

Refuse of Planning Permission

Town and Country Planning (Scotland) Act 1997

Local Review Body
Tuesday 4 September 2018

Item No 5.5

Local Review Body: Review of Planning Application Reg. No. 17/00960/DPP

Douglas Strachan
79 High Street
Dalkeith
EH22 1JA

Midlothian Council, as Planning Authority, having considered the review of the application by Mrs Lorna McKellar, Mansfield Farmhouse, Mansfield Farm, Mayfield, EH22 5TJ, which was registered on 25 April 2018 in pursuance of their powers under the above Act, hereby **refuse** permission to carry out the following proposed development:

Planning Permission in principle for the erection of 3 dwellinghouses at Land Adjacent to Mansfield, Dalkeith, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	3.01 1:1250	07.12.2017
Site Plan	3.02 1:500	07.12.2017
Site Plan	3.03 1:200	07.12.2017
Proposed Cross Section	3.04 1:200	07.12.2017
Illustration/Photograph	3.05	07.12.2017
Design and Access Statement		07.12.2017

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

- 1. The proposed development is sited outside the identified settlement boundary with no justification for residential development within the countryside and so the proposal is contrary to policy RD1 of the adopted Midlothian Local Development Plan 2017.*
- 2. The proposed layout and house type appear urban in character and do not reflect the rural surroundings or character of the site and are therefore contrary to policy DEV6 of the adopted Midlothian Local Development Plan 2017.*
- 3. It has not been demonstrated to the satisfaction of the Planning Authority that the proposal would not result in the loss of a number of mature trees which contribute positively to the character and appearance of this countryside*

area, contrary to policies DEV7 and ENV7 of the adopted Midlothian Local Development Plan 2017.

4. *It has not been demonstrated to the satisfaction of the Planning Authority that the proposal would provide adequate private garden ground for the occupants, contrary to policy DEV6 of the adopted Midlothian Local Development Plan 2017.*
5. *The proposal presents a significant threat to road safety given the poor vehicular and pedestrian access.*

The Local Review Body (LRB) considered the review of the planning application at its meeting of 20 June 2018. The LRB carried out a site visit on the 20 June 2018.

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

Development Plan Policies:

1. DEV6 Midlothian Local Development Plan – Layout and design of new development
2. DEV7 Midlothian Local Development Plan – Landscaping in new development
3. IT1 Midlothian Local Development Plan – Digital infrastructure
4. RD1 Midlothian Local Development Plan – Development in the countryside
5. ENV7 Midlothian Local Development Plan – Landscape character
6. IMP1 Midlothian Local Development Plan – New development
7. IMP2 Midlothian Local Development Plan – Essential infrastructure required to enable new development to take place

Material considerations:

1. The individual circumstances of the application site.

Dated: 20/06/2018



Peter Arnsdorf
Planning Manager (Advisor to the Local Review Body)
Communities and Economy
Midlothian Council

On behalf of:
Councillor R Imrie
Chair of the Local Review Body
Midlothian Council

NOTICE TO ACCOMPANY REFUSAL ETC.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on refusal of planning permission or on the grant of permission subject to conditions, or

Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under section 43A(8)

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the town and Country Planning (Scotland) Act 1997.

Advisory note:

If you have any questions or enquiries regarding the Local Review Body procedures or this decision notice please do not hesitate to contact Peter Arnsdorf, Planning Manager tel: 0131 2713310 or via peter.arnsdorf@midlothian.gov.uk