

Planning Committee

10.00am, Thursday, 12 October 2017

Edinburgh Planning Guidance: Review of Guidance for Development in the Countryside and Green Belt

Item number	5.3
Report number	
Executive/routine	Executive
Wards	All

Executive Summary

The Council's non-statutory Guidance for Development in the Countryside and Green Belt interprets Policy Env 10 of the Edinburgh Local Development Plan and gives detailed advice on when proposals for development are likely to be acceptable.

The guidance was originally approved in 2007 and is being reviewed to ensure it is up-to-date and reflects the Council's objectives and practice. This report seeks approval of proposed changes to the guidance following a period of consultation. A draft version of the guidance was available on the City of Edinburgh Council Consultation Hub from 17 July to 28 August 2017.

Edinburgh Planning Guidance: Review of Guidance for Development in the Countryside and Green Belt

1. Recommendations

- 1.1 It is recommended that the Committee:
- 1.1.1 Agrees the response to the issues raised from the consultation on the draft Guidance for Development in the Countryside and Green Belt; and
 - 1.1.2 Approves the finalised guidance.

2. Background

- 2.1 The Council publishes non-statutory guidance to help its customers interpret the statutory development plan. Policy Env 10 Development in the Countryside and Green Belt of the Edinburgh Local Development Plan sets out criteria for appropriate alterations, extensions of existing buildings or new uses and buildings in the countryside and green belt.
- 2.2 The guidance continues to be kept under review to ensure that it is up-to-date and reflects the Council's objectives and practice.
- 2.3 Current non-statutory guidance dates from before the adoption of the Local Development Plan and can be viewed [online](#).

3. Main report

Drivers for Change

- 3.1 The main factors which have indicated a need to consider changes to the guidance are as follows:
- Adoption of the Local Development Plan;
 - Outcomes from appeal decisions by the Planning and Environmental Appeals Division and Local Review Body decision making; and
 - Officer feedback on what works in practice and where further clarification is required.

The Local Development Plan

- 3.2 The Local Development Plan (LDP) was adopted in November 2016 and will now be the basis for decision making on planning applications alongside the non-statutory guidance. Previously the decision making was based on the adopted Edinburgh City Local Plan and Rural West Edinburgh Local Plan.
- 3.3 Policy Env 10 Development in the Green Belt and Countryside of the LDP is the basis for decision-making on proposals in the green belt and countryside. Policy Env 10 replaces Policy E5 Development in the Green Belt and Countryside of the Rural West Edinburgh Local Plan and Policy Env 10 Green Belt of the Edinburgh City Local Plan. A number of changes to the policy have occurred including:
- There is now a single policy across the Council boundary for development in the countryside and green belt;
 - The wording of the policy has changed to require all development to meet one of the stated criteria and not detract from the landscape quality and/or rural character of the area; and
 - The criteria to justify new development in the countryside and green belt has been updated.

Appeal Decisions by the Planning and Environmental Appeals Division (DPEA) and Local Review Body (LRB) Decision Making

- 3.4 Analysis of DPEA and LRB decision making has been undertaken to identify trends in decisions being overturned. The outcomes of the analysis have identified a number of common types of development, shown in Table 1, that have successfully overturned the refusal of the application. To improve consistency, content has been reviewed and clarified in these areas.
- 3.5 The guidance has been used in the refusal of 53 applications, 36 of which went to appeal or review. 12 of these decisions were subsequently overturned. The majority of these were for residential applications. Most were granted due to the weight given to other material planning considerations (e.g. the proposal did not comply with policy, but was allowed as it conformed to existing character).

