6372. I will strongly argue the opposite of this. Being close to a busy road increases the risk to the security of machinery, fuel, livestock and wildlife (hare coursing and illegal deer stalking). Especially, due to easy and quick access to the A7 and A68. The recommendation that passive traffic is a suitable security measure is not appropriate. Frequent travellers on the B6372 will be accustomed to seeing activity on farm at all hours so will not be alarmed by movements out with standard working hours. Also, the recommendation that a near by settlement, such as Dalkeith and Gorebridge, would offer adequate housing is also not appropriate. Properties that suit our needs are not available and this completely defeats the purpose of using our own capital to provide more local services to the people of Midlothian while also improving the landscape, environment and biodiversity.

There is a policy requirement for sites to be accessible by public transport and services, either within 1 mile of a settlement or a bus route with a frequency of at least 1 bus per hour. The site is outwith 1 mile of such services. This means it is likely that the majority of trips would be made by private car. This is not in keeping with the Council's aims of reducing reliance on the use of the private car and increasing opportunities for 'active' travel, or the aims of NPF4. As stated previously, planning approval will result in a considerable net reduction in travel and vehicles.

While there are numerous ways in which a new residential unit can satisfy planning policy in the countryside this proposal satisfies none of them. The proposal does not comply with the acceptable criteria in NPF4 policy 17 or MLDP RD1. The proposal is an unjustified attempt to build a new house in the Midlothian countryside. "An unjustified attempt to build a new house in Midlothian"? If i was trying to find a loophole in the planning system to build a house, why would I apply for temporary planning permission for a caravan act compliant mobile lodge? Why wouldn't I apply for a large tradition house build? Why have NPF4 policies 4,12,26,29 and 30 not been mentioned? The overall outcomes of the farm adhere to these and provide a service to the local community. For example, the MLDP RD1 states the "furtherance of agriculture" (amongst others) as a permitted reason for development. The sole

purpose of the planning application is to increase agricultural output, increase biodiversity and produce food.

Notwithstanding the lack of policy support, the details of the proposal need to be given some consideration. I will argue my case against 'lack of policy support'.

The application is for planning permission in principle. Should the current application be approved, a further application would be required to consider the design, materials and layout of the development.

Any proposal needs to be of a scale and character appropriate to the rural area and well integrated into the rural landscape. There is concern over the appearance of the proposed accommodation and the visual impact this will have on the landscape character in this special landscape area. While set back into the associated land, a mobile unit would be visible from the B6372 to the south. The site is surrounded by trees at present however there is a felling licence in place for some to be removed which may open views into the site. A small timber lodge within a woodland area will be of no detriment to the physical or visual aspect of the landscape. I will argue that the permitted development rights to build large agricultural buildings are more damaging to the landscape than small, mobile residential unit. Any trees removed will be done so in a way as to reduce any easy visible access to the lodge. A large agricultural building under permitted development will be more unsightly than a small timber frame building well sited within the woodland.

The site is served by an existing access. There are no road safety objections to the proposal. Should permission in principle be supported, the further application would include details of the access and parking for consideration and approval. No road safety concerns.

Due to the siting of the proposed residential unit, the nature of the surroundings and distance to nearby houses, the proposal will not have an adverse impact on the amenity or privacy of existing residents. No adverse impact on local residents.

**Recommendation:** Refuse planning permission in principle.

**Ending notes:**

I would like to take this opportunity to state the fact that we are willing to be held accountable that in 5 years the business will support multiple salaries, significant improvement to the immediate environment, landscape and continue to provide a service to the people of Midlothian. My (Alasdair) 25 year career in professional sport results in being accustomed to accountability for my performance. It will be no different in this circumstance. I feel this shows significant commitment to the cause

Link of local support:

<https://www.facebook.com/share/p/caaEFD2gK536A1nF/>

I have stated numerous times to the planning department that it is vital we work closely and cooperatively with the council. Not only to provide local food for local people but to encourage education on how food can be produced in harmony with nature. As farmers, we are custodians of the land and to the people in the surrounding community.

The farm will be easily accessible by walking or by bicycle. Disabled access will also be catered for.

With all policies considered, we cannot see what negative effect this small development proposal would have on the character, wildlife, community and food production of Midlothian. Only net positive outcomes.

