

Notice of Review: Land at 22 Tipperwell Way, Howgate, Penicuik

Determination Report

Report by Ian Johnson, Head of Communities and Economy

1 Purpose of Report

- 1.1 The purpose of this report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the change of use from agricultural land to private garden ground (retrospective) at land north of 22 Tipperwell Way, Howgate, Penicuik.

2 Background

- 2.1 Planning application 15/00794/DPP for the change of use from agricultural land to private garden ground (retrospective) at land north of 22 Tipperwell Way, Howgate, Penicuik was refused planning permission on 26 November 2015; 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); and
 - A copy of the decision notice, issued on 26 November 2015 (Appendix D).
- 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

4 Procedures

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

- Have scheduled an unaccompanied site visit for Monday 25 April 2016; and
 - Have determined to progress the review by way of written submissions.
- 4.2 The case officer's report identified that no consultations were required and no representations have been received.
- 4.3 The next stage in the process is for the LRB to determine the review in accordance with the agreed procedure:
- Identify any provisions of the development plan which are relevant to the decision;
 - Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies;
 - Consider whether or not the proposal accords with the development plan;
 - Identify and consider relevant material considerations for and against the proposal;
 - Assess whether these considerations warrant a departure from the development plan; and
 - State the reason/s for the decision and state any conditions required if planning permission is granted.
- 4.4 In reaching a decision on the case the planning advisor can advise on appropriate phraseology and on appropriate planning reasons for reaching a decision.
- 4.5 Following the determination of the review the planning advisor will prepare a decision notice for issuing through the Chair of the LRB. A copy of the decision notice will be reported to the next LRB for noting.
- 4.6 A copy of the LRB decision will be placed on the planning authority's planning register and made available for inspection online.

5 Conditions

- 5.1 As a consequence of the works on the proposed development already having taken place, it is considered that no conditions would be required if the LRB is minded to grant planning permission.
- 5.2 If the LRB dismisses the review, those works which have already taken place without planning permission will have to be removed. However the failure to carry out the required works will result in the Council having to consider issuing an enforcement notice to resolve the breach of planning control.

6 Recommendations

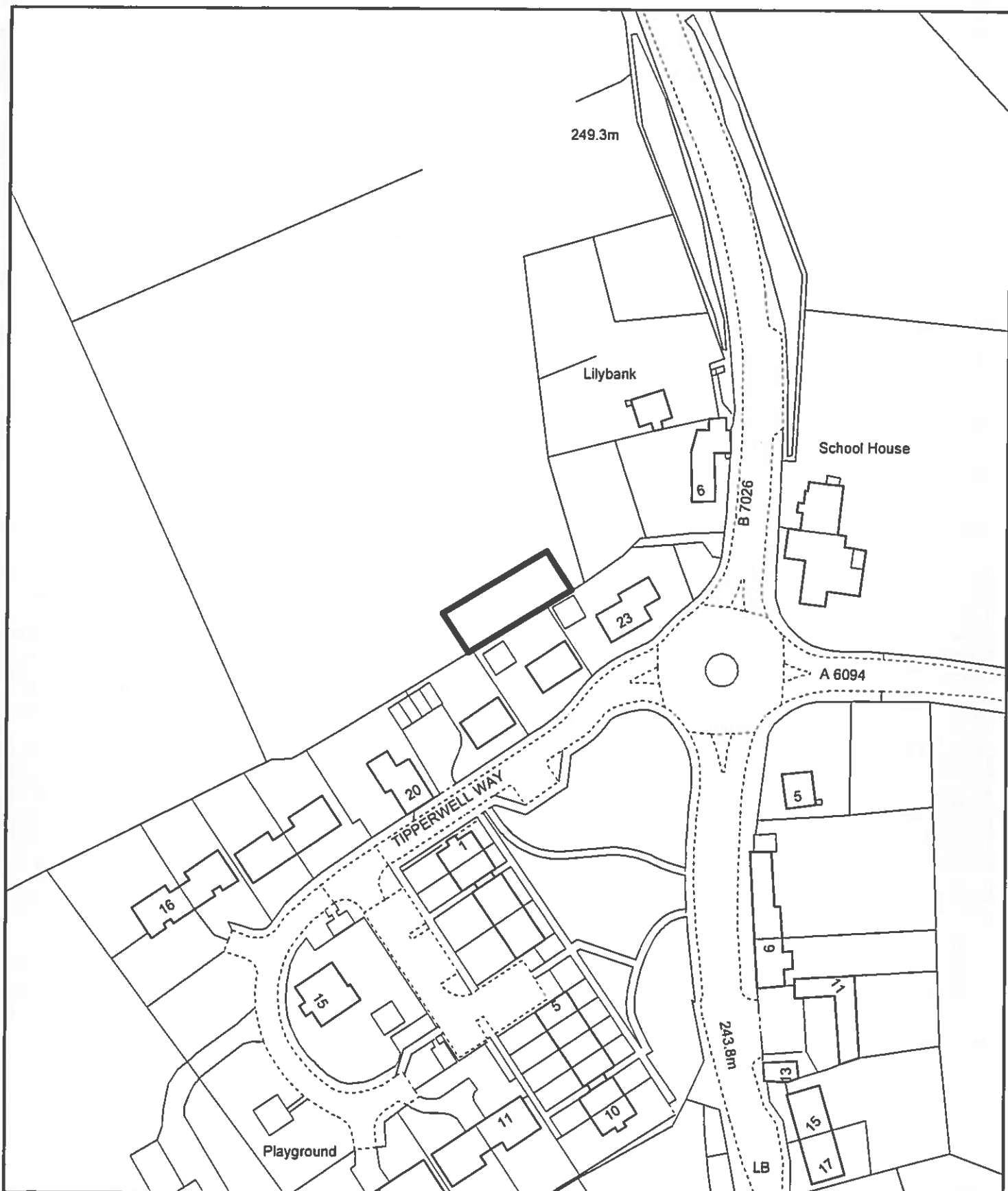
- 6.1 It is recommended that the LRB:
- a) determine the review; and
 - b) the planning advisor draft and issue the decision of the LRB through the Chair

