

# Development Management Sub-Committee Report

**Wednesday 26 April 2023**

**Application for Planning Permission  
1 East Rigg Farm, Balerno, EH14 7JR.**

**Proposal: Erect 3x holiday huts and associated works**

**Item – Committee Decision  
Application Number – 22/06141/FUL  
Ward – B02 - Pentland Hills**

## **Reasons for Referral to Committee**

In accordance with the scheme of delegation, the application has been referred for determination by the Development Management Sub-Committee as it has received more than six material representations in support and the recommendation is to refuse planning permission.

### **Recommendation**

It is recommended that this application be **Refused** subject to the details below.

### **Summary**

The proposal for tourist accommodation is not compatible with a Countryside use. The proposal is not compliant with NPF4 Policy 4 (Natural Places), Policy 30 (Tourism), LDP Policy Env 10 (Development in Greenbelt and Countryside), LDP Policy Env 17 (Pentlands Regional Park) and the Non-Statutory Guidance for Development in the Countryside and Green Belt. The proposal is not compatible with the character of the surrounding area and does not comply with LDP Design policies Des 1 (Design Quality and Context) and Des 4 (Impact on Setting). The proposal does not comply with the Local Development Plan. There are no material considerations which outweigh this conclusion and no exceptional planning reasons for approval.

## **SECTION A – Application Background**

### **Site Description**

The site is located within the Pentland Hills Regional Park to the West of Threipmuir reservoir and to the South-West of Balerno. The site is located along a country road that is accessed by Mansfield Road.

The application site relates to land at No. 1 East Rigg Farm, Balerno. The plot previously had a range of non-native trees present within it which have now been harvested. The felled area has been cleared of stumps and the northern and western edges of the site are subject to a replanting plan under the terms of the Felling Permission to provide a mix of holly, bird cherry, crab apple, rowan, juniper and elder tree types. This whip planting has since been completed. There are two residential properties that are present to the north-east of the application site. There are a range of trees to the north of the site that follow along the road and there are another group of trees to the north-east beyond the two existing dwellings. There is open farmland to the south.

The site lies within the Countryside designated area and the Pentlands Special Landscape Area (SLA09).

### **Description of the Proposal**

The application is for planning permission for the erection of 3 'armadillo' style holiday lodges with private deck areas, associated landscaping and parking.

They are 4 metres in height, 6.7 metres wide and 10 metres in length, comprising an internal floor plan of 28sqm. The layout includes a double bed, bathroom, kitchen and living space with access to an external timber deck. The lodges are clad in stained timber with large grey aluminium French doors facing south. The galvanised steel chassis will rest on concrete foundations.

Hard landscaping proposals include a new vehicle access road in gravel, four parking spaces in gravel and self-binding level access footpaths to each of the lodges.

In addition to the existing woodland planting area in the north of the site, the soft landscape proposal includes the planting of 150m of Scottish hedge mix along the boundaries of the plot which will include rowan trees. This will be supplemented by wildflower meadow around the periphery of the field, ground level shrubs and the introduction of 9 'standard' silver birch trees.

### **Supporting Information**

- Planning statement;
- Landscape statement and
- Preliminary Ecological Appraisal.

These documents are available to view on the Planning and Building Standards Online Service.

### **Relevant Site History**

22/04010/FUL  
1 East Rigg Farm  
Balerno  
EH14 7JR

Erect 2x lodges.  
withdrawn  
1 December 2022

21/05234/FUL  
1 East Rigg Farm  
Balerno  
EH14 7JR  
Erection of dwelling and garage/gym annex.  
Refused  
18 March 2022

## **Other Relevant Site History**

### **Pre-Application process**

Pre-application discussions took place on this application.

### **Consultation Engagement**

Scottish Water

BAA Aerodrome Safeguarding

Refer to Appendix 1 for a summary of the consultation response.

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 19 December 2022

**Date of Renotification of Neighbour Notification:** Not Applicable

**Press Publication Date(s):** 6 January 2023

**Site Notices Date(s):** Not Applicable

**Number of Contributors:** 28

## **Section B - Assessment**

### **Determining Issues**

This report will consider the proposed development under Sections 24, 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Having regard to the legal requirement of Section 24(3), in the event of any policy incompatibility between National Planning Framework 4 (NPF4) & Edinburgh Local Development Plan 2016 (LDP) the newer policy shall prevail.

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

- equalities and human rights;
- public representations and
- any other identified material considerations.

## **Assessment**

To address these determining issues, it needs to be considered whether:

### **a) The proposals comply with the development plan?**

National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF4 policies supports the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are the key policies against which proposals for development are assessed. Several policies in the Edinburgh Local Development Plan 2016 (LDP) are superseded by equivalent and alternative policies within NPF4.

