

The Residents of Kellerstain
(Including Lodge, House, Little Kellerstain and Stables)

Tuesday 21st May 2024

Sent via email: localreviewbody@edinburgh.gov.uk

Reference: 23/06323/FUL

For The Attention Of: Gina Bellhouse

Dear Madam,

We write regarding the above-mentioned planning application and the subsequent appeal that is to be heard on 28th August 2024.

The residents of Kellerstain collectively write to reiterate our opposition to this proposed development. Over the past 10 years, we have consistently objected to the planning applications concerning this site. Below is a summary of the outcomes for each application:

Previous Owner

Application 1 (ref 14/00748/FUL) - This detailed plan for a two-story house with four bedrooms was rejected by the Council on June 11, 2014. The refusal was based on two primary reasons: the necessity for a house in the green belt was not adequately demonstrated, and the size of the proposed house would negatively impact the landscape quality.

Application 2 (ref 17/06030/PPP) - This proposal aimed to secure approval for a house justified on business grounds to support the owners' operation of Kellerstain Stables as a B&B. Although it was a PPP application, it intended to demonstrate that a new-build five-bedroom house of 246 sqm over 1.5 stories, along with a triple garage, would be an appropriate replacement for existing buildings. However, the Council did not accept the business case and refused consent in May 2018, citing the absence of an 'exceptional planning reason' for a new-build house in the green belt. A review of this decision was sought, but the LRB upheld the refusal in August 2018.

Application 3 (ref 18/07199/PPP) - This proposal closely resembled the scheme and justification of 17/06030/PPP. It was reviewed by the Committee in January 2019 and subsequently refused. An appeal was lodged with the Scottish Ministers, but a Reporter dismissed it in April 2019. The Reporter concluded that none of the four criteria outlined in LDP Policy Env10 were met. Additionally, he noted that the proposed house's scale would be overly prominent on the site and would adversely affect the rural character of the Kellerstain parkland and the surrounding agricultural fields.

Current Owner

Application 4 (ref 23/06323/FUL) – This proposal to utilise the existing structure was refused as it was deemed contrary to NPF 4 Policy 8 (Green belts) as it does not meet the relevant criteria for residential development in this green belt location and would be harmful to its landscape quality and rural character. The proposal was also deemed contrary to LDP 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.

It is our collective opinion that the reasons for refusing to grant planning permission over the last decade have been consistent. Should this appeal be successful for the applicant the Council would be deemed to have contradicted the decisions they have delivered for all other proposals and would, in our opinion be acting unlawfully.

The proposal description for this application and subsequent appeal states, "Proposed change of use from a garage unit into a two-bedroom detached house for the owner's group of the proposed new house at Kellerstain stables" We note that this application is for an area of land on the driveway of the former Kellerstain estate. The plot in question formed part of the Stables under the previous ownership prior to Mr Blacks acquisition of the land. Kellerstain Stables is a distinct separate property, under separate ownership and should not be confused.

Finally, we would comment on the 41 notes of support raised for this planning application which claim to have been submitted by neighbors. We represent all the owners of the 6 properties in the vicinity of this plot therefore we deem these to be spurious in nature and would urge the appeal committee to dismiss these. I would note that there have been no notes of support in respect of the other, historic applications on the site.

We enclose our objections made by the residents in respect of 23/06323/FUL and would respectfully urge the committee to read and consider our comments.

Yours sincerely

The Residents of Kellerstain

Encl. Objections made by residents in respect of 23/06323/FUL

LAND AT KELLERSTAIN STABLES, EDINBURGH EH12 9BS**REVIEW OF REFUSAL OF PLANNING PERMISSION 23/06363/FUL****PROPOSED CONVERSION OF A GARAGE INTO A DWELLING HOUSE****SUPPLEMENTARY STATEMENT ON BEHALF OF MR KEVIN BLACK, PER THE OWNERS GROUP
(MAY 2024)**

1. This submission is made on behalf of Mr Kevin Black ('the appellant') in response to an objection by local residents (letter dated 21 May 2024) regarding his appeal to the Council's Local Review Body ('LRB') against the refusal of planning permission for the conversion of the garage premises at Kellerstain into a dwelling house.
2. The residents object to the proposal on grounds that refusal of consent would be consistent with the refusal by the Council of three previous applications for a new house on the site, and two related appeals which were also dismissed. They consider that approval of the current scheme would contradict these previous outcomes and would constitute the Council acting unlawfully.
3. The appellant acknowledges the neighbours' disquiet with the previous proposals but would respectfully request recognition by the authors of the objection and the LRB panel that the current scheme is wholly different from the previous proposals and merits fresh consideration. Planning permission is justified in accordance with policy and would not be unlawful.
4. The planning justification has been fully explained in the appeal statement already submitted and is summarised by the following points which represent a response to the objection:
 - The three previous proposals were for demolition of the existing garage & adjacent store and for the construction of a new-build house. The current proposal is for the conversion of the existing garage, not a new-build. This is entirely different in planning terms because a change of use constitutes one of the exceptional circumstances in LDP Policy Env 10 (clause b) by which development within the green belt is permitted.
 - The garage is of domestic scale, wholly intact and structurally capable of conversion, all of which are further requirements of Env 10 b).
 - The garage is a long-established characteristic within the landscape setting of the locality and its conversion to a house will have no greater visual impact than existing, which is another fundamental condition of the policy. It will actually improve the building's appearance and sustainability. The three previous house proposals were all for considerably larger buildings than the existing garage and were refused due to their greater visual impact and prominence.
 - The existing garage, adjacent store and hardstanding within the site constitute a brownfield land opportunity which is identified as an exceptional justification for

new housing in the countryside by the Council's non-statutory guidance and Policy 17 of NPF4.

5. The proposal is due to be considered by the LRB on 28 August 2024. If by that time the Council considers Cityplan 2030 should be taken into account as a material consideration it is relevant that Policy Env 18 of the new plan repeats the allowance for conversion of existing buildings in the green belt currently under Env 10.
6. The observation by the objectors that the site is no longer associated with the ownership or operation of Kellerstain Stables is accepted.
7. However the appellant considers it unreasonable for the objectors to ask the LRB to ignore the numerous notes of support submitted to the Council in favour of the proposal. These are legitimate and represent a considerable body of opinion.

Sorrell Associates - 31 May 2024