Thank you for taking the time to read this response.

Kind regards,

Alasdair, Michelle, Brady & Bonnie Dickinson.

## **Appendix:**

NPF4 policies not included in the delegated report but are important to note.

### **Policy 4: Natural places**

#### ***Policy Intent:***

*To protect, restore and enhance natural assets making best use of nature-based solutions.*

- Increasing biodiversity with regenerative agriculture principles. A nature based solution to biodiversity loss.

### **Policy 12: Zero waste**

#### ***Policy Intent:***

*To encourage, promote and facilitate development that is consistent with the waste hierarchy.*

- Top soil removed for the hard standing will be used for vegetable production on site and to add additional layers to low lying or wet spots in arable fields.
- Any manure gathered during winter months (or mandatory housing such as bird flu) will be composted/used for vegetable production on site.

## **Policy 26: Business and industry**

### **Policy Intent:**

*To encourage, promote and facilitate business and industry uses and to enable alternative ways of working such as home working, live- work units and micro-businesses.*

- Local business with multiple enterprises, employment and educational opportunities.
- Full time on farm will be 'working from home'.

## **Policy 29: Rural development**

### **Policy Intent:**

*To encourage rural economic activity, innovation and diversification whilst ensuring that the distinctive character of the rural area and the service function of small towns, natural assets and cultural heritage are safeguarded and enhanced.*

- Improving the natural assets of our land, environment and local economic growth.

## **Policy 30: Tourism**

### **Policy Intent:**

*To encourage, promote and facilitate sustainable tourism development which benefits local people, is consistent with our net zero and nature commitments, and inspires people to visit Scotland.*

- Subject to planning consent. 2 eco pods to boost tourism to the local area.
- Investment of £30,000.00
- Employment or local business/person will be needed to service the accommodation.
- Application has been submitted for first pod.





REFUSED  
26.04.2024  
24/00069/DPP

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# Our Journey from 2018

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the way nature intended





Abandoned willow plantation transformation (In photos)



