



Decision by David Liddell, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-230-2297
- Site address: Land 30 Metres West of 60 Glenbrook road, Balerno, Edinburgh, EH14 7BE
- Appeal by Simon Thomson against the decision by City of Edinburgh Council
- Application for planning permission 19/01963/FUL dated 18 April 2019 refused by notice dated 22 November 2019
- The development proposed: Change of use from derelict farm steading to erection of 6x glamping pods and associated works inc. concrete bases, footpaths, refurbished barn and landscaping (as amended)
- Date of site visit by Reporter: 7 February 2020

Date of appeal decision: 19 February 2020

Decision

I dismiss the appeal and refuse planning permission.

Reasoning

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. The development plan comprises SESplan (the strategic development plan for Edinburgh and southeast Scotland), the Edinburgh Local Development Plan and their accompanying supplementary guidance. I must also have special regard to the desirability of preserving the listed Bankhead House or its setting and any special features of historic or architectural interest which it possesses.
2. Having regard to the provisions of the development plan the main issues in this appeal are:
 - the principle of the proposed change of use in this green belt location;
 - effects on the amenity of nearby houses;
 - landscape and visual effects;
 - effects on road safety;
 - effects on the setting of Bankhead House; and
 - the economic and other benefits of the development.
3. The appeal site is the corner of a livestock field a few hundred metres west of Balerno. It contains some sheep pens and some rough ground, and an open barn in its northeast corner. There are a number of residential properties immediately to the east of the site, some of which share the access track into the site.



4. The council refused the application as contrary to policies Env 10, Env 11 and Hou 7 of the local development plan. The basis for this refusal was the effects of the development on the rural character and appearance of the area, on the Pentland Hills Special Landscape Area and on the living conditions of neighbouring residents.

5. Objections to the application (and to DPEA since the appeal) echo these concerns. They also raise other issues including the key issues I identify above. Balerno Community Council is among the objectors. Supporters of the application stressed the benefits of clearing up the site, convenience for visitors, local economic benefits and that the development would encourage greater access to the countryside around the village.

The principle of the development

6. Local development plan Policy Env 10 Development in the Green Belt and Countryside sets out a number of criteria for development in these areas. I don't think that holiday accommodation such as is proposed falls effortlessly under the description 'countryside recreation', which is one of the land uses supported by the policy. I do note however that the associated supplementary guidance places touring caravans and campsites in this category.

7. More generally the policy supports development where a countryside location is essential. The proposal is akin to a campsite, which are generally found in the countryside. Therefore I am satisfied that the proposal is the kind of use which the policy, with its supplementary guidance, aims to support. The alternative interpretation would mean that the local development plan requires new campsites to be in built up areas, which cannot be its intention.

8. Many countryside locations will have limited access to public transport, and I would expect most visitors to a countryside campsite to arrive by car. Given the policy support for such uses in the countryside I do not agree with objectors that, despite this support, the location of the development should be considered an unsustainable one.

9. Policy Env 10 also says that new development should not detract from the landscape quality or rural character of the area. This is the key test in the policy. I return to these matters below.

10. The appellant refers to the objectives in SESplan Policy 12 Green Belts. The principal aim of this policy is to set out how local development plans will plan for green belts. The more detailed policies of the local development plan are of much greater relevance in this case. I address landscape-related matters below. With reference to the fourth objective in the policy, I agree that the proposal would provide some opportunity for access to open space and the countryside.

The amenity of nearby houses

11. This issue is central to the objections from local residents. Their concerns are about disturbance from visitors arriving and leaving and the likelihood that many of them would spend a lot of time outside the pods cooking, eating, drinking and socialising, including late

at night. The proximity of the access track, parking area and the pods to some of the existing houses heightens these concerns, as does the lack of onsite management presence. Concerns are also raised about privacy and security.

12. The consultation response from the council's Environmental Protection service offered the view that the type of holiday accommodation proposed encourages users to sit outside, with the inevitable noise from socialising. It was noted that there was no information on the height or effectiveness (in reducing noise) of the proposed bund, and that the appellant's management statement did not give sufficient comfort that noise issues would not arise. The quiet, rural context of the site was also noted. These concerns are reflected in the council's third reason for refusal which cites policy Hou 7 Inappropriate Uses in Residential Areas.