Date: 19 April 2016

Report Contact: Peter Arnsdorf, Planning Manager
peter.arnsdorf@midlothian.gov.uk

Tel No: 0131 271 3310

Background Papers: Planning application 15/00794/DPP available for inspection online.



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

**Change of use from agricultural land to private garden
ground (retrospective) at 22 Tipperwell Way, Penicuik**

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File No. 15/00794/DPP

Scale: 1:1,250





Fairfield House 8 Lothian Road Dalkeith EH22 3ZN Tel: 0131 271 3302 Fax: 0131 271 3537 Email: 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 100004205-001

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:

Mrs

You must enter a Building Name or Number, or both: *

Other Title:

Building Name:

22 Tipperwell Way

First Name: *

Hilary

Building Number:

22

Last Name: *

Larkins

Address 1
(Street): *

22 Tipperwell Way

Company/Organisation

Address 2:

Howgate

Telephone Number: *

Town/City: *

Midlothian

Extension Number:

Country: *

Scotland

Mobile Number:

Postcode: *

EH26 8QP

Fax Number:

Email Address: *

Site Address Details

Planning Authority:

Midlothian Council

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

Address 1:

22 TIPPERWELL WAY

Address 2:

HOWGATE

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

PENICUIK

Post Code:

EH26 8QP

Please identify/describe the location of the site or sites

Northing

658175

Easting

324767

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)

Reg No: 15/00794/DPP Change of use from agricultural land to private garden ground at the land north of 22 Tipperwell Way.

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 refer to supporting documents "20160225 LARKINS_Planning Appeal_loss_amenity" and "20160225 LARKINS_PlanningAppeal_settlement", in which we describe our grounds for seeking a review of both stated reasons for the Council's decision in relation to the original application.

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)

We have attached the following supporting documents: 20160225 LARKINS_PlanningAppeal_loss_amenity 20160225 LARKINS_PlanningAppeal_settlement

Application Details

Please provide details of the application and decision.

What is the application reference number? *

15/00794/DPP

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

02/10/2015

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

26/11/2015

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

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)

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? *

☒ Yes ☐ No

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

☒ 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 ☒ 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? *