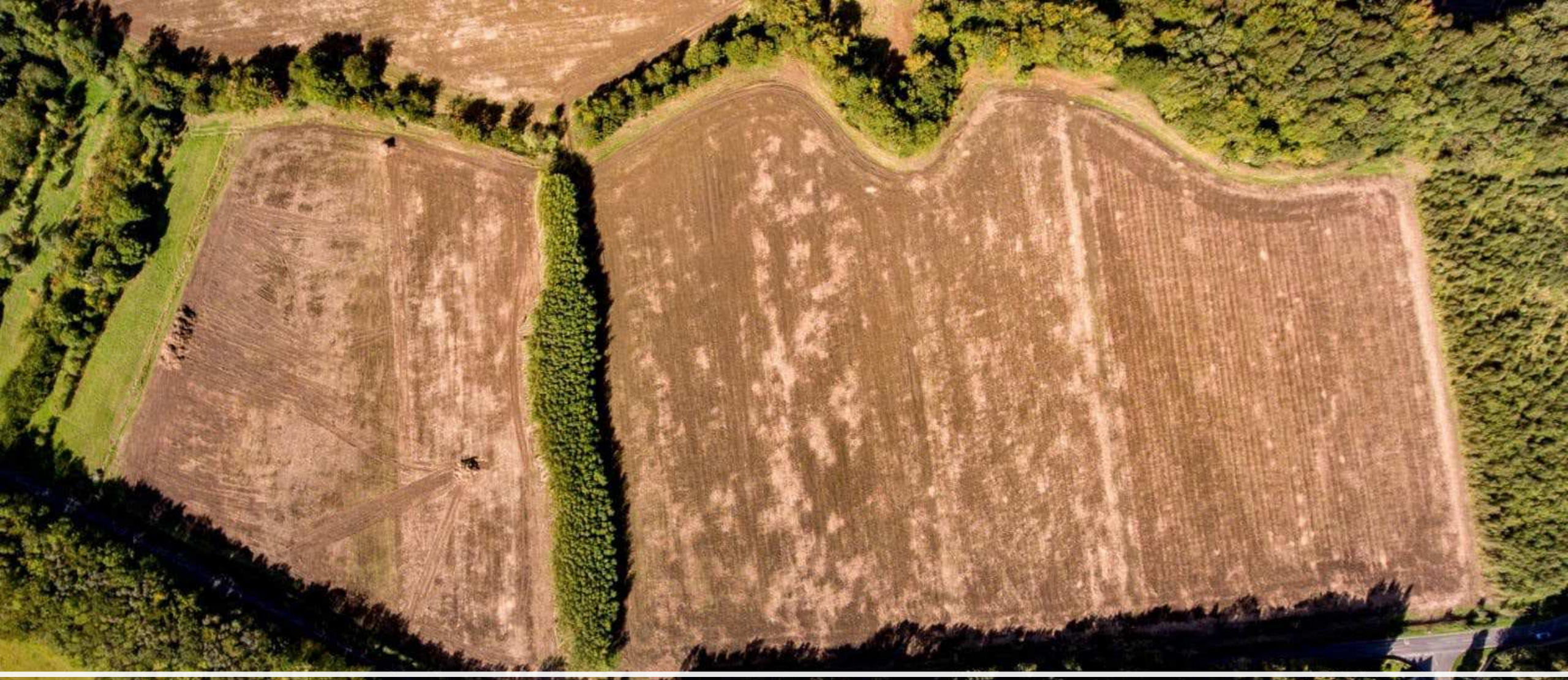




Removing the willow







Aerial view of one of our fields after willow removal











Slowly turning back to productive land















Birds run through woodland and mixed species leys





Birds on pasture





We move the birds to fresh pasture regularly.



Mixed species herbal ley to maximise biodiversity and carbon sequestration. We now need to add more trees, hedgerows and wildflower meadows.

This all requires capital and time investment we are personally willing to make.

We hope to teach and inspire people to be more connected to their food and the environment.







Our current outlet that desperately needs updating. We cannot satisfy even 50% of demand at present.





the way nature intended



Thank you for taking the time to look  
through our images

## MIDLOTHIAN COUNCIL

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A new septic tank and discharge via soakaway are proposed and the mobile home will connect to the public water supply. The mobile home is a lodge which the applicant states meets all requirements for a caravan and related legislation.

The application includes a supporting statement, coal mining report, labour requirement information, business accounts, Arboricultural Impact Assessment, a letter of support from a specialist in regenerative farming, details of water and electricity provision, rainwater harvesting and construction. The submissions provides a rationale and justification for the proposal and also references to NPF4.

The application site boundary was drawn very tightly around the proposed mobile home. During the course of the application, the applicant sought to change the position of the residential unit. The proposed position was outwith the original application site boundary and so could not be considered under the current application. If the applicant wishes for an alternative position to be considered outwith the original site boundary, this will require a new planning application.

The applicant has been given the opportunity to provide further information, relating to the viability of the business, during the assessment period for the planning application.

**Background (Previous Applications, Supporting Documents, Development Briefs):** Surrounding associated land

23/00812/PNAG (to east of current site) Erection of agricultural building. Permitted.

21/00795/PNAG (to south of current site) Erection of agricultural building and alterations to existing private way. No objection.

19/00498/PNAG (to west of current site) Erection of agricultural building. Permitted.

2 Newlandrig (to west)

10/00276/DPP Change of use from agricultural building to ancillary building for dwellinghouse. Consent with conditions.

**Consultations:**

The Council's **Senior Manager Neighbourhood Services (Roads)** was consulted but did not respond. In previous enquires for proposals for the land associated with the site they have had no objections but requested details of vehicle access and parking to be submitted. There has been no significant change in circumstances in the area since the previous comments were received.

The Council's **Protective Services Manager** has no objection to the proposal provided conditions are attached to any permission approved relating to ground contamination mitigation works. They also queried the water, wastewater and electricity supplies proposed. The applicant has provided additional information regarding this which has addressed their concerns. They recommend a condition be attached to any permission requiring that the septic tank be registered with the SEPA and that this complies with their requirements.

The **Coal Authority** has no objection but recommend an informative note be attached to any permission relating to future works.

**Scottish Water** has no objection but states they will not accept any surface water connections to the combined sewer. There is no public waste infrastructure in the area so private treatment options need to be investigated.