13. The appellant contends that the proposed management plan demonstrates that there would be sufficient control of the site. The fact that the proposed manager (who lives within 300m and in direct view of the site) and other employees would live locally would ensure constant monitoring and an immediate response to any problems.

14. The difficulties and uncertainties over methodologies and standards means, in the appellant's judgement, that it is not possible to provide a robust noise assessment for a development such as this one. Instead the expert advice received was that a management plan was the best means of addressing concerns. Although it would be for the principal purpose of screening the pods, it is said the bund would likely deliver some mitigation of the effects of noise.

15. I do not agree with the appellant that the propensity of holidaymakers to spend long periods of time socialising outdoors would be the same as for existing residents. I think that holidaymakers would often be more likely to want to socialise and enjoy the outdoor amenities of the site (sometimes late at night) than would generally be so for permanent residents. Particularly given the small footprint and limited facilities within the pods.

16. I can understand the appellant's argument that the intermittent, unpredictable noise from a development like this does not well lend itself to a quantitative noise assessment. However, the lack of such assessment gives me less confidence that significant issues would be unlikely to arise. Similarly, the lack of technical evidence as to the effects of the bund lessens the reliance I can place on it as a means of reducing the effects from noise.

17. I recognise the intention that the site manager would live locally and would monitor the site. However I have no detailed information on the terms on which any manager would be appointed. It may be intended to appoint a particular local resident. But there can be no guarantee this would be the case. Even if it were, management arrangements and personnel could change in the future. In this context, I place limited reliance on the proposed management arrangements in avoiding or addressing any immediate problems which might arise from occupation of the pods in respect of noise or other disturbance.

18. I also note the concerns from neighbours about the use of the access track to the site affecting their amenity and privacy. This would only be an issue for the 4 houses (54-60 Glenbrook Road) sharing or facing on to the access track.

19. Albeit these houses currently share the track with the agricultural use of the site, I do have concerns about the intensification of use which would likely take place at this eastern edge of the site. The front elevations of these houses are either directly fronting or very close to the track. There would likely be a notable increase in use of the track as cars arrive and depart, as well as trips as holidaymakers travel to and from the site to visit other locations in the wider area during their stay. More generally there would be the activity associated with loading and unloading of vehicles and the use of the eastern part of the campsite by guests. Although the site is modest in size, there would be a regular turnover of new visitors arriving and using the site, all in very close proximity to the existing houses in what is currently a very quiet rural location.

20. In the above context, I share the concerns of the council's Environmental Protection service (and some of the concerns of objectors) about the potential effects from noise and other disturbance on the residential amenity of neighbouring houses. In particular for numbers 54-60.

21. The distance from the existing houses, and the propose bund, would be sufficient to ensure no undue overlooking from the pods and the area immediately around them into the existing houses, albeit I note my concerns above about the intrusive nature in more general terms of having the campsite so close to the existing houses. The pods would not be large structures, and would be far enough away to ensure that any overshadowing effects would not be significant.

22. I am conscious of the concerns raised by some neighbouring residents about the security of their properties. However, I do not see why holidaymakers would present a particular crime risk. Anyway, if crime was committed this would be a matter for the police.

23. Policy Hou 7 says that developments which would have a materially detrimental effect on the living conditions of nearby residents will not be permitted. I do not agree with the appellant that this policy has been misapplied by the council. The scope of the policy covers the introduction of non-residential uses, which is the case here. Given the nature of the proposed use, the lack of technical evidence on noise effects, the lack of on-site management, the advice of the council's Environmental Protection officer and the intimate relationship of the site with the closest houses, I think there is a significant risk that there would indeed be an adverse effect on the living conditions of nearby residents. I therefore conclude that the development would not comply with policy Hou 7.

24. Objectors refer me to policy Des 5 Development Design – Amenity. This requires development proposals to demonstrate that the amenity of neighbours would not be adversely affected. In light of my conclusions above, I judge that the proposal also falls short of this requirement.

Landscape and visual effects

25. I note above that the key test in Policy Env 10 is that new development should not detract from the landscape quality or rural character of the area. The site is in the Pentland Hills Special Landscape Area. Policy Env 11 Special Landscape Areas opposes development which would have a significant adverse impact on the special character or qualities of such an area. Policy Env 11 is referenced in the second reason for refusal.