Figure 1 Planning Application Appeals and Reviews (2008 – 17)

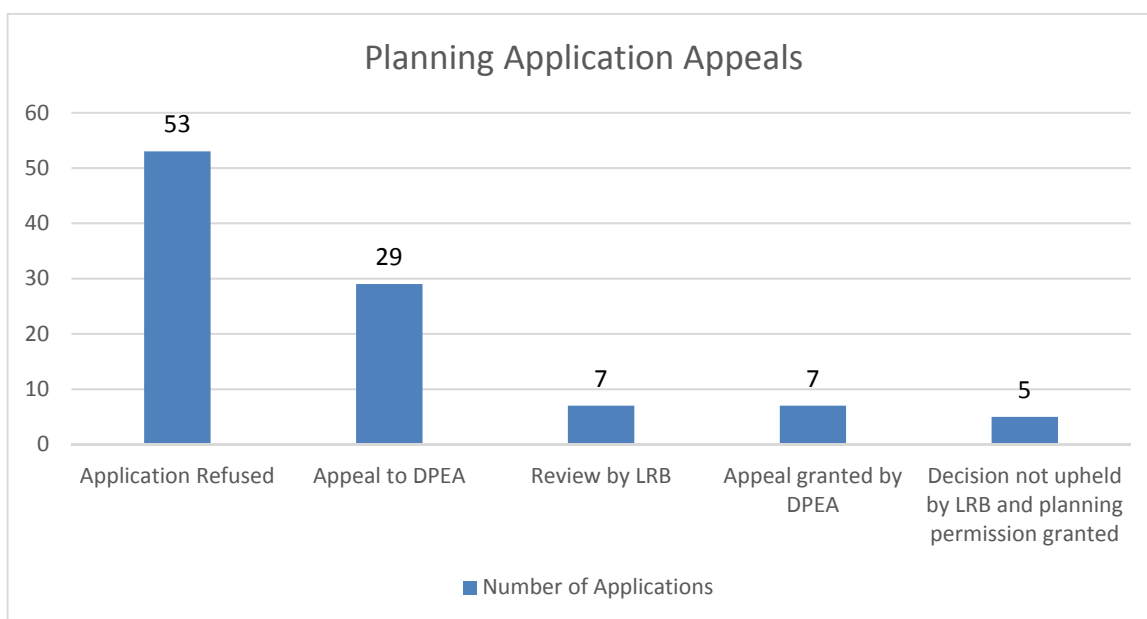


Table 1 Planning application decisions overturned

Type of Development	More than one dwelling	New dwelling	Alteration or extension	Energy development	New use
Number of overturned applications	5	3	2	1	1

3.6 A number of successful appeals and reviews occurred before adoption of the LDP. This may be attributable to the local plans being out of date and significant weight was given to other material considerations. Other reasons given for overturning decisions included the reuse of brownfield sites and proposals that are within existing clusters and do not detract from the existing character of the area.

Officer Feedback

3.7 The Council’s planning teams have made various recommendations to improve the guidance based on their practice of using the document. The main areas of change suggested by officers include:

- Reordering of document;
- Update formatting to match other planning non-statutory guidance;
- Update references to policy and guidance;
- Additional text in ‘general principles’ section regarding new dwellings;
- Clarify guidance for replacement buildings;
- Update purpose of guidance;
- Refine policy context of guidance;
- Add information on consents that may be required;

- Emphasis of retaining landscape quality and rural character of countryside and green belt added throughout guidance;
- Update justification for new development to match wording of policy Env 10;
- Re-title ‘ancillary development’ to ‘other development’; and
- Other minor amendments.

Consultation Summary

- 3.8 Pre-draft engagement and consultation work was undertaken with colleagues within the planning teams in April 2017, including discussion at an internal Policy Working Group.
- 3.9 A formal public consultation period allowed service users an opportunity to suggest improvements to the guidance. This lasted for six weeks from 17 July – 27 August 2017, including:
- Publication on the Council’s Consultation Hub;
 - Promoted on social media and blog; and
 - Email to stakeholders.
- 3.10 22 responses were received in the consultation period. A summary of responses is provided in Appendix 1. Responses were received from householders, architects, community councils and planners.

Proposed Changes

- 3.11 Following the period of consultation, the following changes are proposed for approval by Committee:
- Clarify the purpose of the guidance;
 - Remove requirement restricting occupancy of new dwellings;
 - Clarify exceptional circumstances to justify new dwellings
 - Update links to policy and guidance;
 - Remove use restriction when replacing a low quality building;
 - Additional criteria for replacing a building;
 - Further guidance on ancillary uses;
 - Additional text on energy development; and
 - Additional text on the role of the Edinburgh Design Guidance, materials and high quality design.
- 3.12 All text changes made following the period of consultation are highlighted in red in the finalised version of the guidance, shown in appendix 2.