☒ 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 *

☒ 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: Mrs Hilary Larkins

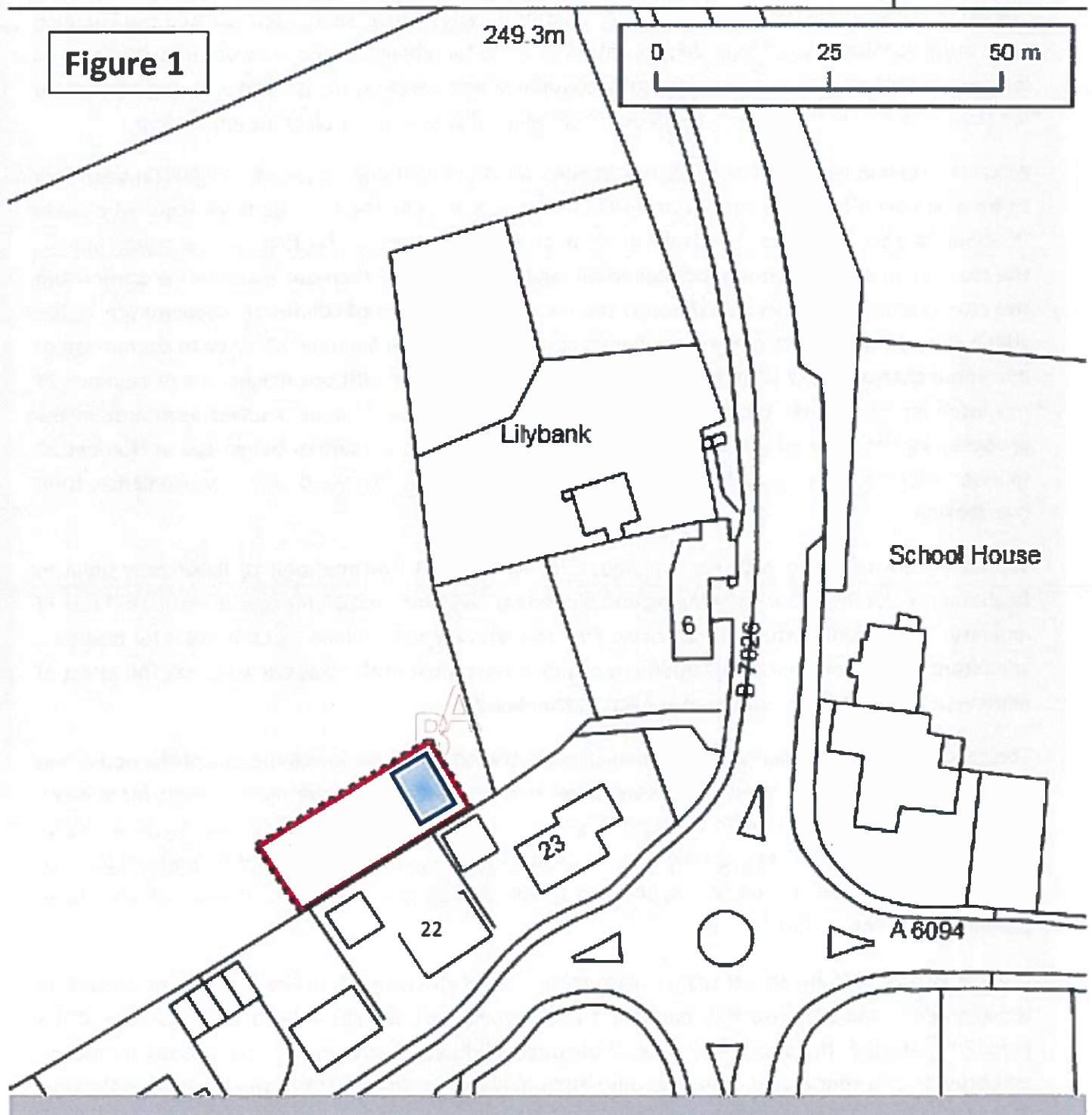
Declaration Date: 25/02/2016

Ground to the rear of 22 Tipperwell Way, Howgate EH26 8QP

PDR71585
June 2015

1:1,250

Figure 1



Appeal in relation to Reason 2 for Council decision

With regard to Reason 2 for the Council's decision to refuse our original planning application (the significant increase in overlooking of the neighbouring house at 23 Tipperwell Way), we have spoken with our neighbours at Number 23 in relation to our plans to use the newly acquired land at the rear of our property as garden and we have had similar discussions with our neighbours at Number 21 Tipperwell Way and Number 6 Howgate. As a point of note, when we first approached the Planning Dept at Midlothian Council regarding our plans to apply for change of use we were informed that as long as we did not receive any objections we would almost certainly be granted planning permission for change of use. In the event none of our neighbours objected to our planning application.

As can be seen in Figure 1, the garden of Number 23 Tipperwell Way already has significant capacity to be overlooked from the garden of Number 6 Howgate, while the land we have acquired crosses the boundary to the end of the garage at Number 23. We recognise that the newly acquired area at the rear of our existing garden includes levels significantly higher than our existing rear garden and the rear garden of Number 23 (although the levels in the garden of Number 6 Howgate are higher still) but we have plans to minimise any impact on the garden of Number 23. Prior to submission of our initial change of use planning application we had discussed with our neighbours at Number 23 our intention to dig into the bank (reinforcing appropriately) and create a lower level area in the proposed garden area extending from our existing boundary to the end of the garage at Number 23 (please refer to area shaded in blue in Figure 1) in order to avoid any inconvenience from overlooking.

We have also discussed with our neighbours at Number 23 our intention to liaise with them in finalising the details of the landscaping and planting to avoid any visual impacts or associated loss of amenity. The current position, in which we own the relevant area of land and can use it for purposes consistent with its present designation but cannot landscape it in the way we wish, has the effect of limiting our ability to prevent visual impacts at Number 23.

