

DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development and Regeneration

1	DESCRIPTION
----------	--------------------

Erection of a house, garage and associated works at The Paddocks, Leyden Road, Kirknewton

2	DETAILS
----------	----------------

Reference no.	<u>0864/FUL19</u>	Owner of site	Mr & Mrs Crombie
Applicant	Mr & Mrs Crombie	Ward & local members	East Livingston & East Calder Councillor Damian Timson Councillor Frank Anderson Councillor Carl John Councillor Dave King
Case officer	Steven McLaren	Contact details	01506 282404 <u>steve.mclaren@westlothian.gov.uk</u>

Reason for referral to Development Management Committee: Referred by Councillor Dave King

3	RECOMMENDATION
----------	-----------------------

Refuse planning permission

4.	DETAILS OF THE PROPOSAL AND BACKGROUND
-----------	---

- 4.1 Planning permission is sought for the construction of a substantial two storey detached house and double garage on a plot of land off Leyden Road and approximately 800m to the south west of Kirknewton. The site currently contains an existing stable block, hard standing and open grass land to the rear.
- 4.2 The house has a gross floor area of approximately 345sqm (3,717sqft) and comprises 5 bedrooms with 3 en-suite on the first floor, 4 public rooms on the ground floor, a large kitchen leading to a conservatory, a large double height entrance hall with feature staircase, small office and separate bathroom.
- 4.3 The proposed house would benefit from a first floor balcony and be finished in natural slate, render and stone cladding. The house is orientated facing west towards Leyden Road where the existing access to the site will be relocated to align with the front of the property and the house will be set some 30m into the site from Leyden Road.

- 4.4 The existing stable block is some 166sqm in size and lies towards the northern edge of the application site. The stable block, which was granted planning permission on 18/1/05, is finished in white render with a slate roof and will remain in situ. The existing hard standing at the site is larger than that granted in 2005 and the house, driveway and front garden area would be constructed on this existing hard standing. The rear garden would extend into the open grass area to the rear and screen planting is proposed predominately on the southern boundary of the site.
- 4.5 There have been six previous applications to develop this site which, are detailed in the table below:

0746/FUL/96	Change of use from agricultural land to animal sanctuary	Granted 19/9/96
1038/FUL/04	Erection of stables and associated facilities	Withdrawn 21/10/04
1456/FUL/04	Erection of stable and associated facilities	Granted 18/1/05
0132/FUL/10	Establishment of an equestrian stud, erection of a house with office accommodation and double garage	Withdrawn 27/4/10
0189/FUL/10	Formation of 20 horse box livery with hay shed, tack units and car parking	Refused 8/9/11
0810/FUL/10	Establishment of an equestrian stud business and erection of a house, incorporating stud office accommodation and erection of a double garage	Refused 25/8/11

- 4.6 Planning application 0810/FUL/10 above is of the greatest relevance and was refused on the grounds of an unjustified intrusion into the countryside, an adverse impact on the appearance and character of the locality and that the proposed house was too large and of an inappropriate design for the setting, being an incongruous element in the countryside.

5. REPRESENTATIONS

- 5.1 There has been 1 representation received.
- 5.2 A summary of the representation is set out in the table below:

Comments	Response
<ul style="list-style-type: none"> The scale of the property is inappropriate. 	<ul style="list-style-type: none"> It is agreed that the scale of the house is unnecessary and out of character with other properties in the area and would result in an incongruous element in the countryside.
<ul style="list-style-type: none"> A single storey house would be more appropriate. 	<ul style="list-style-type: none"> There is no justification for a house on this site regardless of its scale.
<ul style="list-style-type: none"> There is an outstanding enforcement order on land to the north. 	<ul style="list-style-type: none"> Enforcement action was taken regarding the importation of material on land to the north of the site (Ref: ENF/0033/12). An enforcement notice was issued on 13/7/13 requiring the material to be removed. A challenge to the enforcement notice was dismissed at appeal. The material has not been removed and it was not in the public interest to pursue the matter through the Procurator Fiscal or incur expense through direct action. Since that time, vegetation is becoming established and the site is greening up.

6. CONSULTATIONS

6.1 This is a summary of the consultation received. The full documents are contained in the application file.

Consultee	Objection?	Comments	Planning Response
Transportation	No	Technical comments made regarding sight lines and impact on visibility.	Noted. If granted, suitable conditions can be used to ensure compliance.
Edinburgh Airport	No	Does not conflict with safeguarding criteria	Noted.
Education	No	Contributions required	Noted. If granted, developer contributions will require to be secured through S69 or S75 process.
Environmental Health	No	No comments received	There and no adjacent uses or operations which adversely affect the amenity of the site.
Flood Risk Management	No	Technical comments made regarding the use of soakaways and the heavy nature of West Lothian soils to cope.	Noted. If granted, drainage from the site will require to be installed to the satisfaction of the council and SEPA.

7. ASSESSMENT

7.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

7.2 The development plan comprises the Strategic Development Plan for South East Scotland (SESplan) and the West Lothian Local Development Plan, 2018.

7.3 The relevant development plan policies are listed below:

Policy	Policy Summary	Assessment	Conform?
West Lothian Local Development Plan, 2018 (LDP) DES1 – Design Principle	This policy seeks to protect residential and visual amenity for neighbours and the surrounding area. Proposed developments are required to take into account the local context and built form and should have no significant adverse impact on the local community. Poorly designed developments will not be supported and the development proposals must also accord with any other relevant policies and proposals in the development	The scale, massing and design of the house is out of keeping with the countryside setting and out of character with the scale and design of houses in the vicinity. The house would therefore appear as an incongruent element in the countryside, being in a prominent location on Leyden Road.	No

	plan.		
West Lothian LDP ENV2 – Housing Development in the Countryside	<p>This policy sets out criteria under which housing development in the countryside will be permitted. Only development which meets this criteria and does not impact adversely on the established landscape character will be considered acceptable.</p> <p>The detailed requirements of statutory guidance 'Development in the Countryside' will apply.</p>	The application has been submitted against the criterion relating to the restoration of a brownfield site. Whilst the site is brownfield in that it has previously been developed, it is not visually intrusive and does not meet the test in the statutory SG for re-development.	No

7.4 The determining issues in relation to this application are set out below:

Non-compliance with statutory supplementary guidance and impact on the visual character and context of the countryside.

- 7.5 The applicant seeks planning permission to construct a house on an area of hard standing located within the countryside. The justification for the house is the re-development of a brownfield site.
- 7.6 Policy ENV2 and the approved statutory Supplementary Guidance (SG) (Development in the Countryside) are of primary consideration. Also of relevance are recent appeal decisions relating to the construction of houses in the countryside.
- 7.7 Before considering the scale and design of the proposed house, the principle must be established. Policy ENV2 sets out that housing development in the countryside will only be permitted where the proposal provides for the restoration of a brownfield site where there is no realistic prospect of it being returned to agriculture or woodland use and the site has no significant natural heritage value in its current condition.
- 7.8 The site has no natural heritage value but it would be possible to grub up the hard standing and return it to either grazing land or to carry out tree planting.
- 7.9 ENV2 also sets out other qualifying criteria for the construction of a house in the countryside. These relate to the replacement of an existing house which is of poor design or poor structural condition; infilling a gap of single plot size between existing houses; the conversion or rehabilitation of existing rural buildings or development which is supported by the council's lowland crofting policy. The development does not meet these criteria and therefore the development does not accord with policy ENV2 of the LDP.