Conclusions

- 3.13 Relatively few applications have been approved contrary to the Guidance. As such, no fundamental changes are being made to the guidance for development in the countryside and green belt but it has been improved to provide clarity on a number of issues. The most significant change is the removal of the requirement to restrict the occupancy of a new dwelling through a legal agreement.
- 3.14 A letter from the Scottish Government Chief Planner in November 2011 directed local authorities to avoid the use of legal agreements to restrict occupancy. Instead, focus should be given to issues of location, siting, design and environmental impact. This updated guidance seeks to address this by clarifying the few exceptional circumstances where a new dwelling in the countryside and green belt will be acceptable.

4. Measures of success

- 4.1 Planning guidance is easier to understand for applicants and other stakeholders.
- 4.2 Planning guidance is up-to-date and relevant, and ensures that a high quality of development is delivered through the planning application process.

5. Financial impact

- 5.1 There are no direct financial impacts arising from this report.

6. Risk, policy, compliance and governance impact

- 6.1 This report does not raise any concern in relation to risk, policy, compliance and governance.

7. Equalities impact

- 7.1 The impacts of this report in relation to the Public Sector Equalities Duty and the 10 key areas of rights have been considered. The report has no significant direct impact on the Council's three equalities duties.

8. Sustainability impact

- 8.1 The impacts of this report in relation to the three elements of the Climate Change (Scotland) Act 2009 Public Bodies Duties have been considered. Relevant Council sustainable development policies have been taken into account. This Guidance for Householders will have no adverse impacts on carbon emissions, the city's resilience

to climate change impacts, achieving a sustainable Edinburgh in respect of social justice, economic wellbeing or good environmental stewardship.

9. Consultation and engagement

- 9.1 A draft update of the Guidance for Development in the Countryside and Green Belt was available on the City of Edinburgh Council consultation hub for six weeks from 17 July – 27 August 2017. Responses to the consultation have been taken into account when finalising the document for Committee approval. These are summarised in Appendix 1.

10. Background reading/external references

- 10.1 Annual review of the guidance, report to Planning Committee
10.2 www.edinburgh.gov.uk/planningguidelines
10.3 www.edinburgh.gov.uk/localdevelopmentplan

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11. Appendices

Appendix 1: Summary of Consultation Hub Responses

Appendix 2: Guidance for Development in the Countryside and Green Belt

Appendix 1: Summary of Consultation Hub Responses

Justification for new building dwellings:

- New dwellings should respect the rural character of the area and located within existing clusters to avoid sprawl;
- New dwellings should be considered an acceptable reuse of brownfield/derelict land;
- A hard boundary between the green belt, countryside and city should be avoided;
- Exceptional circumstances for the justification for new dwellings should be clarified;
- Materials used are important in retaining rural character; and
- Remove requirement for a legal agreement restricting the occupancy.

Replacement Buildings

- The reuse of a building should not be dependent on retaining the existing use. Any change of use should be considered as part of the planning application and depend on whether the use retains the rural character and landscape quality;
- Replacement buildings should not be larger than the original building and retain the rural character and landscape quality;
- Appropriate uses and proposals should be supported to encourage economic development;
- Replacement buildings should incorporate the character of the original building; and
- Original features should be retained unless beyond reasonable repair.

Other Development

- More detail should be given on high quality design;
- Ancillary development should be proportionate to the existing use of the site;
- Clarification is needed on whether a farm house dwelling is an ancillary use;
- The guidance should focus on the functional use of the green belt and countryside rather than a rustic idyll;
- Development should be acceptable in gap sites within existing clusters of buildings; and
- More examples of types of ancillary development should be included.

General Design

- Does not reflect the actuality of a vibrant rural economy;

- Support modifications and alterations that bring buildings back into use;
- New development should respect the rural character and landscape quality but these are subjective and difficult to define;
- High quality, innovative design should be encouraged; and
- Materials and design should respect rural character and landscape quality.