**Representations:** No representations have been received.

**Relevant Planning Policies:** The development plan is comprised of National Planning Framework 4 (2023) and the Midlothian Local Development Plan 2017. The following policies are relevant to the proposal:

National Planning Framework 4 (NPF4)

- Policy **1 Tackling the climate and nature crises**; sets out to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis.
- Policy **2 Climate mitigation and adaptation**; sets out to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.
- Policy **3 Biodiversity**; sets out to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks.

- Policy **5 Soils**; sets out to protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development. The policy also sets out acceptable scenarios for development on prime agricultural land.
- Policy **6 Forestry, woodland and trees**; sets out to protect and expand forests, woodland and trees.
- Policy **13 Sustainable Transport**; sets out to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.
- Policy **14 Design, quality and place**; sets out to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle.
- Policy **15 Local Living and 20 minute neighbourhoods**; sets out to encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options.
- Policy **17 Rural Homes**; supports development proposals or new homes in rural areas where the development is suitably scaled, sited and designed to be in keeping with the character of the area and the development, and meets set conditions including where the site is allocated for housing within the local development plan. Development proposals for new homes in rural areas shall consider how the development will contribute towards local living.
- Policy **22 Flood risk and water management**; sets out to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.
- Policy **24 Digital Infrastructure**; sets out to encourage, promote and facilitate the rollout of digital infrastructure across Scotland to unlock the potential of all our places and the economy.

The relevant policies of the **2017 Midlothian Local Development Plan** are:

**DEV5 Sustainability in New Development** sets out the requirements for development with regards to sustainability principles;

**DEV6 Layout and Design of New Development** states that good design and a high quality of architecture will be required in the overall layout of development proposals. This also provides guidance on design principles for development, materials, access, and passive energy gain, positioning of buildings, open and private amenity space provision and parking;

**DEV7 Landscaping in New Development** requires development proposals to be accompanied by a comprehensive scheme of landscaping. The design of the scheme is to be informed by the results of an appropriately detailed landscape assessment;

**TRAN5 Electric Vehicle Charging** seeks to support and promote the development of a network of electric vehicle charging stations by requiring provision to be considered as an integral part of any new development or redevelopment proposals;

**IT1 Digital Infrastructure** supports the incorporation of high speed broadband connections and other digital technologies into new homes, business properties and redevelopment proposals;

**RD1 Development in the Countryside** states 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 or tourism; it accords with other named policies; or it accords with the Council's Supplementary Guidance on Development in the Countryside and Green Belt. All such development will need to be: of a scale and character appropriate to the rural area and well integrated into the rural landscape; capable of being serviced with an adequate and appropriate access; capable of being provided with drainage and a public water supply at reasonable cost, or an acceptable private water supply, avoiding unacceptable discharge to watercourses; and accessible by public transport and services, within 1 mile of a bus route with a frequency of 1 bus per hour;

**ENV4 Prime Agricultural Land** does not permit development leads to the permanent loss of prime agricultural land unless there is appropriate justification to do so;

**ENV6 Special Landscape Areas** states that development proposals will only be permitted where they incorporate high standards of siting and design and where they will not have significant adverse effect on the special landscape qualities of the area;

**ENV7 Landscape Character** states that development will not be permitted where it significantly and adversely affects local landscape character. Where development is acceptable, it should respect such character and be compatible in terms of scale, siting and design. New development will normally be required to incorporate proposals to maintain the diversity and distinctiveness of the local landscapes and to enhance landscape characteristics where they have been weakened; and

**ENV11 Woodland, Trees and Hedges** states that development will not be permitted where it could lead directly or indirectly to the loss of, or damage to, woodland, groups of trees (including trees covered by a Tree Preservation Order, areas defined as ancient or semi-natural woodland, veteran trees or areas forming part of any designated landscape) and hedges which have a particular amenity, nature conservation, biodiversity, recreation, landscape, shelter, cultural, or historical value or are of other importance.

**Supplementary Guidance for Housing Development in the Countryside and Green Belt (SG)** has been prepared to expand this policy and the criteria to be met in such proposals. This can provide some support for development which is required for the furtherance of an established countryside activity. The onus is on the applicant to demonstrate compliance with the relevant policies to the satisfaction of the Council. In demonstrating the need for a permanent dwelling, the Council will expect an application to be accompanied by an independent report prepared by a suitably qualified professional to support the need for a house and on the viability of the associated business and its operational requirements. In outlining the needs of the business, it should be apparent to the Council whether the need can be met within an existing settlement and whether the occupier will be employed full-time in the associated countryside activity, and therefore whether it meets the other requirements of the policy.