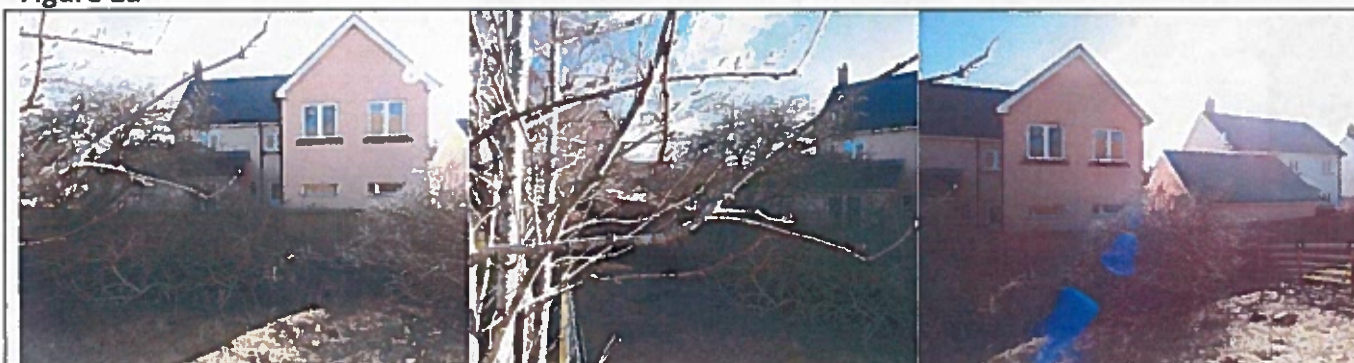
The garden ground supplied with the original house was small in relation to the size of the house and we feel that it is not safe to let our children play on the streets – there are no play areas for children in Howgate beyond the age of 3. With growing children we wish to extend our garden to create a safe outdoor space for them. As we only wish to use this area as garden we would be happy to accept clauses or restrictions in relation to the use of the land and limitations in respect of associated permitted development rights etc.

We will ensure that any landscaping is carried out to a high standard, in the interests of protecting visual amenity and ensuring that materials are in keeping with the character and appearance of the area. Furthermore, the appropriate use of planting will help to soften any impact in the landscape and provide a further mechanism to ensure additional privacy in relation to the gardens of Number 21 and Number 23 Tipperwell Way and Number 6 Howgate.

With regard specifically to the aspect from the new garden area towards the garden of Number 23 Tipperwell Way, please refer to Figures 1a & 1b below, which are views to 23 Tipperwell Way from points A and B as illustrated in Figure 1. Figure 1a indicates views from near to the garden of Number 6 Howgate towards the rear garden of Number 23 while Figure 1b illustrates views from the proposed new garden area at Number 22 toward the rear garden of Number 23. The aspects are approximately 20 feet apart and indicate that overlooking from Number 22 will be if anything less significant than that from Number 6 Howgate. The implementation of landscaping, screening and planting will be completed in a manner consistent with preventing overlooking of the garden of Number 23 from the new garden area of Number 22.

We have purchased this land to provide a much needed extension to our existing garden and have consulted with all of our potentially affected neighbours to communicate our desire to create an attractive garden area and mitigate any associated impacts. We hope that we have conveyed our intent and that change of use permission can be granted. The current position limits our use of the land but also as described limits our ability to prevent visual impacts at Number 23. We would like to reiterate that we would be happy to have a change of use permission with clauses / restrictions imposed as required, as we would like to use the ground solely for garden purposes.

Figure 1a



View from near the garden of Number 6 Howgate looking towards Number 23 Tipperwell Way

Figure 1b



View from corner of new garden area at Number 22 looking to Number 23 Tipperwell Way (current, not landscaped)

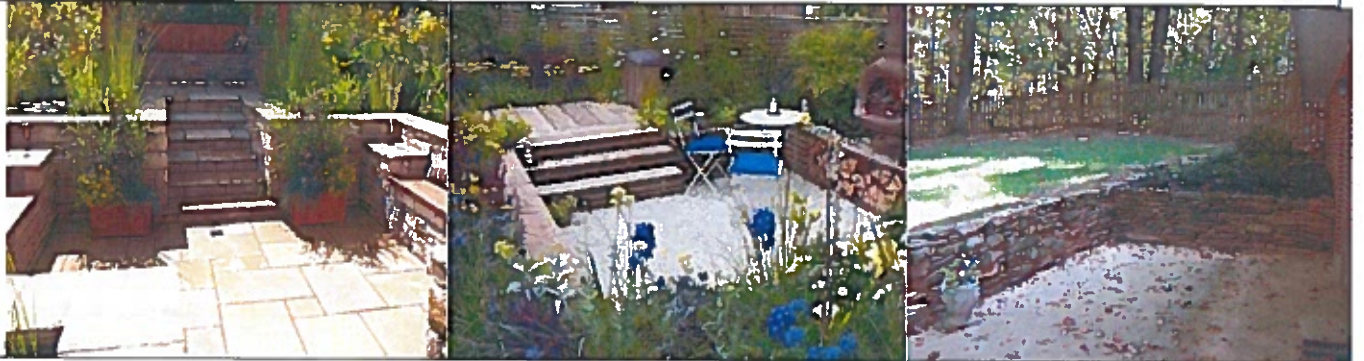
Figure 2



Concepts for the terracing and retaining walls with materials in keeping with the existing walls within Tipperwell Way.