Other Comments

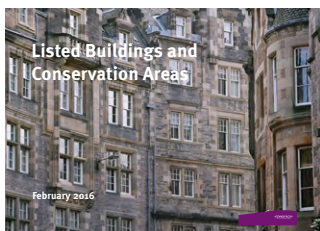
- More should be done to promote appropriate uses to support the rural economy;
- Design standards should be carefully considered;
- Only in rare circumstances should new dwellings should be acceptable;
- Redevelopment of brownfield/derelict land should be promoted;
- Priority should be given to retaining agricultural use.



Guidance for Development in the Countryside and Green Belt

October 2017

Guidance for Development in the Countryside and Green Belt



Who is This Guidance For?

This **non-statutory** guidance is for anyone considering **modifications or extension of existing buildings and/or promotion of new uses and buildings appropriate in the countryside and green belt** areas identified in the Edinburgh Local Development Plan (LDP) Proposals Map.

New development can bring a number of benefits – assisting farm diversification, supporting the local economy and making beneficial use of an existing resource. However, the countryside and green belt also needs to be protected from inappropriate development which would detract from the rural character and landscape quality of the area.

Policy Context

This document further interprets LDP Policy Env 10 Development in the Green Belt and Countryside and will be used as a material consideration when determining planning applications.



Misc: Student Housing, Radio Telecommunications, Open Space Strategy etc.

This document and other non-statutory guidance can be viewed at: www.edinburgh.gov.uk/planningguidelines

Listed Buildings and Conservation Areas

If the building is listed or located within a Conservation Area, guidance on [Listed Buildings and Conservation Areas](#) must also be considered. Boxes throughout this guideline give specific information relating to Listed Buildings and Conservation Areas. You can check if your property is listed or located within a conservation area on the Council's website www.edinburgh.gov.uk/planning

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What Consents Might Be Required?

What does this chapter cover?

Several development consents may be required for a development to proceed. This chapter lists some examples of more common consents.

Planning Permission

Some new buildings, alterations or changes of use require planning permission. You can apply for planning permission at www.eplanning.scot.

Permitted Development

Many buildings, alterations and extensions can be carried out without the need to apply for planning permission – this is known as [Permitted Development](#) (PD). For example, a range of permitted development rights apply to land or buildings of agricultural use.

Listed Building Consent

Listed building consent is required for works affecting the character of listed buildings and also applies to the interior of the building and any buildings within the curtilage built before 1 July 1948. If your building is listed, specific guidance on [Listed Buildings and Conservation Areas](#) must also be considered along with this document.

Road Permit

You must get a permit from the Council if you want to carry out work in or to occupy a public street. A [road permit](#) will be required if forming a new access or driveway or if placing a skip or excavation in a public road. It will also be required for scaffolding or to occupy a portion of the road to place site huts, storage containers, cabins, materials or contractors plant, to put up a tower crane or to operate mobile cranes, hoists and cherry pickers from the public highway. For more information contact the Areas Roads Manager in your [Locality](#).

Biodiversity

Some species of animals and plants are protected by law. Certain activities, such as killing, injuring or capturing the species or disturbing it in its place of shelter, are unlawful. It is also an offence to damage or destroy a breeding site or resting place (or obstruct access to).

If the presence of a European Protected Species (such as a bat, otter or great crested newt) is suspected, a survey of the site must be taken. If it is

Trees

If there are any trees on the site or within 12 meters of the boundary, they should be identified in the application. Please refer to the [Edinburgh Design Guidance](#).

All trees in a Conservation Area or with a Tree Preservation Order are protected by law, making it a criminal offence to lop, top, cut down, uproot wilfully, damage or destroy a tree unless carried out with the consent of the council.



General Principles

What does this chapter cover?