**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 application is for planning permission in principle and so no details of the proposed mobile home, parking or facilities have been provided. In effect this planning application is to establish a new residential unit on the site.

The primary focus of the NPF4 planning policies seek for developments to be sustainable and give consideration to the global climate and nature crises. In response to NPF4 the agent has stated:

- The type of regenerative farming proposed in the future will help tackle the climate and nature crises, as well as climate mitigation and adaptation and minimise soil disturbance;
- This will protect and increase biodiversity;
- The proposal will increase forestry;
- There will be no commuting to site and will remove existing vehicle movements;
- Rainwater harvesting is proposed;
- The proposal is for a local business with multiple enterprises, employment and educational opportunities; and
- The proposal will improve the natural assets of the land, environment and local economic growth.

The supporting statement also makes reference to tourism through the installation of 2 ecopods which will provide income and create employment in the servicing. This requires planning permission and does not form part of the current application, therefore this cannot be taken into account in the assessment of this application.

The site is within the countryside. The abovementioned details relate in the main to the future use of the site as a regenerative farm rather than the impact on NPF4 as a result of a residential unit here. The site is in a fundamentally unsustainable location for a new residential unit, remote from public transport and local services, unless entirely linked to a viable business which can support the house and its occupants. The majority of trips to and from the site are likely to be done by private car, which is not in line with NPF4's focus on sustainability.

The Planning Authority has restrictive planning policies with regards to new residential proposals within the countryside. These restrictions aim to prevent the creeping suburbanisation of the countryside which is under significant pressure due to the convenient commuting distance to Edinburgh. However there are enabling policies within the adopted Midlothian Local Development Plan and NPF4 which support residential developments within the countryside in some instances, subject to specific criteria. Policy RD1 of the MLDP, policy 17 of NPF4 and the related supplementary guidance includes several sections where houses in the countryside could be acceptable in planning terms.

The proposed residential unit is not a replacement house or for the conversion or redevelopment of existing redundant farm buildings or other non-residential buildings. The proposal is not an enabling development where it is clearly shown that this is the only means of preventing the loss of a heritage asset and securing its long term future. The proposed residential unit also does not form part of a group of five or more houses.



The NPF4 and MLDP can support the principle of new residential units in the countryside if it is demonstrated that this is necessary to support the sustainable management of a related rural business, this need is permanent and that the occupier will be employed full-time in the associated countryside activity. It must also be demonstrated that there is an essential need for a worker to live permanently at this place of work and justification that this cannot be met within an existing settlement.

The applicant states the residential unit is required to support the egg production business operating for the land around the site, as well as future plans for cattle grazing and regenerative farming. The applicant currently operates this business from the neighbouring house at 2 Newlandrig, however they are seeking to sell this house and invest the money in the business. Related policy puts the onus on the applicant to demonstrate that the need for a new house is permanent and any application shall be accompanied by an independent report prepared by a suitably qualified professional to support the need for a house and on the viability of the associated business and its operational requirement.

The supporting information states that the keeping of chickens and egg production operations from the wider side requires there to be a residential unit on site. The labour requirements are such that there needs to be a daily presence on site for various jobs related to this production. Some business accounts have been submitted showing the profits from the operations on site.

The supporting information has been submitted by the applicant rather than an independent body specialising in such matters, such as the Scottish Agricultural College.

The business account information is very limited in detail, with little information regarding cash flow, breakdown of costs, details of overheads, wages, etc. Therefore it has not been demonstrated that the business is viable when taking all these factors into account. Also the fact that the proposal includes a statement that the sale of the applicant's house would fund the business and that they are in employment elsewhere indicates this is not a viable business at present.

