

# Development Management Sub Committee

Wednesday 9 January 2019

## Application for Planning Permission in Principle 18/07199/PPP

**At Kellerstain Stables, Gogar Station Road, Edinburgh  
Erection of new one-and-a-half storey dwelling house on  
Land to the North East of Kellerstain Estate on Land 40  
Metres South Of Kellerstain Lodge, Gogar Station Road,  
Edinburgh.**

Item number	4.6
Report number	
Wards	B01 - Almond

### Summary

---

The site is located in the green belt and the proposal does not involve development for agriculture, woodland and forestry, horticulture or countryside recreation. The proposal does not involve an intensification of the existing use, the replacement of an existing building with a new building in the same use, or a change of use of an existing building. There are no exceptional planning reasons for the approval of a new dwellinghouse in this location and the proposal may potentially detract from the landscape quality and rural character of the area. The proposal is contrary to policy Env 10 of the adopted Edinburgh Local Development Plan (LDP) and the Council's Guidance for Development in the Countryside and Green Belt.

### Links

---

<a href="#">Policies and guidance for this application</a>	LTRA02, NSG, NSGCGB, LDPP, LEN03, LEN07, LEN10, LEN12, LDES01, LDES05,
--	--

# Report

## **Application for Planning Permission in Principle 18/07199/PPP**

### **At Kellerstain Stables, Gogar Station Road, Edinburgh Erection of new one-and-a-half storey dwelling house on Land to the North East of Kellerstain Estate on Land 40 Metres South Of Kellerstain Lodge, Gogar Station Road, Edinburgh.**

## **Recommendations**

---

1.1 It is recommended that this application be Refused for the reasons below.

## **Background**

---

### **2.1 Site description**

The site consists of an area of land covering 0.13 hectares situated on the southern side of a single lane access road leading from Gogar Station Road to Kellerstain House. Kellerstain House itself is located 200 metres to the south west of the junction between the access lane and Gogar Station Road.

The layout of the site tapers in width as it progresses northwards, with the southern boundary measuring 26.5 metres in width and the site continuously narrowing to a point in its north eastern corner. The surrounding area predominantly consists of countryside with open fields situated directly to the east, south and west. Kellerstain Lodge House, a category B listed building (listing reference: LB27299, listing date: 14/06/1991), is located directly to the north of the site on the opposite side of the access road. A tree belt delineates the boundary between the site and an open field to the east.

The southern half of the site consists of a section of hardstanding for vehicle manoeuvring and two structures, a garage and a smaller pitched roof storage shed. Both structures consist of timber exteriors and slate effect roof tiles. The northern section of the site is predominantly grass and mature trees.

The site is located in the Green Belt.

### **2.2 Site History**

12 November 2002 - Planning permission granted in retrospect for the erection of a hay shed and stables/garden machinery store (application reference: 02/02682/FUL).

1 May 2014 - Planning permission refused for the construction of a two storey house to replace a timber clad shed, four car garage building and car park (application reference: 14/00748/FUL).

22 May 2018 - Planning permission in principle refused for the construction of a one and a half storey dwellinghouse. The initial decision was upheld by the Local Review Body in August 2018 (application reference: 17/06030/PPP).

## **Main report**

---

### **3.1 Description Of The Proposal**

The proposal seeks planning permission in principle for the demolition of the two existing timber structures situated on the site and the construction of a new residential detached dwellinghouse. The indicative plans denote that the proposed house and garage would have a floor area of 260 square metres.

#### Supporting Documents

The applicant has submitted the following supporting document which is available to view online via Planning and Building Standards Online Services:

- Supporting Statement

### **3.2 Determining Issues**

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

### **3.3 Assessment**

To address these determining issues, the Committee needs to consider whether:

- a) The proposal is acceptable in principle;
- b) The proposal would have a detrimental impact on the character and appearance of the surrounding area;
- c) The proposal would have a detrimental impact on the setting of a listed building;
- d) The proposal would have a detrimental impact on a site recorded in the inventory of gardens and designated landscapes;
- e) The proposal raises any issues in respect of the loss of trees or woodland;

- f) The proposal raises any issues in respect of parking provision and road safety;
- g) The proposal raises any issues in respect of aerodrome safeguarding;
- h) The proposal would have a detrimental impact on the amenity of neighbouring residents; and
- i) Any issues raised by objectors have been addressed.

a) Principle of the Proposal

The site is designated as being within the green belt in the adopted Edinburgh Local Development Plan (LDP). Policy Env 10 of the LDP states that within the green belt and countryside shown on the proposals map, development will only be permitted where it is for the purposes of agriculture, woodland and forestry, horticulture or countryside recreation, or where a countryside location is essential and provided any buildings, structures or hard standing areas are of a scale and quality of design appropriate to the use; and the proposal would not detract from the landscape quality of the area.