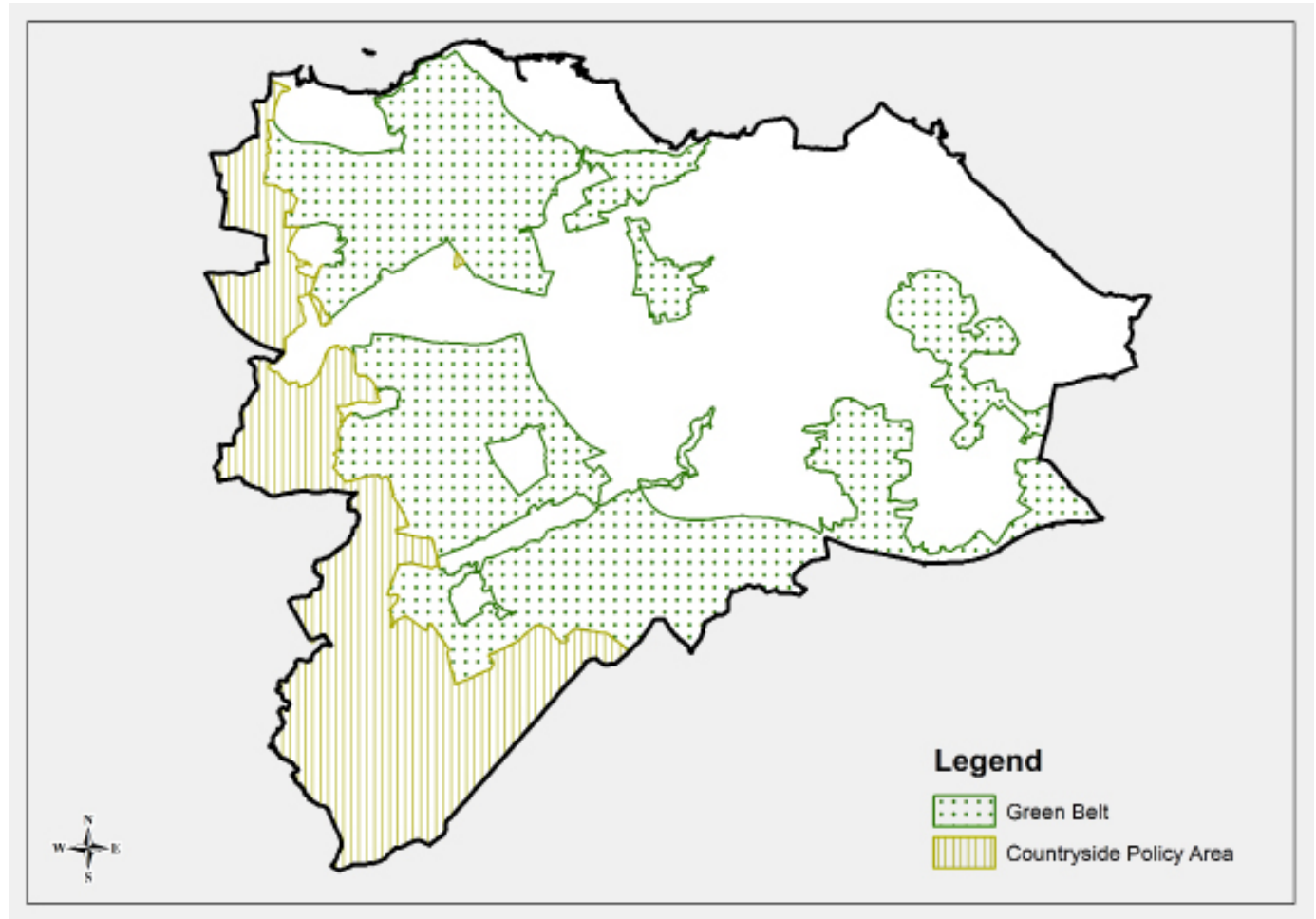
This chapter explains the general principles of acceptable development in the countryside and green belt.

Policy Env 10 of the LDP sets out the circumstances in which development will be permitted in the countryside and green belt. These include where necessary for the purpose of agriculture including farm diversification, horticulture, woodland and forestry and countryside recreation. Acceptance of the principle of a use or development does not mean that planning permission will always be granted.

Proposals also have to be assessed in terms of other relevant policies to ensure that the impact on the rural character of the countryside or green belt is acceptable. In particular, careful consideration will be given to the intensity of use and the scale, siting and design of any built elements of proposals.