- 7.10 The proposal is also required to comply with the statutory SG as set out in policy ENV2. For the re-development of rural brownfield sites, applications are scrutinised thoroughly and it must be shown that the development meets nine tests (attached as an appendix to this report).
- 7.11 The SG is also explicit in that the underlying justification for making an exception to the general planning policy is to secure the removal of inappropriate buildings and to improve the visual and environmental amenity of the countryside. It also clarifies that residential development will only be supported on rural brownfield sites which have previously been occupied by substantive buildings. If a site has never accommodated buildings, such as a storage yard, then only appropriate non-residential uses will be considered.
- 7.12 Considering the proposals against each of the nine tests in the SG, item F is the only criteria where the proposed development does not fail. The development therefore fails on the remaining eight points and therefore does not meet the defining criteria set out in the council's adopted statutory planning guidance.
- 7.13 Turning to the design, and policy DES1, the policy requires that all development proposals will take account of and be integrated with the local context and built form. The proposed house being 345sqm in size and 8.6m high over two storeys is substantially larger than the houses immediately adjacent to the site and visible from Leyden Road, being traditional single storey cottages or farm houses.
- 7.14 The fenestration adopted for the window design and the overall appearance of the house is inappropriate. It is an unjustified intrusion into the countryside, resulting in an adverse impact on the appearance and character of the locality, impacting adversely on the context of the area and being an incongruous element in the countryside. The proposal does not therefore accord with policy DES 1 of the LDP
- 7.15 A recent appeal decision for planning application 1197/FUL/18 for the construction of three houses at Wester Woodside Farm, Torphichen is of material consideration. The proposal was for the re-development land which contained modern farm buildings and a silage pit. The applicant sought permission on the basis that the land was brownfield and that the removal of redundant buildings and silage pit was in line with council policy.
- 7.16 The council refused permission on the basis that the development did not meet any of the exemption criteria for this type of development and refused permission as the development did not comply with policies ENV2 and DES1. The Reporter concluded that the development did not accord with the development plan and the appeal was dismissed.
- 7.17 Appeals have also been dismissed at Oakwell (Ref: 0260/FUL/17) and Rosend (Ref: 0993/P/18) by Philpston as being contrary to the council's countryside and design policies.

8. CONCLUSION AND RECOMMENDATION

- 8.1 The principle, scale, massing and appearance of the proposed house is out of keeping with the context of the countryside setting and whilst the majority of the application site is technically brownfield, in that there is existing hardstanding, it is not intrusive and has previously been developed, it does not meet the exception criteria which would allow for the re-development of the site for a house.
- 8.2 Allowing the site to be developed as proposed would set an undesirable precedent for other similar sites within the district, to the detriment of the West Lothian countryside. Recommendation is therefore to refuse planning permission.

9. BACKGROUND REFERENCES & ATTACHMENTS

- Draft Reasons for Refusal
- Location Plan
- Aerial Plan
- Supplementary Guidance 9 Tests
- Approved Stable Block & Layout
- Proposed Site Plan
- Elevations
- Floor Plan
- Local Member Referral Form
- Representation

Craig McCorriston
Head of Planning, Economic Development and Regeneration Date: 13 November 2019

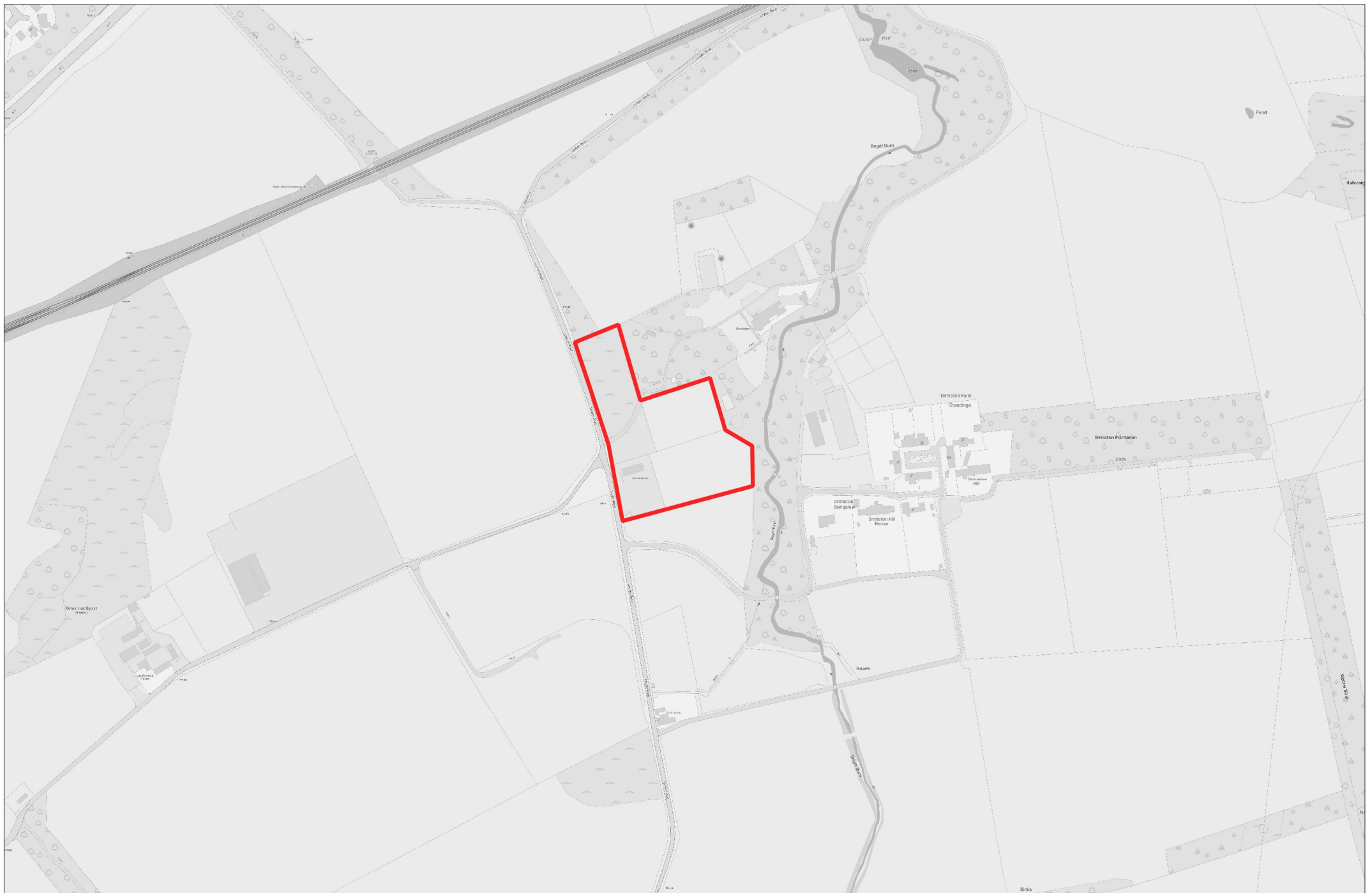
Draft reason for refusal.