The relevant NPF4 and LDP policies to be considered are:

- NPF4 Policy 1, 2 and 3
- NPF4 Policy 30
- LDP Design policies Des 1, Des 4, Des 5, Des 7 and Des 8.
- LDP Environment policies Env 10, Env 17, and Env 21
- LDP Transport policies, Tra 2 and Tra 3.

The Non-Statutory Guidance for Development in the Countryside and Green Belt and Edinburgh Design Guidance are a material consideration that is relevant when considering the above policies.

### **Principle of use**

LDP Policy Env 10 states that development in the Countryside as shown on Proposals Map will only be permitted where it meets a number of essential criteria and 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 and a countryside location is not an essential location for the construction of holiday accommodation.

The proposal does not involve the change of use of an existing building, the one-for-one replacement of an existing home or the intensification of an existing established use. The proposal also does not involve the formation of residential accommodation required and designed for a key worker.

No reasons have been provided as to why a countryside location is essential. An appeal case is cited in the submission (PPA-230-2297) where the Reporter considered a development of a site for glamping pods did not "fall effortlessly under the description countryside recreation". Although the appeal was dismissed on amenity grounds, the Reporter found support for the use on the basis that the case was akin to a campsite and opined that a view to the contrary would result in policy requiring campsites to be located in urban areas. Each case has to be considered on its individual merits. In this particular case, the degree of permanence and physical works would indicate that the proposals are not akin to a campsite. The scale of the structures, some 10 metres in length, 6.7 metres in width and 4 metres in height (with a floor area of 28 square metres) renders such comparison inappropriate. The structures will have a galvanised steel chassis with what appears to be concrete foundations. The pods appear to have features such as heat pumps and underfloor heating. The plans provided appear to show that the structures proposed will have access to mains water supply and electricity. They will have a double bedroom, toilet, shower, boiler room and what appears to be kitchen facilities.

The purpose of the Countryside designation is to protect land around urban areas from inappropriate forms of development. This proposal introduces an inappropriate form of development undermining these aims. It is not compatible with the surrounding established countryside and landscape character which is considered further below. It is not of an appropriate scale, massing and external appearance while the landscape visual assessment visualisations indicate that the site will be highly prominent from a nearby road and Pentlands footpath for a considerable period of time.

Further guidance is contained in the Council's Non-Statutory Guidance for Developments in the Countryside and Green Belt (updated February 2019). This amplifies the policy guidance found in NPF4. A key test is that development does not detract from the landscape quality and or rural character of the area.

The proposed development of three holiday lodges would create a new planning unit which is unrelated to other buildings within the site, hence the intensification of use criterion is not applicable. The existing lawful use of the adjacent buildings are as dwellinghouses. An application relating to one of these properties for the change of use to short-term let remains to be determined. The proposal also does not relate to a steading, the expansion of existing garden ground or an energy development.

The site previously had a range of tightly packed non-native trees planted within it which have now been harvested. However, no permanent structures ever stood on this site and it therefore cannot be considered brownfield land.

The area directly surrounding the site is very open and has an agricultural feel. There are only two residential dwellings to the east of the site and therefore the plot does not represent a gap site within an existing cluster of dwellings.

Page 6 of the guidance also defines countryside recreation as 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."

What is proposed is three fully-serviced permanent tourist accommodation units. This proposal is not considered a campsite and does not fall within the definition of compatible countryside recreation uses clarified under the guidance for development in the countryside and greenbelt. There is a degree of permanence associated with the proposed development as outlined above.

Having regard to the above, there are no exceptional planning reasons for approving new holiday lodges in this location. The proposal does not comply with LDP Env 10 or the Council's Guidance for Development in the Countryside and Green Belt. There are no overriding material considerations to justify/support the principle of tourist accommodation in this location and as such the principle of the development is unacceptable.

### **Climate mitigation and adaptation**

NPF4 Policy 1 gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions. The proposed development contributes to the spatial principle of 'Just Transition' through the use of low carbon timber materials, an energy efficient built fabric and air source heat pumps. The landscape plan will also contribute to biodiversity and habitat creation through the introduction of native woodland and hedgerow.

NPF4 Policy 2 a) supports development proposals that are sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and in 2 b) those that are sited and designed to adapt to current and future risks from climate change. With regard to 2 a), measures have been taken to achieve a high level of energy efficiency. Regarding 2 b), the site is designed to manage surface water through permeable surfacing and the tree planting plan will provide shade and shelter from sun and wind as the climate changes.