This guidance does not make provision for new build housing in the countryside or green belt areas, other than the very limited circumstances identified in the section on 'Justification for New Build Dwellings'

The key test for all proposals in the countryside and green belt will be to ensure that the development does not detract from the landscape quality and/or rural character of the area.



The map identifies the areas of countryside and green belt in Edinburgh

Definitions and Clarifications

What does this chapter cover?

This chapter defines and clarifies appropriate countryside and green belt uses.

An application for a change of use between any of the uses in this chapter will be assessed on a case by case basis.

Agriculture

Agricultural Buildings

For the breeding and keeping of livestock, storage of crops or machinery (excluding for the storage of goods where this is unconnected with any form of agricultural activity).

Farm Diversification

Proposals that are clearly associated with the particular features and characteristics of the farm and help to support rather than replace, farming activities on the rest of the farm. For example, visitor accommodation, craft workshops, 'pick-your-own' and associated retail, farm parks, farm shops.

Horticulture

Development related to fruit growing, seed growing, market gardens and nursery gardens, together with ancillary retailing of the produce.

Woodland and Forestry

Includes sawmills, timber processing or timber recycling facilities where these require a location close to the wood being used.

Countryside Recreation

Uses where the proposal requires the land resource and is compatible with an agricultural or natural setting such as horse riding facilities, golf courses and golf driving ranges, touring caravan and campsites.

Other Appropriate Uses

The keeping of horses for equestrian purpose is not included in the definition of agriculture (section 277 of the Town & Country Planning (Scotland) Act 1997 (as amended)) but is, in principle, a use appropriate to rural areas. Provided it can be demonstrated that a countryside location is essential, cattery and kennel uses may also be acceptable.



Appropriate countryside recreation includes horse riding facilities

Justification for New Build Dwellings

What does this chapter cover?

This chapter sets out the circumstances where new build dwellings are acceptable.



Proposals for new build dwellings in the countryside and green belt which are associated with existing or proposed countryside uses will be permitted provided the following criteria are met:

a) a functional need for the dwelling is established;

Applicants will be asked to submit a supporting statement which states why the additional dwelling is required and how important it is to the operation of the farm or holding and why existing buildings mentioned in d) cannot fulfil the functional need of the enterprise concerned. The statement should also define the extent of the farm unit i.e. what it constitutes in terms of land and associated facilities in order to address issues such as severance.

b) the need relates to one or more full-time worker(s), or one who is employed primarily in agriculture, and does not relate to a part-time requirement;

c) the unit and the rural activity/business are financially sound, and have a clear prospect of remaining so;

Applicants will also be required to submit a business plan which must demonstrate that the business already yields (or can do so) sufficient income to support at least one full-time job. The size of dwelling proposed should relate to the functional need of the business.

d) the functional need could not be reasonably fulfilled by an existing building which is suitable and available for occupation by the workers concerned, either on the holding or nearby (this could be an existing dwelling or involve the conversion of a building currently in an alternative use);

e) the design, scale and layout of the building accords with Local Development Plan and [Edinburgh Design Guidance](#).

New houses in the countryside

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.](#)

Replacement Buildings

What does this chapter cover?

This section provides policy guidance on proposals for replacement buildings in the green belt and countryside.

Policy Env 10 provides guidance in relation to proposals for the replacement of an existing building in the same use. Subject to appropriate controls, such proposals can bring benefits, particularly in terms of visual impact on the character of the surrounding area.

Replacing a Low Quality Building

Proposals to replace an existing building which is of low quality in terms of design and structural condition with a new building will be permitted where the following criteria are met:

- i) the existing building is substantially intact (the external walls of the existing building should be intact to at least wallhead height) and has a lawful use under the Town and Country Planning Acts i.e. the use must not have been abandoned or changed from another without planning permission;
- ii) the existing building(s) is/are not listed, of architectural or historic merit, or are not a temporary structure;
- iii) the new building is within the curtilage of the existing building and preferably on the same site (unless re-siting within the curtilage offers substantial environmental improvements e.g. road safety);
- iv) the existing building is of a domestic scale (a building similar to the size of a standard dwelling house) and the new building is of a similar or

smaller size and will not detract from the open, rural character of the green belt or countryside;

v) the proposal does not (either individually or cumulatively) increase activity to a level that would detract from the rural character of the green belt or countryside in terms of traffic or amenity;

vi) the existing building is of poor quality design and structural condition **and beyond reasonable repair**; and

vii) the proposal is designed to a high quality which accords with the relevant LDP policies and guidance.