1. The development site lies outwith the settlement envelope of Kirknewton and constitutes the development of a house in the countryside. Housing development is only permitted under certain exemption criteria and the proposal does not meet this criteria. The site is not an infill site nor brownfield land that would be improved by the proposed development.

The proposal is therefore an unjustified intrusion into the countryside of this part of West Lothian which, if approved, will have an adverse impact on the appearance and character of the locality and set an undesirable precedent for other similarly unsuitable developments in the locality and elsewhere in West Lothian. Moreover, the proposed scale and design of the house and garage is too large and of an inappropriate design for the setting and would be an incongruous element that is out of keeping with the rural character of the area.

The proposal is therefore contrary to the following policies of the development plan and local guidance:

ENV2 (housing development in the countryside) of the West Lothian Local Development Plan, 2018;
DES1 (design principles) of the West Lothian Local Development Plan, 2018 and Statutory Supplementary Guidance 'Development in the Countryside (2018)'.





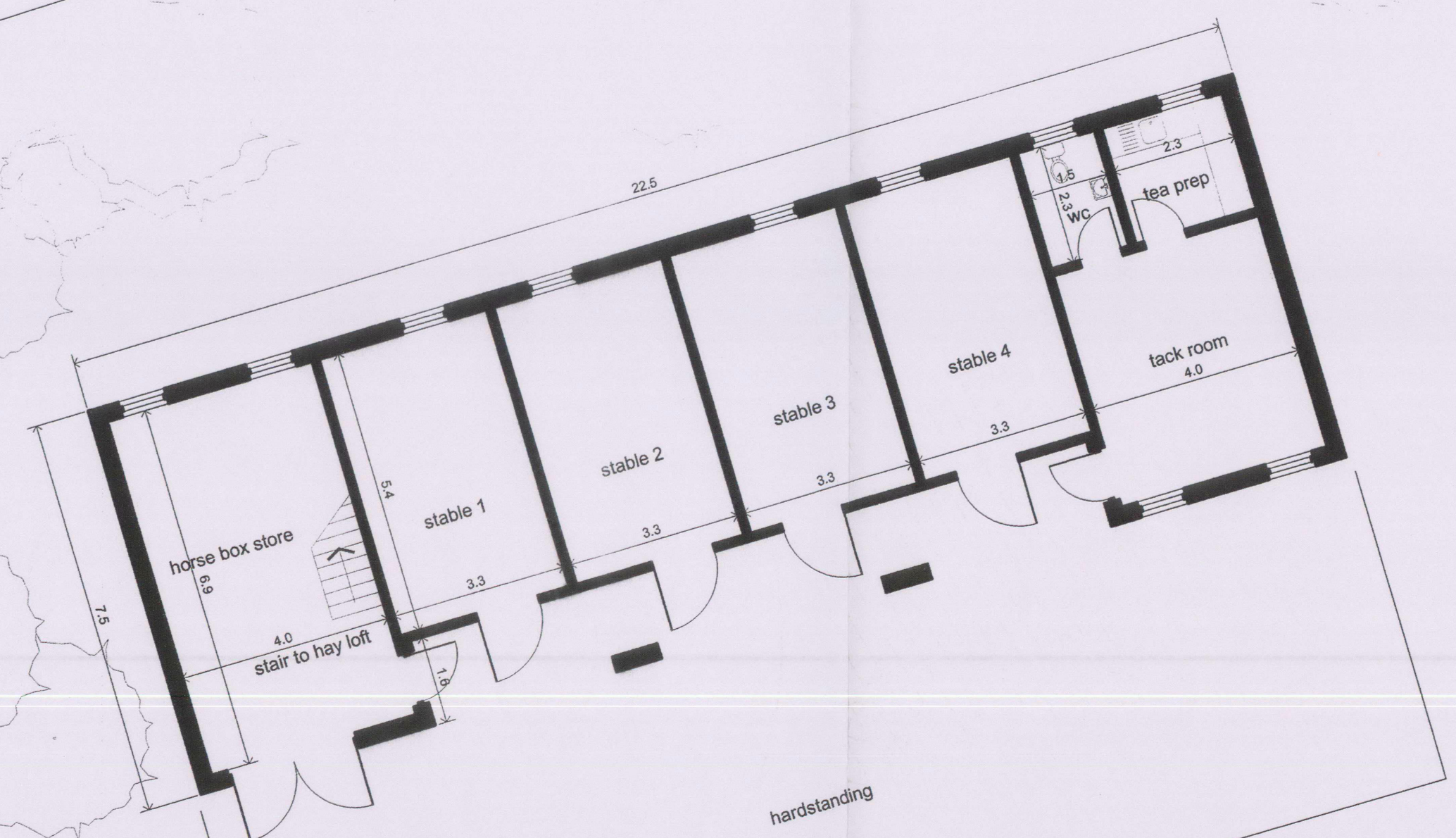
Supplementary Guidance test for housing in the countryside

Justification

38. All applications for planning permission to re-develop a rural brownfield site will be scrutinised thoroughly, and in the first instance it will be necessary for applicants to satisfactorily demonstrate that:

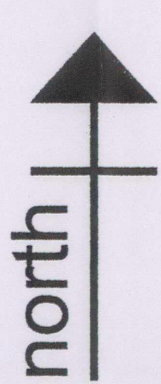
- ☐ A the site is no longer required for its original purpose;
- ☐ B the site is significantly visually and/or environmentally intrusive;
- ☐ C the site has been significantly degraded by a former activity to the point where it can no longer be used productively without substantial investment and remediation;
- ☐ D existing buildings are beyond economic repair and retention;
- ☐ E there is no realistic prospect of the site being returned to agricultural land or woodland;
- ☐ F the site has negligible ecological or biodiversity value and re-development proposals will have no adverse impact on biodiversity (including the European wide network of protected Natura 2000 sites, Sites of Special Scientific Interest (SSSI), Special Areas of Conservation (SAC), Special Protected Areas (SPAs), protected species, or features which make a significant contribution to the cultural and historic landscape value of the area;
- ☐ G there will be significant environmental, visual and/or community benefits to be had by redevelopment as opposed to retaining the site in its current state;
- ☐ H the proposal takes account of the LDP's sustainability strategy; and
- ☐ I the site meets all of the planning and environmental criteria set out in policies ENV 1, ENV 2, ENV 3, ENV 4, ENV 7, EMP 3, EMP 7 and DES 1 of the LDP.