Concepts for sunken vegetable garden and materials we would like to use at the rear of 23.



Concepts for the sunken vegetable garden to minimise overlooking to number 23

Appeal in relation to Reason 1 for Council decision

With regard to Reason 1 for the Council's decision to refuse our original planning application (disruption of the existing settlement boundary and damage to visual integrity of the settlement), we would contend that (1) any disruption to the settlement boundary is only marginally visible from within the settlement and from the main routes through the village, (2) there are several precedents in Howgate for changes to the settlement boundary that have had the potential to damage the visual integrity of the settlement and (3) there are also several precedents in Howgate for changes and developments that are not well integrated into the rural landscape. In effect the character of the village has evolved significantly in recent years and it is not easy for us to understand why our application should have been rejected when a substantial amount of development and change of use permission has been allowed which has had a much larger impact on the character of the village.

We address each of these points in turn in the following sections.

1. Changes to settlement boundary are barely visible from within Howgate or from the main routes through the village.

The rear gardens and lower hill to the rear of numbers 21 to 23 Tipperwell Way are essentially screened from the village green and routes through the village by the close presentation of the houses and garages. Figure A illustrates views towards the area of ground from the village green and the roundabout on the A6094/B7026 and shows that the upper area of the plot is only just visible. We would suggest that the visual impact of the proposed change of use is minimal and it would therefore not significantly impact the visual integrity of the settlement.

Figure A: Views from the village looking towards 22 Tipperwell Way, showing limited visual impact of the garden extension.



View of 22 from Village Green



View between 22 and 23 Tipperwell Way from roundabout (plot just visible)



View of 22 from West of the Village Green

- 2) Precedents exist in Howgate for changes to the settlement boundary that could be viewed as having damaged the visual integrity of the settlement.

Figures B and C illustrate previous changes to the settlement boundary that have occurred in the northern part of Howgate and which have involved the purchase of agricultural land for the purpose of extending gardens. These include the School House, Number 6 Howgate, Lilybank and the cottage opposite the School House which all have gardens that exceed the settlement boundary as indicated in the Midlothian Local Plan. The extensions of garden ground at the School House and the cottage opposite the School House have occurred on land that is significantly more visible than the land at Number 22 Tipperwell Way. We would suggest that the proposed changes at Number 22 Tipperwell Way are, from a visual perspective, relatively insignificant in the context of boundary changes that have occurred elsewhere in Howgate, and that the boundary of Tipperwell Way is in any case modern and of relatively little historical significance.

Figure B - Settlement Boundary Map of Howgate taken from the Midlothian Local Plan.