The proposal complies with NPF4 Policy 1 and Policy 2.

### **Biodiversity**

NPF4 Policy 3 requires that proposals for local development include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. The proposal involves the establishment of new native tree planting and hedgerow including hawthorn, birch and rowan which will deliver a net gain in habitat creation compared with the existing vacant grassed field. The preliminary ecological appraisal also demonstrates that badgers and European protected species will not be impacted by the development.

The proposal complies with NPF4 Policy 3.

## **Tourism**

NPF4 Policy 30a) supports development proposals for new or extended tourist accommodation in locations identified in the LDP.

The application site is not designated for tourist accommodation in the LDP.

NPF4 Policy 30b) states that development proposals for new tourist accommodation should take into account contributions to the local economy; compatibility with the surrounding area; impact on loss of housing; opportunities for sustainable travel; inclusive design; carbon emissions; and opportunities to access the natural environment.

Although 3 tourist accommodation units in this location would support the local economy, the scale and form of the proposal is not compatible with the surrounding area as set out below and is not accessible by public transport, therefore it would not be compatible with 30b).

While criteria c) and e) are not applicable in this case, criterion d) is relevant. Proposals for huts will also be supported where the nature and scale of the development is compatible with the surrounding area and the proposal complies with relevant good practice guidance.

As above, the proposal is more akin to fully serviced holiday lodges than informal, off-grid huts and therefore the proposal does not comply with good practice guidance relating to criterion d).

The proposal does not comply with NPF4 Policy 30.

## **Design and setting**

The local context is characterised by traditional white stone buildings with slate roof tiles and agricultural sheds set in open farmland.

The 6x10m timber 'armadillo' style pods represent a contemporary take on the timber chalet.

Whilst the use of timber is appropriate, the scale and form of such pods lack reference to their context and would detract from the traditional countryside character of the area. This is particularly the case given the sensitive location of this site in the Pentlands SLA.

Although the proposed mitigation planting would provide some screening over time, this will take many years to establish and the impact is not considered acceptable.

The proposal does not comply with LDP policy Des 1 and Des 4.

## Landscape proposal

The site is logically laid out in order to allow sufficient privacy space between lodges and ensures that each unit can benefit from unobstructed views. The use of unbound gravel surfacing will contribute to the rural character of the site while providing convenient level access across the site. The lodges would be complemented by existing and proposed tree/hedge planting including rowan, birch and hawthorn which will contribute to biodiversity while providing a screening function as the landscape develops.

The proposal complies with LDP policy Des 7 and Des 8.

## Landscape setting

NPF4 Policy 4d states that development proposals that affect a site designated as a local nature conservation site or landscape area in the LDP will only be supported where:

- i. Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified or
- ii. Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance.

The submitted Landscape Statement identifies three landscape receptors are identified relating to the designations within which the proposed development would be located, namely: The Countryside area; The Pentland Hills Regional Park; and the Pentlands SLA 09.

The Local Landscape Designations states that *"The Pentland hills form a dramatic backdrop to the city of Edinburgh. They are one of the most prominent features of the city skyline and dominate the surrounding landscape. The hills rise from flanking woodland and farmland to merge into the rugged upland summits of the hill range and represent a significant recreational resource. The Pentlands SLA provides an identifiable setting and containment to the city and surrounding settlements of Juniper Green, Currie and Balerno"*.

The site is screened to the north by a range of trees, however to the south it is relatively flat and open and has view to the hills to the south. Any development on this site therefore has the potential to impact upon the special character or qualities of the SLA and the regional park. It is acknowledged that the introduction of holiday lodges would introduce a change to this setting. While the proposal for 3 timber structures is in principle compatible with NPF4 Policy 4d and Env 17 given the proposed material palette and landscaping scheme, the scale and form of the lodges would have an adverse impact upon the special character of the Pentlands SLA.

The proposal complies with LDP Policy Des 7 and Des 8. The proposal does not comply with NPF4 Policy 4d and LDP Policy Env 17.

## **Amenity**

The proposal provides sufficient internal living space and the units' positioning within the site ensures ample access to daylight, sunlight and privacy.

The proposal will not result in the loss of daylight to neighbouring properties. Given the height of the proposal and its orientation in relation to neighbouring properties, it will not materially overshadow neighbouring amenity space.

The use of short term let tourist accommodation may give rise to noise impacts upon the neighbouring property but given the distance and tree belt between the dwellings, this is not likely to cause an issue.

The proposal would therefore not result in an unreasonable loss of residential amenity and is acceptable in this regard.