Note:
 1. No dimensions to be scaled from this drawing.
 2. Contractor to check all sizes on site.
 3. All drainage to comply with BS 8301 and to be to the satisfaction of the Building Control Authority.
 4. All electrical work to comply with BS7671 and to be to the satisfaction of the Building Control Authority.

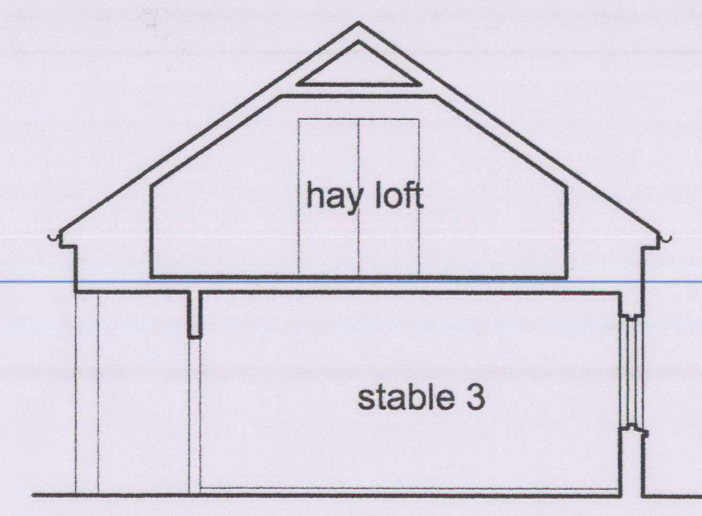


Outline Specification:
 Roofs: Natural or synthetic slate
 Walls: Wet dash Harling
 Windows: Traditional timber sash and case
 doors: Timber faced

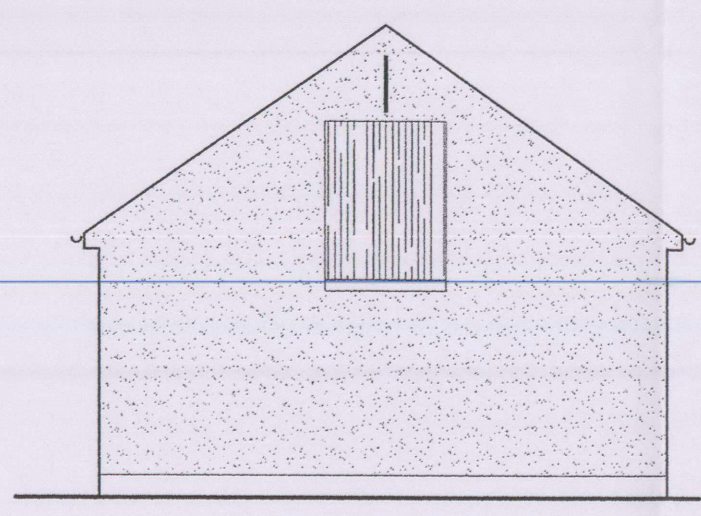
site plan @ 1:200



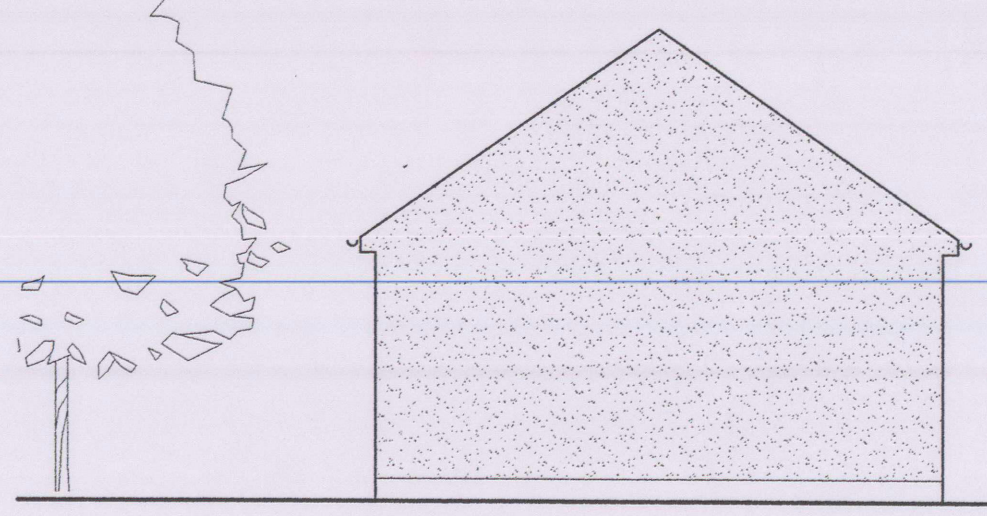
Proposed tree species:
Fagus Sylvatica Beech
Fraxinus Excelsior Ash
Quercus Robur Oak
Betula Pendula Birch
Sorbus Aucuparia Rowan
Pinus Sylvestris Scots Pine