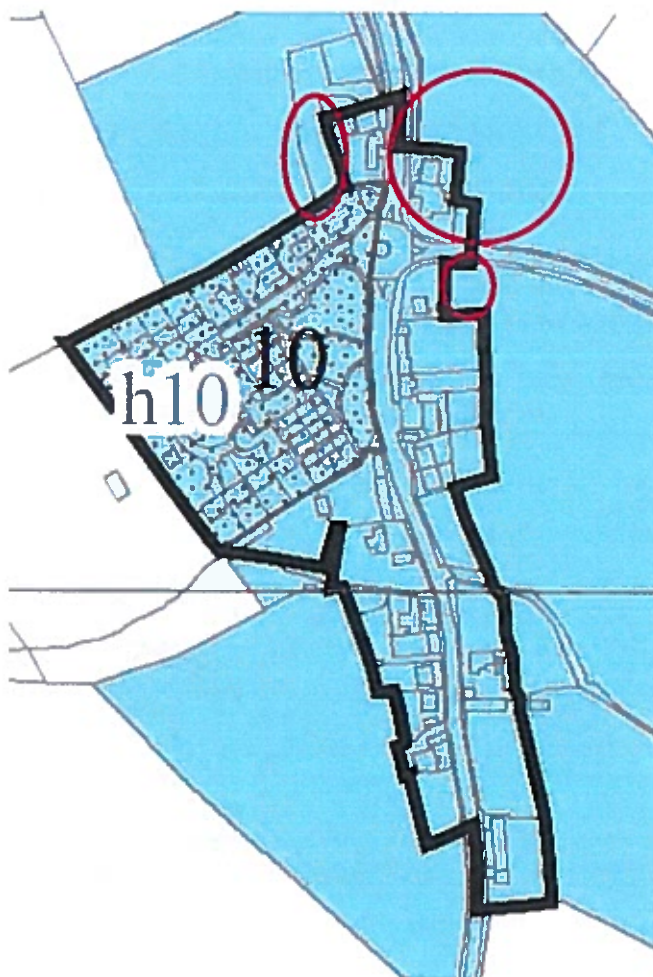
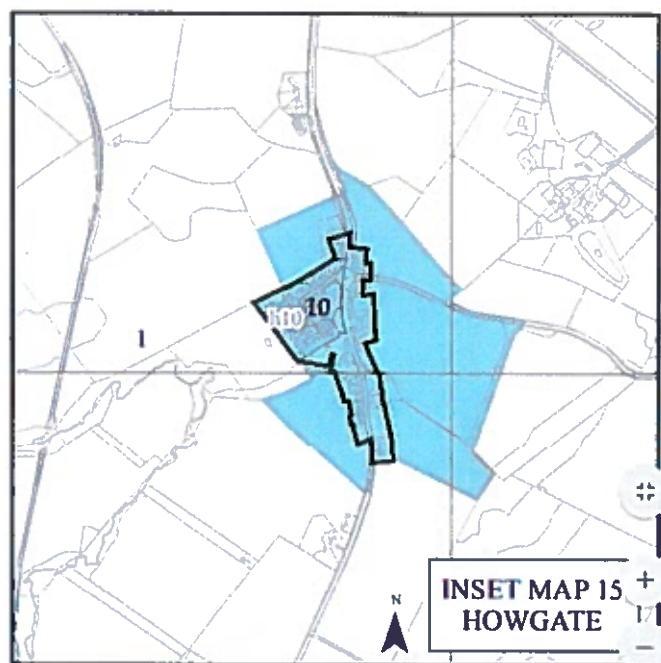


Figure C – Present boundaries within the northern part of Howgate



3) There are several precedents in Howgate for changes and developments that can be viewed as not being well integrated into the rural landscape

We would suggest that while the village of Howgate retains its essential character as described within the Howgate Conservation Area Appraisal, there have been numerous developments in the area in recent years which could be viewed as not being well integrated into the rural landscape, and that within the context of these changes the change of use we propose is relatively insignificant. Figures D, E and F presents further examples of such developments, to illustrate that Howgate is to an extent characterised by patterns of varied land use and discontinuous

boundaries, and that as such any minor inhomogeneity associated with the change of use at 22 Tipperwell Way is relatively insignificant.