26. Officials' advice in the committee report was that the development would have a significant adverse impact on the rural character of the area. The report states that the site has a managed rural and agricultural appearance and contributes to the special character and qualities of the Special Landscape Area. The proposal was judged to have a significant adverse impact on its special character and qualities. Objections from local residents echo some of the council's concerns.

27. To the appellant, the limited nature of the proposals mean that there would be no significant adverse impact on the Special Landscape Area, or on the rural character of the area. The pods would not impact upon wider views and the proposed materials and landscape treatment would be appropriate for this semi-rural location. Given the derelict state of the site, it is argued that the overall effect on its appearance would be positive.

28. I have difficulty with the council finding, on the one hand, that the proposed use is an appropriate one for a countryside location and, on the other, the advice in the committee report that the design and height of the pods means that they would form notable features in the landscape and would disrupt the rural character of the site and surrounding area.

29. The size and design of the pods are much as to be expected in a proposal such as this one. So too are their materials, the finish of which could be the subject of a planning condition. The roadside trees would provide a measure of screening (fairly effective as I saw, even in winter) as would the proposed planted bund. There is no hedging or boundary treatment proposed for the western or northern boundaries but this too could be required by condition. The site is in fact fairly well-contained, and the development would be readily visible only at very close quarters.

30. It would be at the edge of the cluster of buildings formed by the residential conversions and Bankhead House and would be seen in association with this group on the approaches along Glenbrook Road. But the sense of association of the converted buildings with Bankhead House would not be affected. And given the contained nature of the site I do not think there would be a significant landscape effect from any diminution of the wider setting of this group of buildings.

31. The site lies near the northern edge of the large Pentlands Hills Special Landscape Area. The development would not affect the shelterbelts and policy woodlands which are a particular feature of this part of the Special Landscape Area. Given its small scale, contained site and the scope for a planning condition to control the landscaping of the site, I do not find that there would be a significant effect on the Special Landscape Area or on the larger Pentland Hills Regional Park.

32. The narrow Water of Leith Special Landscape Area lies to the north and east, beyond the fields which surround the cluster of buildings at Bankhead. There would be little or no public views of the development from the incised and wooded river valley, and no discernible impact on the setting of this Special Landscape Area.

33. Accordingly, I see no conflict with the key test from policy Env 10, which is that development does not detract from the landscape quality and rural character of the area. Likewise with policy Env 11 which opposes development which would have a significant

adverse impact on the special character or qualities of Special Landscape Areas. For much the same reasons the proposal would not be in conflict with policies Des 1 Design Quality and Context (which says development should not damage the character or appearance of the area around it) or Des 4 Design – Impact on Setting, which has a similar aim.

34. Objectors refer to a report on the historic villas of Balerno and their associated landscape settings, and to Policy ENV 7 Historic Gardens and Designed Landscapes. I have not been provided with a copy of the Balerno villas report. In any event, the only historic villa nearby is Bankhead House, the setting of which I address below.

35. The development would not affect any site recorded in the national Inventory of Gardens and Designed Landscapes. Policy Env 7 does say that, elsewhere, adverse effects on historic landscape features should be minimised. There would be no direct effect on any historic landscape feature. The site does not appear to form part of any parkland or policy woodlands which might have been associated with the villa.

Road safety

36. Many objectors highlight this issue. It is stated that the access point for the site is at a dangerous bend in the road. More generally, it is held that Glenbrook Road is already dangerous for pedestrians and that additional traffic from the development would add to that risk. There are also concerns about the safety of children in and around the site itself, and that not enough car parking spaces would be provided.

37. I recognise that the council's transportation officials raise no concerns about the proposal. Despite that, I do have some concerns in this regard. The sharp bend in the road means that there is good visibility for cars exiting the site. Entering from the east, however, involves a right turn where forward visibility is interrupted by the roadside trees. Although the road has a speed limit of 30 miles per hour at this point, the experience of residents is that this is often disregarded. The access track already serves the existing houses. But I am concerned about intensifying its use, in particular as holidaymakers would be less familiar with the hazards of the access point (and less aware of the possible presence of children playing near the fronts of the houses adjacent to the site) than would long-term residents.