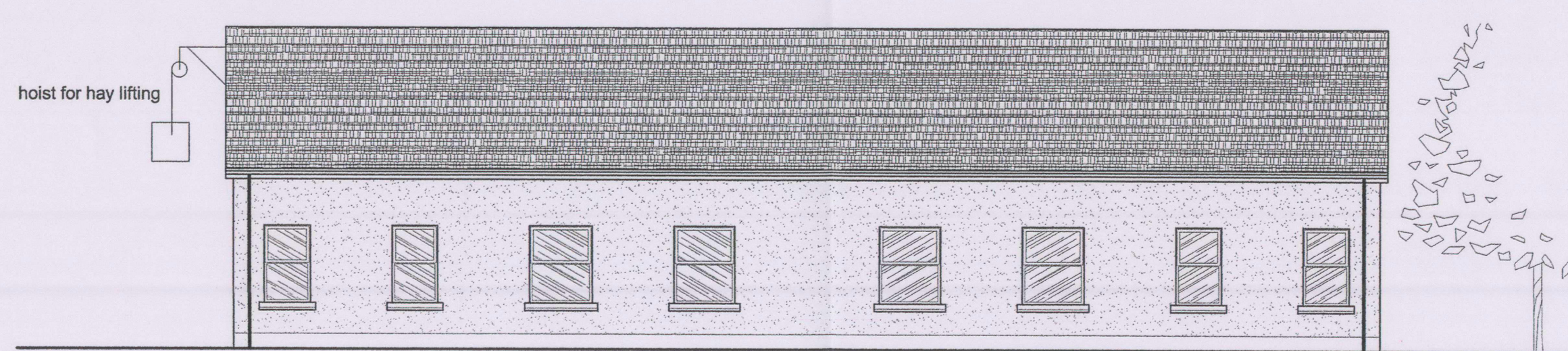
section 1-1 and 2-2 @ 1:100



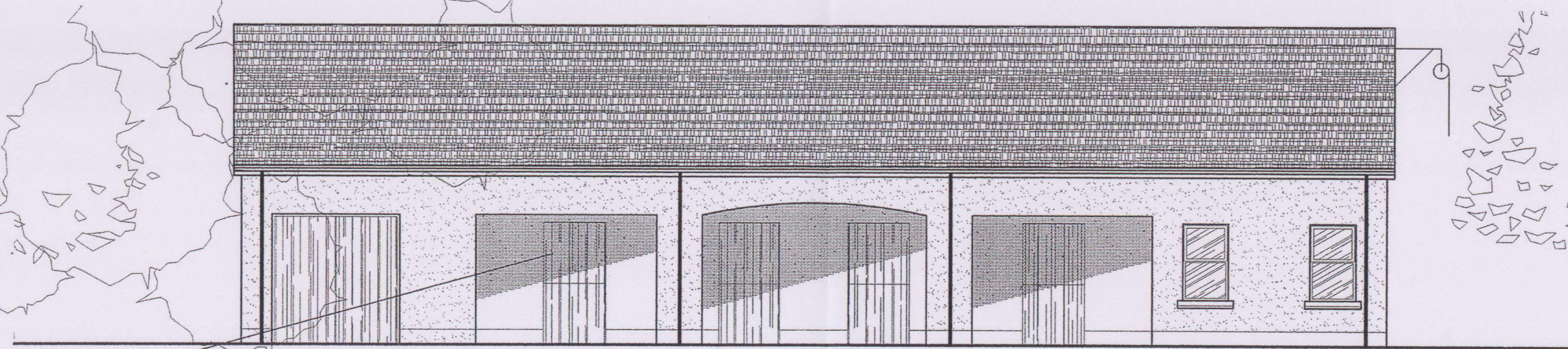
east gable elevation @ 1:100



west gable elevation @ 1:100

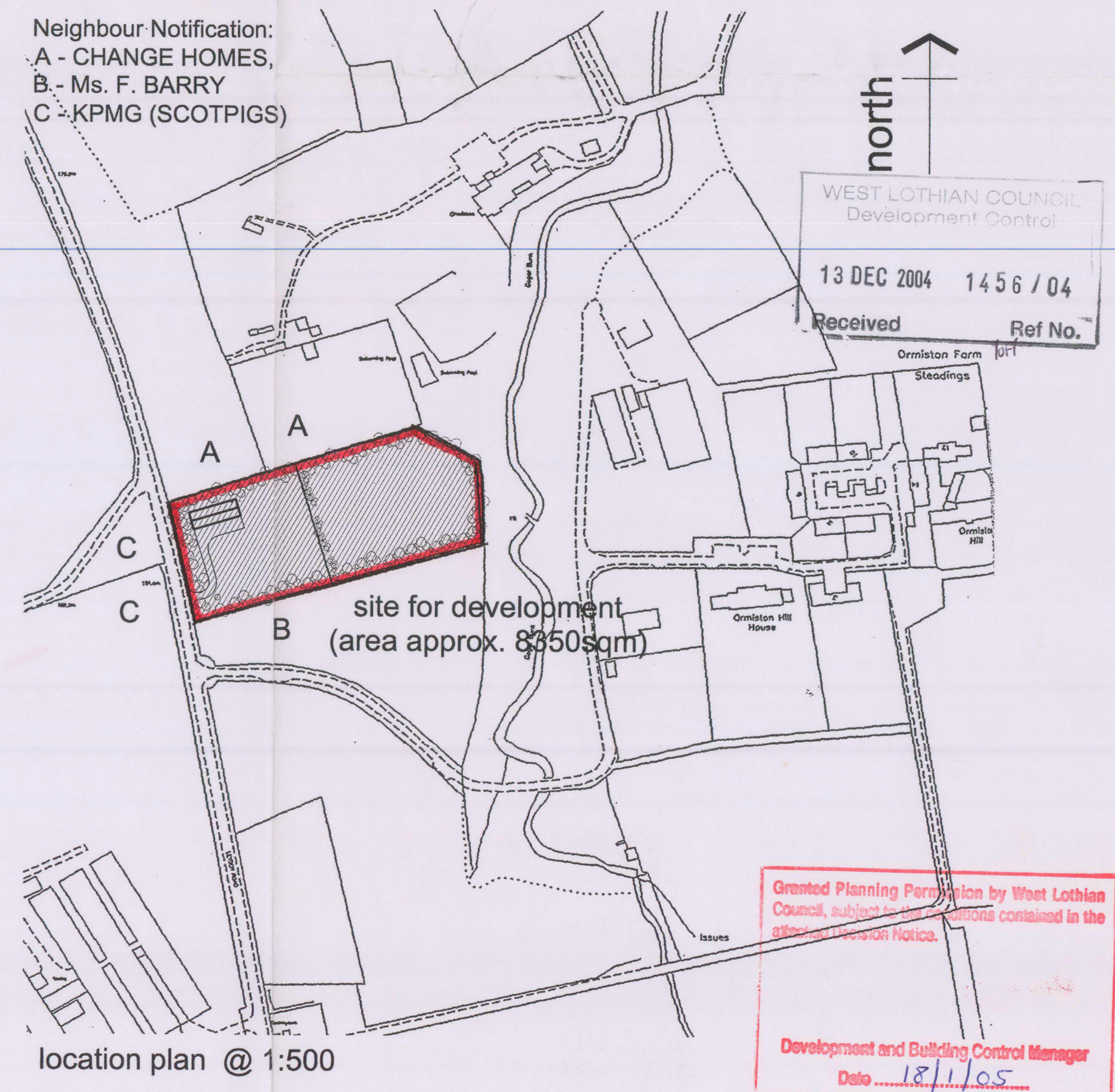


north elevation @ 1:100



front elevation (courtyard) @ 1:100

ground floor plan @ 1:100



location plan @ 1:500

Project: PROPOSED ERECTION OF STABLES & ASSOCIATED FACILITIES AT LAND AT LEYDON RD., KIRKNEWTON		Client: MR. B. GILFINNAN	
Drawing Title: PROPOSED PLAN, SECTIONS & ELEVATIONS, SITE & LOCATION PLANS		Scale: 1:100/1:200	
Revision:	Project/Drawing Number: 1060/sk05 rev A	Date: 04.11.04	Drawn by:

AREA - 19134.5 Sq. m
ACRE - 4.7
HA - 1.9

Screen Trees - Pyrus calleryana
'Chanticleer' (pear)

Avenue Trees to Drive
- Tilia Cordata
'Greenspire' (Lime)

Driveway area Tree - Prunus serrulata
(Cherry blossom)

Specimen trees groups - Betula
Pendula (Birch)

Site enclosure Hedge - Carpinus
(Hornbeam)

Establishment Maintenance

Specimen trees and others
8 visits to check and adjust ties and stakes; 1 fertiliser (450gm/tree);
1 prune to crown, weed and edge 1m diameter circle at base; watering
to field capacity in periods of drought as required

Hedging
8 Visits to weed and aerate trench; 1 fertiliser (35gm/m2); 1 trim to top
and sides; 2 firm ups; treat for aphid from leaf break; 1 visit to top up
and regulate mulch; watering to field capacity in periods of drought as
required.