The keeping of livestock could provide justification for a residential unit. However the keeping of chickens at the land associated with the site does not provide justification for a residential unit here. Other similar applications in the Council area with far larger livestock numbers for cattle or sheep have not justified the need for a residential unit in this way and have not been supported. In regards security, the associated land is at the edge of Newlandrig and by a busy road so there is a good level of passive supervision in the area. The site is close to Gorebridge and Dalkeith where there is a large amount of housing, including new developments, which would afford the operators of the business quick access to the associated land. No information has been submitted to demonstrate there is a requirement for someone to live at this site and it has not been demonstrated that the need cannot be met in an existing settlement. It would appear that it would be desirable for there to be a residential unit at this site rather than there being a quantifiable need for this.

There is a policy requirement for sites to be accessible by public transport and services, either within 1 mile of a settlement or a bus route with a frequency of at least 1 bus per hour. The site is outwith 1 mile of such services. This means it is likely that the majority of trips would be made by private car. This is not in keeping with the Council's aims of reducing reliance on the use of the private car and increasing opportunities for 'active' travel, or the aims of NPF4.

While there are numerous ways in which a new residential unit can satisfy planning policy in the countryside this proposal satisfies none of them. The proposal does not comply with the acceptable criteria in NPF4 policy 17 or MLDP RD1. The proposal is an unjustified attempt to build a new house in the Midlothian countryside.

Notwithstanding the lack of policy support, the details of the proposal need to be given some consideration.

The application is for planning permission in principle. Should the current application be approved, a further application would be required to consider the design, materials and layout of the development.

Any proposal needs to be of a scale and character appropriate to the rural area and well integrated into the rural landscape. There is concern over the appearance of the proposed accommodation and the visual impact this will have on the landscape character in this special landscape area. While set back into the associated land, a mobile unit would be visible from the B6372 to the south. The site is surrounding by trees at present however there is a felling licence in place for some to be removed which may open views into the site.

The site is served by an existing access. There are no road safety objections to the proposal. Should permission in principle be supported, the further application would include details of the access and parking for consideration and approval.

Due to the siting of the proposed residential unit, the nature of the surroundings and distance to nearby houses, the proposal will not have an adverse impact on the amenity or privacy of existing residents.

**Recommendation:** Refuse planning permission in principle.

**Reg. No. 24/00059/PPP**

Willow Farm Ltd  
2 Newlandrig  
Gorebridge  
Midlothian  
EH23 4NS

Midlothian Council, as Planning Authority, having considered the application by Willow Farm Ltd, Mr Alasdair Dickinson, 2 Newlandrig, Gorebridge, Midlothian, EH23 4NS, which was registered on 25 January 2024 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

**Application for planning permission in principle for siting of mobile home for a temporary period of 5 years at Land East of 2 Newlandrig, Gorebridge**

In accordance with the application and the following documents/drawings:

| <u>Document/Drawing.</u> | <u>Drawing No/Scale</u> | <u>Dated</u> |
|--------------------------|-------------------------|--------------|
| Location Plan            | 1:1500                  | 25.01.2024   |
| Site Plan                |                         | 25.01.2024   |
| Site Plan                |                         | 25.01.2024   |

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 residential unit is necessary to support the sustainable management of a viable rural business and there is an essential need for a worker to live permanently at or near their place of work, nor that there are material planning considerations to otherwise justify approval of the proposal. It has not been demonstrated to the satisfaction of the planning authority, from clearly set out accounts showing overheads and wages paid by the business, that the farm business is a viable operation which could support a residential unit at the site. Therefore, there is no justification for the development of a residential unit in this rural location as it would be contrary to policy RD1 of the adopted Midlothian Local Development Plan 2018, the related supplementary guidance and Policy 17 of the National Planning Framework 4.*
- 2. It has not been demonstrated to the satisfaction of the planning authority that the proposed development has been sited in a sustainable location. The proposed development fails to address the global climate crisis in this respect. Therefore the proposed development does not comply with the overarching aims of NPF4 and policy 1 of NPF4 specifically.*

Dated 26 / 4 / 2024

A handwritten signature in black ink, appearing to be 'DR' with a stylized flourish.

.....

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 (Planning Enquiries)

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

Website: [www.gov.uk/coalauthority](http://www.gov.uk/coalauthority)

### **INFORMATIVE NOTE**

The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

[www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

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

**Informative Note valid from 1st January 2023 until 31st December 2024**

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**REFUSED**  
**26.04.2024**  
**24/00059/DPP**