The proposal does not involve development for agriculture, woodland and forestry, horticulture or countryside recreation purposes. In addition, the proposal does not involve an intensification of the existing use of the site as defined in criteria c) of policy Env 10, as the site is currently used for storage. Neither does the proposal involve the replacement of an existing building with a new building in the same use. Policy Env 10 does not support the replacement of the two existing timber structures with a dwellinghouse.

In addition to the above, the Council's Guidance for Development in the Countryside and Green Belt outlines that new houses not associated with countryside use will not be acceptable unless there are exceptional planning reasons for approving them. These reasons include the reuse of brownfield land and gap sites within existing clusters of dwellings.

The LDP glossary provides a definition of brownfield land as:

*Land which has previously been developed. The term may cover vacant or derelict land, land occupied by redundant or unused buildings.*

The applicants are of the view that this is a brownfield site. Whilst the land is currently occupied by two timber structures and a tarmac area, it is not considered to be brownfield in terms of representing an exceptional planning reason to justify development of a new dwellinghouse. The two timber structures situated on the site are both in a structurally sound condition and they are not redundant, unused or in a state of disrepair to justify their replacement. They form acceptable features which blend suitably into the surrounding natural environment and have not been abandoned. In addition, the land is well kept and is in active use and cannot be considered derelict or vacant. The presence of a limited amount of hardstanding and two structures of rural character and design on the site does not serve to conclusively change the status of the land to brownfield.

The applicants have made reference to their desire to move from a dwelling located at Kellerstain Stables, 250 metres to the south, from which they currently operate a bed and breakfast business. Whilst this would enable them to maintain residence close to the existing business, it does not justify the development of a new house in the green belt. In this context, if planning permission was granted it would not be possible to restrict who could live in the house or prohibit its future sale on the private open market.

The submitted drawings denote only the footprint of the proposed dwelling and the potential materials which may be used. Detailed design matters and the scale and form of the house would be assessed through any subsequent application for approval of matters specified in the conditions of any planning permission in principle granted. However, the proposed footprint is such that any dwelling would form a prominent stand-alone feature which could have the potential to detract from the landscape quality and rural character of the surrounding area.

Having regard to the above, there are no exceptional planning reasons for approving a new house in this location. The proposal may have a detrimental impact on the landscape quality and rural character of the surrounding area and does not comply with LDP policy Env 10 or the Council's Guidance for Development in the Countryside and Green Belt.

#### b) Character and Appearance of the Surrounding Area

LDP policy Des 1 states that planning permission will not be granted for poor quality or inappropriate design or for proposals that would be damaging to the character or appearance of the area around it.

As stated in section (a) of the report, the submitted drawings provide only an indicative layout of the proposed dwellinghouse and the potential materials which may be used. Detailed design matters would be assessed through any subsequent application for approval of matters specified in the conditions of any planning permission in principle granted.

#### c) Impact on the Setting of a Listed Building

LDP policy Env 3 states that development within the curtilage or affecting the setting of a listed building will be permitted only if not detrimental to the architectural character, appearance or historic interest of the building, or to its setting.

Kellerstain House which is located to the south of the site is a category B listed building (listing reference: LB27299, listing date: 14/06/1991). The proposed dwelling would be sited a sufficient distance from Kellerstain House so as to ensure that it does not impact on its immediate setting.

The proposal will not have an impact on the setting of the listed building and complies with LDP policy Env 3.

d) The proposal would have a detrimental impact on a site recorded in the inventory of gardens and designated landscapes

LDP policy Env 7 states that development will only be permitted where there is no detrimental impact on the character of a site recorded in the Inventory of Gardens and Designated Landscapes.