Herbaceous planting
8 visits for hadn weeding and forking; 1 fertiliser; 1 pruning; 1 top up
bark mulch; watering to field capacity in periods of drought as required.
Amenity grass
16 cuts and trims to edges; 1 edge with half round iron; 2 fertiliser
(35gm/m2); 2 spike aerations; 1 selective herbicide if required

Site Wide
12 visits to lift litter and debris from landscaped areas

New Access road formed from
centre of yard including stone
wall and piers with timber gate

Access to existing stables
maintained

Existing yard to be given
over to garden ground
access driveway

Access to office from stables

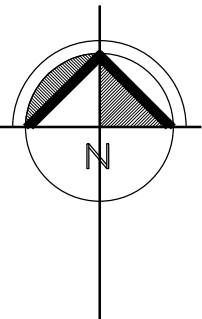
Patio / outdoor sitting area

Drying area

Proposed screen tree planting
along southern edge of site
ownership to ensure any
impact on existing country
scape is minimized, refer to
planting specification

Paddock

SITE AREAS	
-EXISTING-	
Total Area -	19134 Sqm or 1.91 Ha
Yard Area -	2611 Sqm or 0.26 Ha
Paddock Area -	6074 Sqm or 0.60 Ha
Brownfield Area -	8685 Sqm or 0.868 Ha
Stables Area -	167 Sqm or 1797Sqft
Green space Area - (total minus yard)	16523 Sqm or 1.65 Ha
Green Percentage -	86%



2
NTS Existing
Site Aerial



1
1:250 Proposed
Site Plan

REV.	DATE	DRAWN	DESCRIPTION			
REVISIONS						
02	4	10	20	40	80	100
1	3	5	15	30	60	120

CLIENT: Mr Joseph Crombie

JOB: Proposed New Dwelling

The Stables, Leyden Road

DRAWING: Proposed Site Plan

DRAWN: JOB NO 0047 DR NO PL04

DATE Aug 19 REV. SCALE 1:250

ROBERTSON ARCHITECTURE
& DESIGN

RAD

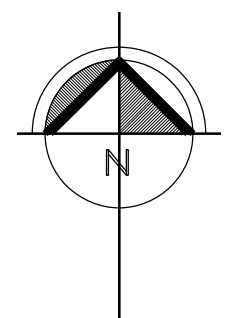
This drawing and its data are the copyright of Robertson Architecture and Design
and must not be used for any purpose other than that for which it is intended.
Please do not scale from these drawings, all dimensions to be site sized.



3 Proposed
1:100 Side Elevation 1 (South)



4 Proposed
1:100 Side Elevation 2 (North)



2 Proposed
1:100 Rear Elevation



1 Proposed
1:100 Front Elevation

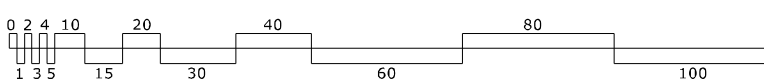


Materials key

- 1 Through coloured white scraped texture render
- 2 'Cupa Heavy 3' Natural slate to match existing
- 3 RAL 7016 Anthracite UPVC windows
- 4 RAL7016 painted timber soffit / barge boards
- 5 Rainwater goods to be black UPVC to match existing
- 6 'Velux' GGL roof windows
- 7 Natural stone quoins

