



WEST LoTHIAN COUNCIL (PLANNING)

Report by Head of Planning, Economic Development & Regeneration

1 DESCRIPTION AND LOCATION

- 1.1 Planning permission in principle for a 12.3 ha residential development with associated infrastructure, landscaping and engineering works at land at Burnhouse Farm, Dechmont

2 DETAILS

Reference no.	0241/P/22	Owner of site	Mr and Mrs Meikle
Applicant	Springfield Properties Plc	Ward & local members	Broxburn, Uphall and Winchburgh Cllr Diane Calder Cllr Janet Campbell Cllr Ann Davidson Cllr Angela Doran-Timpson
Case officer	Gillian Cyphus	Contact details	01506 282408 gillian.cyphus@westlothian.gov.uk

3 PRE-DETERMINATION HEARING

- 3.1 West Lothian Council Planning Committee has heard a report prepared by the Head of Planning, Economic Development & Regeneration relating to an application for planning permission in principle for residential development at Burnhouse Farm, Dechmont. The decision on a major development such as this, which is significantly contrary to the development plan, can only be discharged by the full council and not by a committee of the council.

4 SUMMARY AND CONCLUSIONS

- 4.1 This is an application for planning permission in principle for residential development and associated works on a 12.3ha site immediately to the north of Dechmont. The site is attractive open countryside outwith the settlement boundary. It is designated as a Special Landscape Area (SLA) in the adopted West Lothian Local Development Plan (LDP) 2018, with a small section of the site being located within the Livingston Countryside Belt. The site is not allocated for residential development in the adopted LDP and would extend urban development into a part of the countryside which is subject to special protection by its designation as an SLA.
- 4.2 The applicant argues that there is not an effective five year housing land supply and this is justification to allow a departure from the development plan and that recent decisions in the Court of Session quashing changes to SPP and Planning Advice Note 1/2020

(PAN 1/2020) support this. The council does not accept that there is a housing land supply shortage.

- 4.3 The housing land requirements in the development plan are out of date and it is, therefore, not possible to demonstrate a deficit in the 5 year effective housing land supply. Policy SESplan 7 and policy HOU2 in the LDP cannot therefore be invoked. Instead, significant weight should be attached to other evidence which all indicates that there is sufficient effective housing land supply within West Lothian to meet the predicted demand. The most up to date evidence of housing need and demand is HNDA3, this demonstrates a much lower level of housing demand and need than HNDA1 / SDP1 figures.
- 4.4 In summary, the proposal conflicts with the development plan (Strategic Development Plan for Edinburgh & South East Scotland and West Lothian Local Development Plan). There are no material considerations that outweigh the development plan presumption against residential development at this location.

5	RECOMMENDATION
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- 5.1 It is recommended that planning permission in principle for residential development be refused for the reasons attached to this report.

6	ATTACHMENTS
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- Draft reasons for refusal
- Location Plan

Craig McCorriston

Head of Planning, Economic Development & Regeneration

Date: 11th August 2022

Draft Reasons for Refusal

The council in exercise of its powers under the Town and Country Planning (Scotland) Act 1997 (as amended) refuses planning permission for planning application 0528/P/21, for the reason(s) set out as follows:

- 1 The proposal is contrary to Policy 1B of the Strategic Development Plan for Edinburgh and South East Scotland. The site is a greenfield site located outwith the settlement envelope of East Calder on land designated in the adopted West Lothian Local Plan as a Special Landscape Area (SLA). The proposal would constitute an unjustified intrusion into the countryside and have a significant adverse impact on the SLA.
- 2 The proposal is contrary to Policy 5 of the Strategic Development Plan for Edinburgh and South East Scotland. The site is not allocated for housing in the adopted West Lothian Local Plan. The West Lothian Local Development Plan allocates sufficient land which is capable of becoming effective to deliver the housing requirement for West Lothian.
- 3 The proposal is contrary to Policy 6 of the Strategic Development Plan for Edinburgh and South East Scotland. There is a generous supply of housing land in West Lothian and granting permission on this unallocated site would be outwith the terms of this policy.
- 4 The proposal is contrary to Policy 7 of the Strategic Development Plan for Edinburgh and South East Scotland. The site is not allocated for housing in the adopted West Lothian Local Plan and is not required in order to maintain a five year effective housing supply. The proposal would constitute an unjustified intrusion into the SLA, contrary to the aims of the designation and to the detriment of the character and amenity of the area. The proposal thus fails to meet the terms of the policy.
- 5 The proposal is contrary to Policy 13 of the Strategic Development Plan for Edinburgh and South East Scotland. The West Lothian Local Development Plan carried out a Local Landscape Designation Review in 2013 that formed the basis for the natural environment strategy set out in the plan. The site is in a Special Landscape Character (SLA) in the local development plan. The proposal would constitute an unjustified intrusion into the SLA and have a significant adverse impact.
- 6 The proposal is contrary to Policy DES 1 of the West Lothian Local Development Plan. The development of this site, which is not allocated for development and which is protected by a Special Landscape Area designation, would have a detrimental impact on the amenity of the local area.
- 7 The proposal is contrary Policy HOU 1 of the West Lothian Local Development Plan. The site is not allocated for housing in the local development plan.
- 8 The proposal is contrary to Policy HOU 2 of the West Lothian Local Development Plan. The site is not allocated for housing in the local development plan and is not required in order to maintain a five year effective housing supply. The proposal conflicts with the

purpose of the Special Landscape Area (SLA) designation and would have a significant detrimental impact on the setting of Dechmont. Furthermore, it would not contribute to sustainable development. The application fails to meet the terms of this policy.

- 9 The proposal is contrary to Policy ENV 1 of the West Lothian Local Development Plan. The site is in an area designated as a Special Landscape Area (SLA). The proposal has no locational need and would constitute an unjustified intrusion into the SLA, contrary to the aims of the designation and to the detriment of the character and amenity of the area.
- 10 The proposal is contrary to Policy ENV 2 of the West Lothian Local Development Plan. The site is located outside the settlement boundary of Dechmont where there is a presumption against development except in limited circumstances where development is compatible with a rural area or where there is a specific locational need. The proposed development does not meet any policy exemptions. The proposed development can be characterised as an unjustified development of a greenfield site and does not meet the criteria contained in policy ENV 2 for allowing housing development in the countryside.
- 11 The proposal is contrary to Policy ENV 4 of the West Lothian Local Development Plan as it does not meet any of the policy justifications to allow the loss of prime agricultural land.
- 12 The cumulative effect of numerous unallocated sites being promoted by developers arguing that there is a housing land supply shortage, will undermine the proper plan-making process in relation to NPF4 and housing land targets. Developing on unallocated sites, without taking account of up to date housing land targets will not lead to the right development in the right place and is contrary to paragraph 34 of SPP.
- 13 Policy INF1 in the LDP states that development will not be permitted to commence unless phasing to manage demand on infrastructure has been agreed. The developer does not agree to the phasing restrictions necessary to ensure that adequate primary education capacity is in place. The development cannot be accommodated within existing capacity and the application is therefore contrary to policy INF1 in the LDP.