The site does not lie in a location which has been designated by Historic Environment Scotland in the Inventory of Gardens and Designated Landscapes. The proposal will not have a detrimental impact on the character of a site recorded in the Inventory of Gardens and Designated Landscapes and complies with LDP policy Env 7.

e) The proposal raises any issues in respect of the loss of trees or woodland

LDP policy Env 12 states that development will not be permitted if likely to have a damaging impact on a tree protected by a Tree Preservation Order or on other tree or woodland worthy of retention unless necessary for good arboricultural reasons.

The submitted drawings denote that one tree would be removed to allow the development of the proposed dwellinghouse. The tree is not covered by any statutory protection. The majority of trees on the site would be retained.

The proposal complies with LDP policy Env 12.

f) Parking Provision and Road Safety

LDP policy Tra 2 states that planning permission will be granted for development where proposed car parking provision complies with and does not exceed the levels set out in Council Guidance.

The site is identified as being within parking standards zone 3 in the Edinburgh Design Guidance (EDG). The proposal includes a garage area which can provide 2 parking spaces and complies with the EDG requirements.

The proposal as submitted will utilise an existing vehicle access and does not include provision for any new vehicle access from the single lane access road.

The proposal does not raise any issues in respect of parking provision and complies with LDP policy Tra 2.

g) Aerodrome Safeguarding

Edinburgh Airport were consulted on the proposal and raised no objection. The proposal does not raise any issues in respect of aerodrome safeguarding.

h) Amenity of Neighbouring Residents

LDP policy Des 5 states that planning permission will be granted for development where it is demonstrated that the amenity of neighbouring developments is not adversely affected.

The submitted drawings provide an indicative layout of the proposed dwellinghouse and the potential materials which may be used. However, detailed dimensions of the proposed house and the subsequent impact on neighbouring residents by virtue of any overshadowing, loss of daylight and privacy implications would be assessed through a subsequent application for approval of matters specified in the conditions, if planning permission in principle is granted.

i) Issues Raised by Objectors

**Objection Comments**

Material Considerations

- Principle of the proposal is unacceptable as it involves development in the green belt - addressed in section 3.3 (a).
- Proposal would have a detrimental impact on the character and appearance of the surrounding area - addressed in section 3.3 (b).
- Proposal would have a detrimental impact on the amenity of neighbouring residents - addressed in section 3.3 (h).
- The land on which the proposal will be constructed does not meet the definition of brownfield land – addressed in section 3.3 (a).

Non-Material Considerations

- Access arrangements and vehicle movements during the construction phase – the planning authority cannot control the movement of vehicles during the construction process.
- Matters relating to the Murray Garden District development (application reference: 15/04318/PPP) to the north east of the application site - this is a separate application which is not relevant to the proposal under consideration.
- Existing private utility provision - provision of utilities such as water, electricity and gas to a new dwelling is not a material planning consideration and it is the responsibility of the applicant to ensure such measures are in place prior to habitation.
- Potential use of the proposed building for bed and breakfast accommodation – The planning authority cannot assess a potential change of use which may occur at a future point in time.

## Conclusion

In conclusion, the site is located in the green belt and the proposal does not involve development for agriculture, woodland and forestry, horticulture or countryside recreation. The proposal does not involve an intensification of the existing use, the replacement of an existing building with a new building in the same use, or a change of use of an existing building. There are no exceptional planning reasons for the approval of a new dwellinghouse in this location and the proposal may potentially detract from the landscape quality and rural character of the area. The proposal is contrary to policy Env 10 of the adopted Edinburgh Local Development Plan (LDP) and the Council's Guidance for Development in the Countryside and Green Belt and is not acceptable in principle.

It is recommended that this application be Refused for the reasons below.

### **3.4 Conditions/reasons/informatives**

#### **Reason for Refusal:-**

1. The proposal is contrary to policy Env 10 of the adopted Local Development Plan (LDP) and the Council's Guidance for Development in the Countryside and Green Belt as it would involve the development of a new build dwellinghouse in a green belt location with no exceptional planning reason to justify its construction.

## **Financial impact**

---

### **4.1 The financial impact has been assessed as follows:**

There are no financial implications to the Council.