38. Policy Des 7 Layout Design says that permission will be granted for developments with safe access. Notwithstanding the advice of the council's transportation officials, I do not think this requirement would be achieved.

39. I agree that visitors to a pod could arrive in more than one car, meaning that at full occupancy there could be more cars than the six parking spaces would allow for. However, there would appear to be space within the site for more cars to park, so I do not see a significant issue with a lack of parking space. Had I allowed the appeal I would have imposed a condition requiring the final parking layout to be agreed with the council. In particular since it is not clear to me how the four bay barn could accommodate six car parking spaces.

40. In relation to Glenbrook Road, it appears to me to be a minor rural road which is typical of those serving many rural homes and businesses. The modest amount of traffic

which would be generated by the appeal proposal would not be excessive for a road of this nature. I recognise that there is no footpath or streetlights between the site and the village, but this would be the case for many campsites in a countryside location. Overall effects on the amount of traffic on the A70 would be insignificant.

The setting of Bankhead House

41. Bankhead House lies about 100m to the southeast of the proposed location of the closest pod, although its walled garden is a little closer. Between these and the site are several other houses, including the former coach house and converted steading buildings. Given the distance to the development and the intervening buildings, there would be no adverse effect on the setting of Bankhead House. Therefore there would be no conflict with policy Env 3, which aims to protect the setting of listed buildings.

The benefits of the development

42. Although small in scale, I agree with the appellant that the proposed use would bring benefits to the local area from increased employment, servicing the site and from some additional spending by visitors. The new accommodation it would provide would help support, in a small way, Edinburgh as a tourism destination. These benefits mean that the proposal draws support from one of the aims of the local development plan, which is to support the growth of the city economy.

43. VisitScotland and the Edinburgh Tourism Action Group expressed general support for the type of accommodation proposed, although both declined to comment on the application itself. The Tourism Development Framework for Scotland highlights the need to invest in new accommodation across Scotland. It notes gaps in the higher quality end of the self-catering market, which the appellant says he aims to target. One of the action points in the Framework aims to encourage self-catering accommodation in rural areas, including novel low carbon development. This context provides support for the type of development proposed.

44. I place no great emphasis on the benefits the appellant claims from tidying the site up. It seems to be, at least some of the time, in agricultural use. Although its disturbed ground and dumped material gives it a somewhat untidy appearance, this could easily be remedied. I would not describe the site as derelict or, for the most part, as brownfield.

Other matters

45. Objectors are concerned about the prospect of litter and poor waste management of the site. However these are operational matters and I have no reason to conclude the operator would not make the necessary arrangements.

46. Scottish Water identifies no capacity issues with water supply. The appellant's revised drainage layout shows foul drainage infrastructure which is said to be entirely on land within the appellant's control. SEPA would regulate any waste water discharges to water, and has not objected to the development. Effects on any private waste infrastructure, and the ability to connect with these if this was sought, would be for the

parties concerned. So too would the current positioning (on the appeal site) and servicing of the heating oil tanks for nearby houses.

47. The proposal is not the kind of development which Policy Ret 8 Entertainment and Leisure Developments – Other Locations (to which objectors refer) seeks to control.

Conclusion

48. I disagree with the council (and with objectors) that the proposal would be contrary to policies Env 10 and Env 11 of the local development plan. There are many other local development plan policies with which there is no conflict, and there is no conflict with SESplan. However my concerns about the effects on amenity mean that the proposal would conflict with policies Hou 7 and Des 5. My concerns about road safety mean I find there is conflict with policy Des 7. The importance of these matters is such that, overall, I find that the development does not comply with the development plan.

49. I note the appellant's reference to consents for similar developments at Hilly Cow and at Dundas Castle. Nevertheless, I must determine the appeal on its own merits.

50. The economic and tourism benefits of the proposal means that it can draw some support from Scottish Planning Policy and the National Planning Framework. On the other hand the concerns I have about the impacts on the amenity of the existing houses at Bankhead and my concerns about road safety are such that I do not find that the proposal would contribute to sustainable development. The benefits of the development are not sufficient to outweigh the adverse effects which I identify.

51. I therefore conclude, for the reasons set out above, that the proposed development does not accord overall with the relevant provisions of the development plan and that there are no material considerations which justify granting planning permission.

52. I have considered all the other matters raised, none of which alter my conclusions.

David Liddell

Reporter