Figure D – Summary of developments

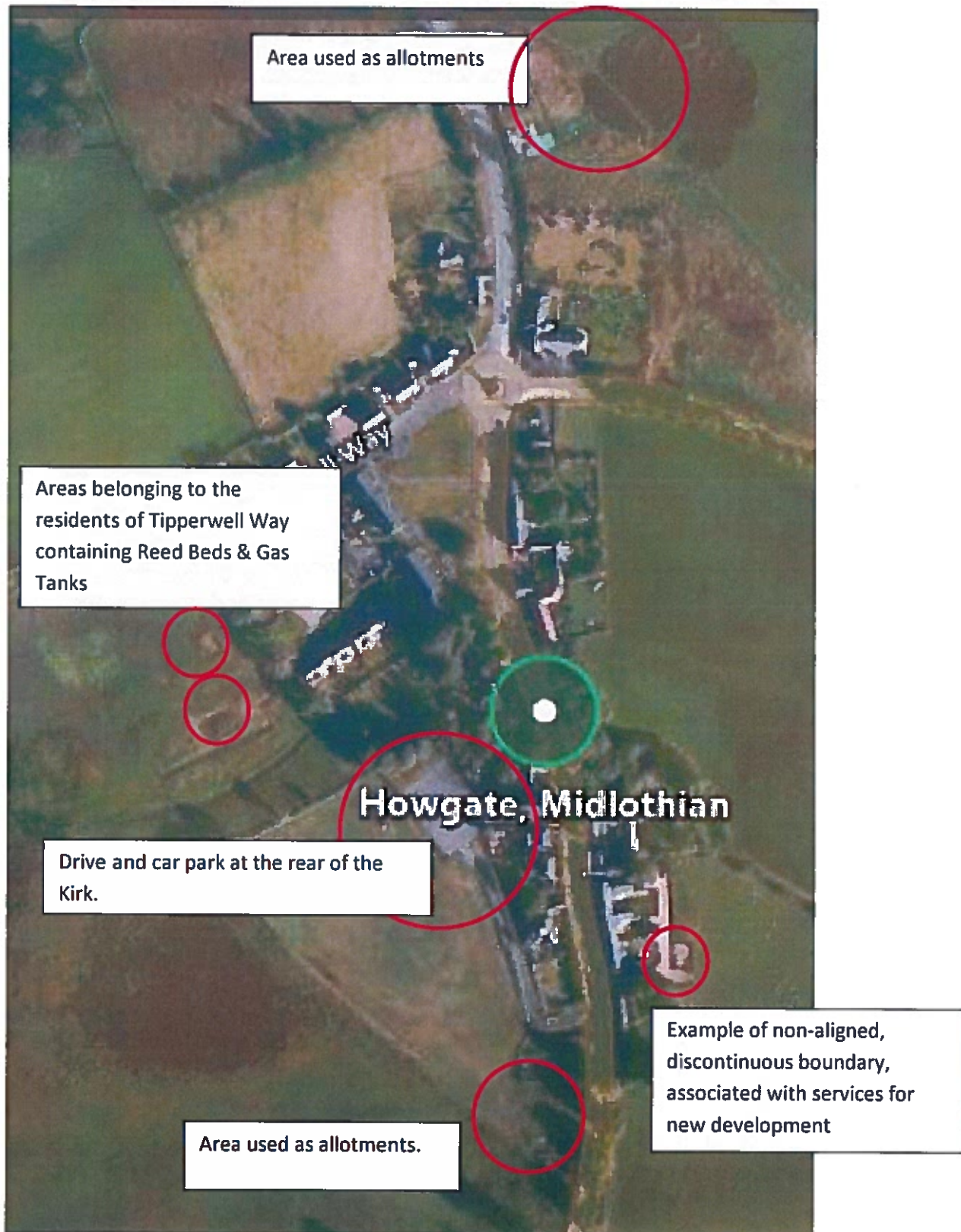


Figure E - The Manse House before and after access road, car park and allotments



Figure F – Intrusions into rural landscape associated with services for Tipperwell Way



MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Case Officer: Graeme King **Site Visit Date:** 16/10/2015

Planning Application Reference: 15/00794/DPP

Site Address: Land North of 22 Tipperwell Way, Penicuik

Site Description: Tipperwell Way is a modern development of 23 houses on the Western edge of Howgate village. The application subjects are an area of farm land to the North of a 2 storey detached dwellinghouse. The farmland is currently used for grazing. The garden of the house is relatively level, the application site slopes steeply upwards from the line of the original boundary fence. The application site is enclosed on 2 sides by timber ranch style fencing and by a stock fence to the rear. The site is within Howgate Conservation Area.

Proposed Development: Change of use from agricultural land to private garden ground (retrospective)

Proposed Development Details: The application site is 29.3m wide and 12m deep. The change of use application is retrospective; the original rear boundary fence of the garden has been removed and replacement fences erected along the remaining 3 boundaries. The existing garden is 20.5m wide; the application site overlaps the garden of no.23 by 6.9m and the garden of no.21 by 1.3m.

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

13/00476/DPP - Extension to dwellinghouse and erection of canopy at 22 Tipperwell Way, Penicuik. Consent with conditions

09/00631/DPP - Erection of 2 storey extension to dwellinghouse at 23 Tipperwell Way, Howgate. Consent with conditions

08/00662/FUL – Change of use from agricultural land to private garden ground at Land to the rear of Howgate Primary School, Howgate, Penicuik. Consent with conditions

03/00444/FUL - Erection of 23 dwellinghouses, associated roads, car parking, landscaping and works, and alteration to A6094 to create new roundabout and access road at Land Opposite The Former Howgate Inn, Howgate, Penicuik. Consent with conditions

01/00345/FUL – Change of use of agricultural land to private garden at Land To The Rear Of 15 And 17 Howgate, Penicuik. Consent with conditions

0611/98 – Change of use from agricultural land to garden (retrospective) at Criffel Cottage, Howgate, Penicuik. Permitted

Consultations: None

Representations: None

Relevant Planning Policies: Policy **RP1: Protection of the Countryside** states that development in the countryside will only be permitted if: it is required for the furtherance of agriculture, including farm related diversification, horticulture, forestry, countryside recreation, tourism, or waste disposal (where this is shown to be essential as a method of site restoration); it is within a designated non-conforming use in the Green Belt; or it accords with policy DP1.

Policy **DP2: Development Guidelines** sets out Development Guidelines for residential developments. The policy indicates the standards that should be applied when considering applications for dwellings and seeks to ensure that occupants of new houses are provided with adequate levels of amenity.

Planning Issues: The main planning issue to be considered in determining this application is whether the proposal complies with development plan policies unless material planning considerations indicate otherwise.

The application site is identified in the Midlothian Local Plan as being countryside; the boundary of the built-up area is identified as following the original rear garden line of the houses at Tipperwell Way. When the site at Tipperwell Way was allocated as a housing site in the 2003 Midlothian Local Plan, the site boundary was chosen to reflect existing field boundaries and existing hedgerows and trees were retained along the boundaries. There are 2 trees within the application site that would formerly have marked the field boundary.