REV.	DATE	DRAWN	DESCRIPTION
------	------	-------	-------------

REVISIONS

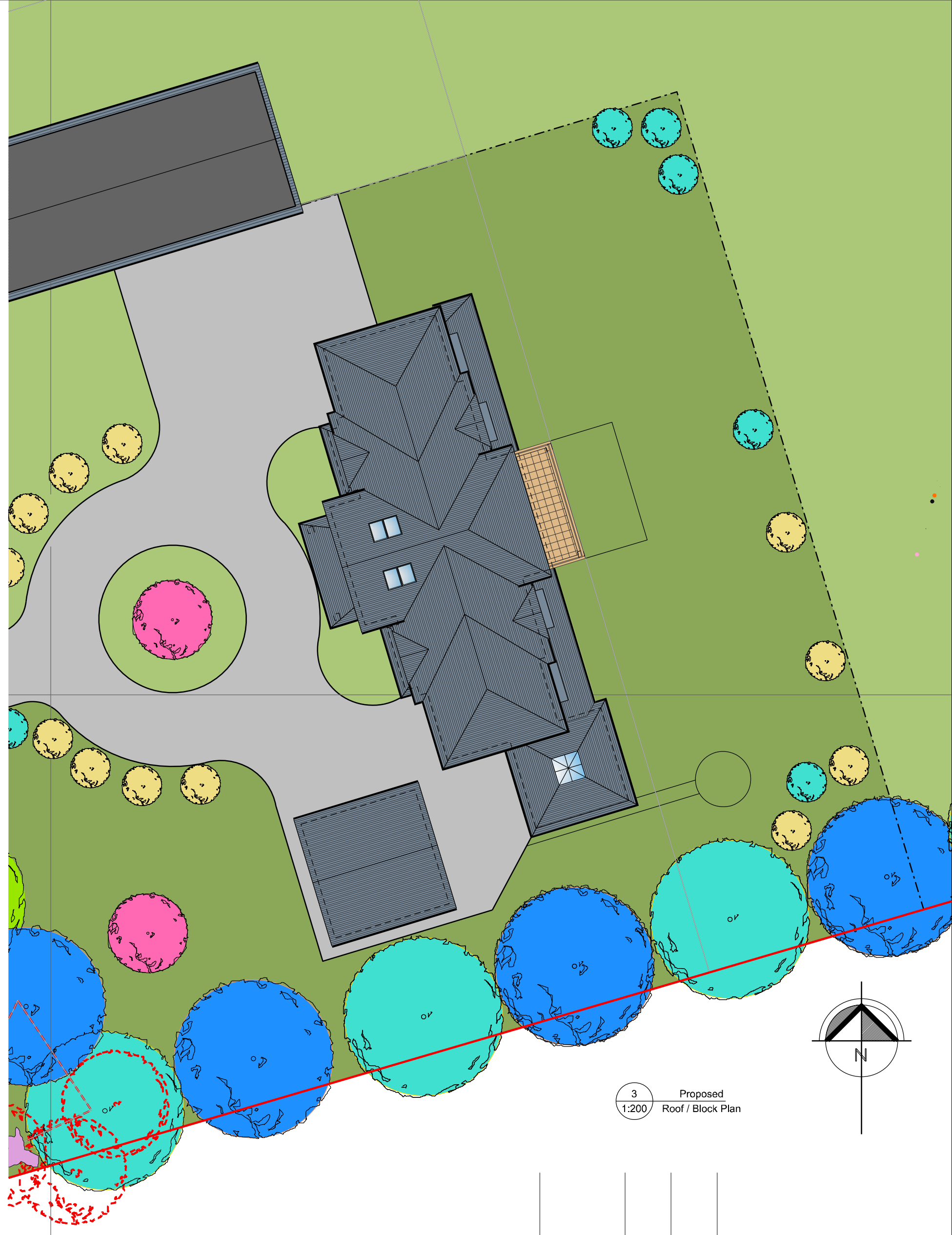
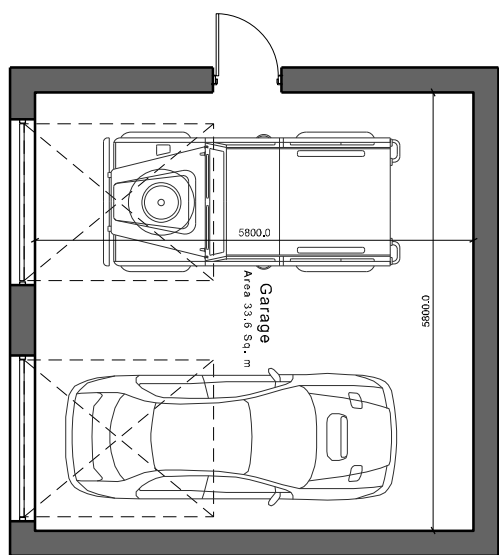
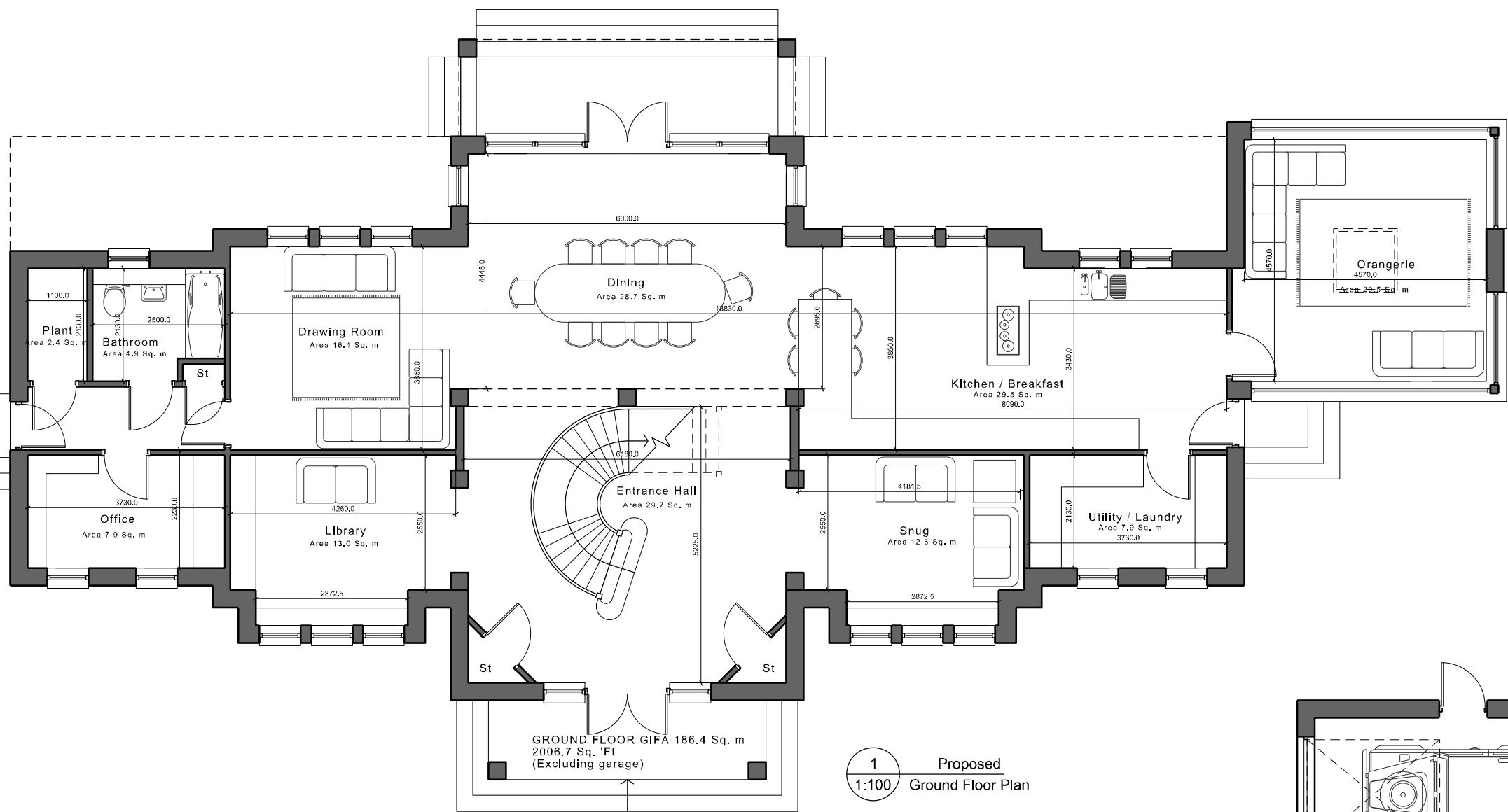
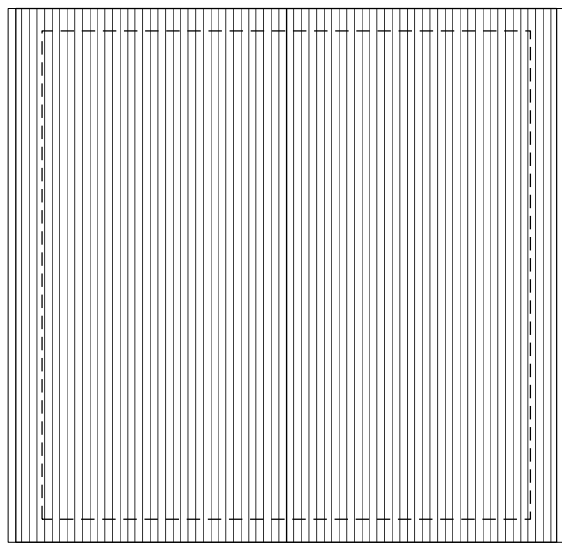
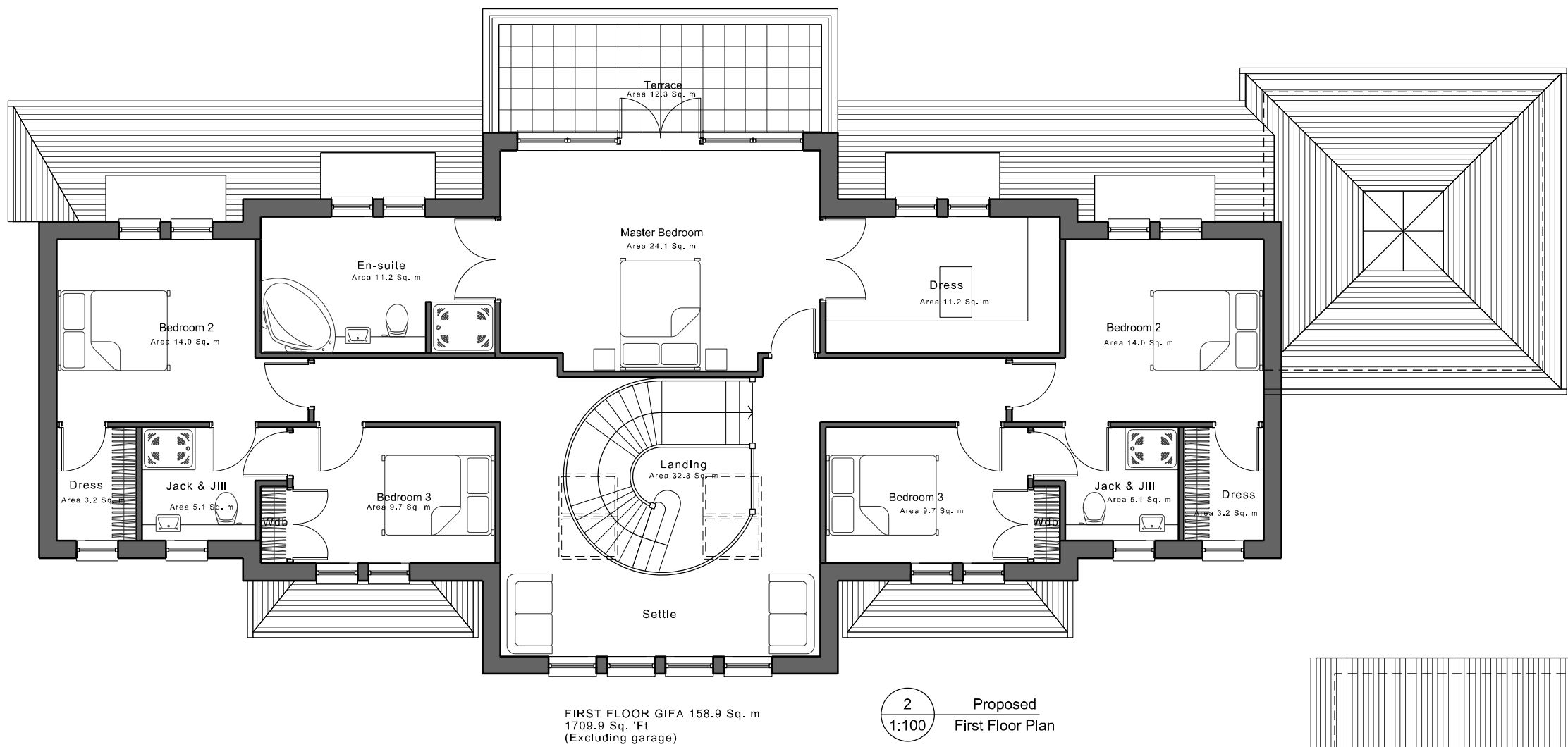