The proposal complies with LDP policy Des 5.

## **Archaeology**

The Council's archaeologist was consulted as part of the assessment of the application. There are no known significant archaeological implications in regard to this application.

## **Parking and Road Safety**

The Roads Authority raise no objection to the proposal. It is noted that the car parking proposed is in excess of Parking Standards. If the application was to be approved it is recommended that the level of car parking proposed within the site be amended to meet Council guidance which states that there should be one parking space per bedroom in Zone 3 visitor accommodation. Therefore three parking spaces would be acceptable. Six visitor cycle parking spaces should also be included by condition in the event of approval.

The proposal complies with LDP policy Tra 2 and Tra 3 subject to the imposition of a condition.

## **Flooding**

A Surface Water Management Plan was provided as part of the application. The proposal is for surface water and treated foul water to be discharged into the existing drainage system and septic tank of East Rigg House. While Scottish Water raise no objection to the proposal, it should be noted that grid connection at this site is not possible.

The proposal complies with LDP Env 21.

## **Conclusion in relation to the Development Plan**

The proposal for tourist accommodation is not compatible with a Countryside use and the scale and form of the structures are not compatible with the character of the area. The proposal does not comply with NPF4 Policies 4 and 30 and LDP Policies Des 1, Des 4, Env 10 , Env 11 and Env 17 of the Local Development Plan. There are no material planning reasons to justify its approval.

### **b) There are any other material considerations which must be addressed?**

The following material planning considerations have been identified:

#### Emerging policy context

On 30 November 2022 the Planning Committee approved the Schedule 4 summaries and responses to Representations made, to be submitted with the Proposed City Plan 2030 and its supporting documents for Examination in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. At this time little weight can be attached to it as a material consideration in the determination of this application.

#### Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

#### Public representations

There are 28 letters of support and no letters of objection.

A summary of the representations is provided below:

#### *Balerno Community Council - support*

- Good design will have no impact upon rural character of area or landscape quality.
- Good for the local tourism economy including the 'Free Company Wedding' venue and restaurant.
- *material considerations - support*
- Good design will have no impact upon rural character of area or landscape quality.

- Good to see planting of new trees.
- Good for the local economy
- No objections - Noted.

### **Conclusion in relation to identified material considerations.**

The material issues have been identified and addressed. There are no new material issues to address.

### **Overall conclusion**

The proposal for tourist accommodation is not compatible with a Countryside use. The proposal is not compliant with NPF4 Policy 4 (Natural Places), Policy 30 (Tourism), LDP Policy Env 10 (Development in Greenbelt and Countryside), LDP Policy Env 17 (Pentlands Regional Park) and the Non-Statutory Guidance for Development in the Countryside and Green Belt. The proposal is not compatible with the character of the surrounding area and does not comply with LDP Design policies Des 1 (Design Quality and Context) and Des 4 (Impact on Setting). The proposal does not comply with the Local Development Plan. There are no material considerations which outweigh this conclusion and no exceptional planning reasons for approval.

## **Section C - Conditions/Reasons/Informatives**

The recommendation is subject to the following;

### **Reasons :-**

1. The proposal is contrary to the Local Development Plan Policy Env 17 in respect of Pentlands Hills Regional Park, as the design would detract from the special character of the area.
2. The proposal is contrary to the Local Development Plan Policy Des 4 in respect of Development Design - Impact on Setting, as it would detract from the character of the area.
3. The proposal is contrary to Local Development Plan Env 10 - Development in the Green Belt, as a countryside location is not essential for a tourist accommodation use.
4. The proposal is contrary to the Local Development Plan Policy Des 1 in respect of Design Quality and Context, as it would detract from the character of the area.
5. The proposal is contrary to NPF4 Policy 4 in respect of designated landscape areas as it would harm the character of the area.
6. The proposal is contrary to NPF4 Policy 30 in respect of tourism as it is not compatible with the surrounding area and not accessible by public transport.

## **Background Reading/External References**

To view details of the application go to the [Planning Portal](#)

## **Further Information - Local Development Plan**

**Date Registered: 5 December 2022**

## **Drawing Numbers/Scheme**

03-11

Scheme 2

**David Givan**  
**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

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## Appendix 1

### Summary of Consultation Responses

NAME: Scottish Water

COMMENT: No objection to the proposal but an application must be made to Scottish Water in order for them to adopt a new connection.

DATE: 21 December 2022

NAME: BAA Aerodrome Safeguarding

COMMENT: The proposed development has been fully examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria.

DATE: 21 December 2022

The full consultation response can be viewed on the [Planning & Building Standards Portal](#).

### Location Plan



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