## **Risk, Policy, compliance and governance impact**

---

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

## **Equalities impact**

---

### **6.1 The equalities impact has been assessed as follows:**

The application has been assessed and has no impact in terms of equalities or human rights.

## **Sustainability impact**

---

### **7.1 The sustainability impact has been assessed as follows:**

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.



## **Consultation and engagement**

---

### **8.1 Pre-Application Process**

There is no pre-application process history.

### **8.2 Publicity summary of representations and Community Council comments**

Four letters of objection and one letter of support regarding the proposal were received. A full summary of the matters raised by the objectors can be found in section 3.3 (i) of the main report.

## **Background reading/external references**

---

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

**Statutory Development****Plan Provision**

The site is located in the green belt in the adopted Edinburgh Local Development Plan.

**Date registered**

18 September 2018

**Drawing numbers/Scheme**

01 - 04,

**David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: James Allanson, Planning Officer

E-mail:james.allanson@edinburgh.gov.uk Tel:0131 529 3946

**Links - Policies**

---

**Relevant Policies:**

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

**Relevant Non-Statutory Guidelines**

**Non-statutory guidelines** DEVELOPMENT IN THE COUNTRYSIDE AND GREEN BELT, provide guidance on development in the Green Belt and Countryside in support of relevant local plan policies.

**Relevant policies of the Local Development Plan.**

LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

LDP Policy Env 7 (Historic Gardens and Designed Landscapes) protects sites included in the national Inventory of Gardens and Designed Landscapes and other historic landscape features.

LDP Policy Env 10 (Development in the Green Belt and Countryside) identifies the types of development that will be permitted in the Green Belt and Countryside.

LDP Policy Env 12 (Trees) sets out tree protection requirements for new development.

LDP Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

# Appendix 1

## **Application for Planning Permission in Principle 18/07199/PPP**

### **At Kellerstain Stables, Gogar Station Road, Edinburgh Erection of new one-and-a-half storey dwelling house on Land to the North East of Kellerstain Estate on Land 40 Metres South Of Kellerstain Lodge, Gogar Station Road, Edinburgh.**

#### **Consultations**

---

##### Archaeology

*Further to your consultation request I would like to make the following comments and recommendations concerning these linked FUL & LBC applications for the conversion of existing offices/stores into 2X dwellings and restoration of 2x windows on south gable*

*The site forms part of the historic farm of Kellerstain show on General Roy's 1753 Military Map as Caller Stone. The site also lies on the southern edge of an extensive area of archaeological importance focused to the north at Gogar and to the east at Millburn with evidence for prehistoric, Roman (2 temporary camps known from Millburn area) early historic and medieval and later settlement.*

*This application must therefore be considered therefore under terms Scottish Government's Our Place in Time (OPIT) and Scottish Planning Policy (SPP), Historic Environment Scotland's Policy Statement (HESPS) 2016 and Archaeology Strategy and CEC's Edinburgh Local Development Plan (2016) policies ENV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.*

*Although it is considered that landscaping works as part of the construction of existing sheds and carparking will have had a significant affect upon wither any significant remains will have survived on site, the potential archaeological impact of construction has been reassessed by the following image taken from the supporting document produced by RAD. This image shows a large of linear, E-W, cropmark (marked out by the two arrows) curving southwards towards this site and in form, would appear to depict the NW corner of a Roman temporary camp. As mentioned above two such camps are recorded surviving to the east of this site adjacent to Millburn Tower. It is therefore possible that this cropmark may be the remains of a third and the remains of such a camp would be considered of potential national significance.*

*Although the site has been affected by recent landscaping the remains of this potential roman ditch may have survived on this site given their large size and depth. Accordingly, the potential construction of a new house on this site may significantly impact upon any such remains, however such an impact is not considered in this case to warrant refusal. However, it is essential that a programme of archaeological work is undertaken prior to development in order to record, excavate and analyse any significant remains that may be affected.*

*It is recommended that that the following condition be applied to any permissions /consent granted to secure this programme of archaeological work;*

*'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis, reporting, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'*

*The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.*

#### Edinburgh Airport

*The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. We therefore have no objection to this proposal.*

## Location Plan

---



© Crown Copyright and database right 2014. All rights reserved. Ordnance Survey License number 100023420  
**END**