CLIENT:	Mr Joseph Crombie
JOB:	Proposed New Dwelling
	The Stables, Leyden Road
DRAWING:	Proposed Elevations
DRAWN:	JOB NO 0047
DATE:	Aug 19
REV.	SCALE: 1:100



ROBERTSON ARCHITECTURE & DESIGN

This drawing and its data are the copyright of Robertson Architecture and Design and must not be used for any purpose other than that for which it is intended. Please do not scale from these drawings. All dimensions to be site sized.

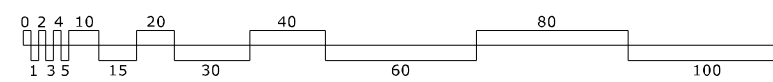


Materials key

- ① Through coloured white scraped texture render
- ② 'Cupa Heavy 3' Natural slate to match existing
- ③ RAL 7016 Anthracite UPVC windows
- ④ RAL7016 painted timber soffit / barge boards
- ⑤ Rainwater goods to be black UPVC to match existing
- ⑥ 'Velux' GGL roof windows
- ⑦ Natural stone quions

REV. DATE DRAWN DESCRIPTION

REVISIONS



CLIENT: Mr Joseph Crombie
JOB: Proposed New Dwelling
The Stables, Leyden Road
DRAWING: Proposed Floor Plans
DRAWNER: JOB NO 0047 DR NO PL07
DATE Aug 19 REV. SCALE 1:100



ROBERTSON ARCHITECTURE
& DESIGN

This drawing and its data are the copyright of Robertson Architecture and Design and must not be used for any purpose other than that for which it is intended. Please do not scale from these drawings, all dimensions to be site sized.



West Lothian
Council

Planning Services
Development Management Committee

☒ LOCAL MEMBER REFERRAL REQUEST ☒

Members wishing a planning application to be heard at the Development Management Committee must complete and return this form to Development Management within 7 days.

The planning application details are available for inspection on the council's web site at <http://planning.westlothian.gov.uk/WAM133/searchsubmit/performanceOption.do?action=search>

<u>Application Details</u>	<u>Reason For Referral Request</u> (please tick ✓)
Application Reference Number 0864/FUL/19.....	Applicant Request ✓
Site Address The Paddocks, Kirknewton, West Lothian, EH27 8DW	Constituent Request <input type="checkbox"/>
Title of Application Erection of a house, garage and associated works	Other (please specify) <input type="checkbox"/>
Member's Name Cllr ...Dave King.....	
Date 15 Oct 2019.....	

Comments for Planning Application 0864/FUL/19

Application Summary

Application Number: 0864/FUL/19

Address: The Paddocks Kirknewton West Lothian EH27 8DW

Proposal: Erection of a house, garage and associated works

Case Officer: Steven McLaren

Customer Details

Name: Mr Andrew Coutts

Address: 1 Latch Farm Cottages KIRKNEWTON

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment:1) I have no problem at all with a home on this site; but I do think the scale of the proposed building will be a blot on the landscape. Given the area of land available to the applicant there is no need for a 2 storey building. The same accommodation could be contained within a single storey building (ie ground floor only) and still leave a huge amount of land untouched.

2) I note with interest that the applicant gives a local address. The Royal Mail does not seem to know about it as far as I can ascertain.

3) I understand that part of the land involved in this application (the strip of land running north along Leyden Road) still has a Planning Enforcement order on it which has not been enforced. as yet.