When allocating housing sites Midlothian Council seeks, wherever possible, to follow and enhance existing boundary features; this approach has worked well at Tipperwell Way where the new development has the appearance of a logical extension to an existing small settlement. The realigned boundary at the application site has disrupted the established boundary line and the visual integrity of the settlement. Policy RP1 will only support development which is well integrated into the rural landscape; the re-aligned boundary is not well integrated and is clearly contrary to policy RP1.

It is acknowledged that there have been previous consents granted in Howgate for the change of use of agricultural land to private garden ground; however those applications either sought to match garden boundaries to existing neighbouring boundaries or, in the case of the former school, were accompanied by significant landscaping works. The previous consents have resulted in boundaries that are well integrated into the rural landscape and which do not appear as intrusions beyond the logical boundaries of the settlement.

As noted above the land in the application site is steeply sloping; the Northern edge of the site is between 2.5 and 3 metres above the level of the gardens at nos. 21, 22 and 23. This level change allied to the fact that the site boundary overlaps with the garden plots of the neighbouring houses results in a significant increase in

overlooking of the neighbouring house and garden at 23 Tipperwell Way. While it is acknowledged that there has been no objection received from the current occupants of no.23 the amenity of future occupants must also be considered. The layout and level changes are such that there is a significant loss of amenity to no.23; such a layout with obvious potential for overlooking is unacceptable and would not be approved as part of a modern housing development.

Recommendation: Refuse Planning Permission

Reasons for Refusal:

1. The proposed use will disrupt the established settlement boundary and damage the visual integrity of the settlement. The use is not well integrated into the rural landscape and is therefore contrary to policy RP1 of the Midlothian Local Plan.
2. Due to the site levels and the plot layout, use of the land as garden ground will result in a significant increase in overlooking of the neighbouring house at 23 Tipperwell Way. The increase in overlooking will be a material loss of amenity for the adjoining property and will undermine the effective implementation of of policy DP2 of the Midlothian Local Plan.

Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997



Reg. No. 15/00794/DPP

Mrs Hilary Larkins
22 Tipperwell Way
Howgate
Midlothian
EH26 8QP

Midlothian Council, as Planning Authority, having considered the application by Mrs Hilary Larkins, 22 Tipperwell Way, Howgate, Midlothian, EH26 8QP, which was registered on 2 October 2015 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Change of use from agricultural land to private garden ground (retrospective) at Land North Of 22 Tipperwell Way, Penicuik,

in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	PDR71585 1:1250	02.10.2015
Illustration/Photograph		02.10.2015

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

- 1. The proposed use will disrupt the established settlement boundary and damage the visual integrity of the settlement. The use is not well integrated into the rural landscape and is therefore contrary to policy RP1 of the Midlothian Local Plan.*
- 2. Due to the site levels and the plot layout, use of the land as garden ground will result in a significant increase in overlooking of the neighbouring house at 23 Tipperwell Way. The increase in overlooking will be a material loss of amenity for the adjoining property and will undermine the effective implementation of policy DP2 of the Midlothian Local Plan.*

Dated 26 / 11 / 2015

.....
Duncan Robertson
Senior Planning Officer; Local Developments
Fairfield House, 8 Lothian Road, Dalkeith, EH22 3ZN
PLEASE NOTE

If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval

required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town & Country Planning (Scotland) Act 1997 within 3 months from the date of this notice. The notice of review should be addressed to The Development Manager, Development Management Section, Midlothian Council, Fairfield House, 8 Lothian Road, Dalkeith EH22 3ZN. A notice of review form is available from the same address and will also be made available online at www.midlothian.gov.uk

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonable beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

Prior to Commencement (Notice of Initiation of Development)

Prior to the development commencing the planning authority shall be notified in writing of the expected commencement of work date and once development on site has been completed the planning authority shall be notified of the completion of works date in writing. Failure to do so would be a breach of planning control under section 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning etc (Scotland) Act 2006). A copy of the Notice of Initiation of Development is available on the Council's web site www.midlothian.gov.uk

IMPORTANT NOTE REGARDING PUBLIC ACCESS TO INFORMATION

Making an application

Please note that when you submit a planning application, the information will appear on the Planning Register and the completed forms and any associated documentation will also be published on the Council's website.

Making comment on an application

Please note that any information, consultation response, objection or supporting letters submitted in relation to a planning application, will be published on the Council's website.

The planning authority will redact personal information in accordance with its redaction policy and use its discretion to redact any comments or information it considers to be derogatory or offensive. However, it is important to note that the publishing of comments and views expressed in letters and reports submitted by applicants, consultees and representors on the Council's website, does not mean that the planning authority agrees or endorses these views, or confirms any statements of fact to be correct.