Demolition and Rebuilding

Demolition or rebuilding of the existing structure will not be permitted where this would materially alter its established character or its architectural or historical qualities.

A structural engineer's report should be submitted as part of the planning application to demonstrate which parts of the building are capable of conversion. Where some demolition/rebuild is proposed, a detailed schedule of down-taking is required.

Other Development

What does this chapter cover?

This chapter sets out the circumstances where other development in the countryside or green belt is acceptable.

Ancillary Development Related to an Existing Use

LDP Policy Env 10 allows ancillary buildings and development related to existing uses in the countryside and green belt, provided the proposal is appropriate in type in terms of the existing use, is of an appropriate scale, is of a high quality design and is acceptable in terms of traffic impact.

Ancillary development is defined as a building or use which is linked to and dependent upon the main use of the site/building but is of secondary importance.

Ancillary development in the green belt or countryside will be acceptable provided the proposal is appropriate in type, scale and design to the existing building and not detrimental to the rural character or landscape quality of the surrounding area.

With regards to intensification of use, the proposal should not (either individually or cumulatively) lead to an increase in a level of activity that would detract from the rural character of the countryside or green belt in terms of traffic or amenity.

Examples of ancillary development include silos, sheds, outbuildings and car parking associated with countryside recreation uses and enclosures.

Steadings

In relation to steading buildings, new development may be permitted where:

- a) it reinstates a part of the original steading group altered by later development alien to its character and appearance; or
- b) it forms a logical addition to the form and layout of the steading and would complete its overall composition; or
- c) it is justified by physical and/or historic evidence which clearly demonstrates that it was an integral part of the original steading; or
- d) it provides environmental benefits such as a more sustainable, energy efficient design.

Expansion of Existing Garden Ground

Proposals for garden extensions beyond settlement boundaries are only likely to be supported in exceptional cases, where the new residential curtilage would be contained between the existing gardens of neighbouring properties. Proposed garden extensions which would detract from the character of the green belt or countryside will not be supported.

Energy Development

In order to protect the landscape setting of the city and rural character and landscape quality it is unlikely that free standing wind turbines will be acceptable in the green belt and countryside.

Proposals for micro-generation will be assessed under Policy RS1 Sustainable Energy of the Local Development Plan.

General Design

What does this chapter cover?

This section provides guidance on design principles that are acceptable in the countryside and green belt.

New Development in the Countryside and Green Belt

Proposals should accord with the design policies in the LDP and relevant guidance. Proposals will not be permitted where it would detract from the landscape quality and/or rural character of an area. Applications for development in the countryside and green belt will need to be accompanied by a design statement to demonstrate compliance with relevant policies and supplementary guidance (unless the proposal is of a minor nature).

Further information

Further guidance on design matters can be found in the Council's planning guidelines www.edinburgh.gov.uk/planningguidelines.

Development in the countryside and green belt should respect the rural character of the area. In order to protect its setting, existing landscape features should be protected and the impact of obtrusive 'suburban clutter' associated with the development such as roads, lamp posts, pavements, car parks, and boundary features should be minimised. For example, the use of hedging and traditional hard landscaping materials is encouraged. For applications involving the alteration of a listed building, Historic Environment Scotland will normally be consulted for comments.

In relation to conversions, existing openings in primary elevations should be used wherever practicable, particularly where these are features of architectural interest. New openings should only be installed where absolutely necessary and these must respect the character of the building.

The design and form, choice of materials and positioning of proposals must be compatible with the rural character of the area and respect the landscape quality. Proposals should consult the Edinbrugh Design Guidance.



Dwellinghouses in the countryside and greenbelt can be sympathetic to an existing rural character through use of materials and design.



HAPPY TO TRANSLATE

ترجمہ کے لئے حاضر آماندوں کے ساتھ انوباد کررر

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