



Decision by Richard Dent, a reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-230-2185
- Site address: land south of Cockburn Crescent, Balerno, Edinburgh
- Appeal by Barratt David Wilson Homes against the failure to make a decision by the City of Edinburgh Council
- Application for planning permission in principle (reference 15/05133/PPP) dated 6 November 2015
- The development proposed: residential development with associated landscaping, footpaths, open space, parking etc.
- Date of site visit by reporter: 12 September 2016

Date of appeal decision: 13 October 2016

Decision

I dismiss the appeal and refuse to grant planning permission in principle.

Reasoning

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. The development plan comprises the South East Scotland Strategic Development Plan (SESplan) and the Rural West Edinburgh Local Plan. Having regard to the provisions of the development plan, the main determining issues are whether or not there is a shortfall of land for residential development and, if so, whether, in the words of Scottish Planning Policy (SPP), housing on the site would be “the right development in the right place.” In making this assessment it is necessary to consider the contribution of the site to the landscape and visual character of the area, including the role of the land within the green belt. It is also necessary to determine whether adequate infrastructure exists or could be provided.
2. The appellant argues that there is a substantial shortfall in the residential land supply in Edinburgh and refers to a number of recent appeal decisions to support this contention. Even the approval of some 1,350 housing units at Gogar Station Road, Edinburgh, identified as the “Garden District” proposal by many of those making representations, in the opinion of the appellant, would not resolve the housing land problem. (As anticipated by the appellant, I understand this proposal has been “called-in” for determination by the Scottish Ministers.)

3. The council believes that there is an effective five-year housing land supply within Edinburgh: the adequacy of that supply should be related to the capacity of effective sites rather than a measure of expected output. Nevertheless, particularly in recognition of appeal decisions, the council has taken a pragmatic view and assessed the proposed development site for residential use.

4. Under the circumstances outlined, I consider it reasonable to accept that there is a shortfall in the housing land supply in Edinburgh. Indeed, I am aware that the recent Report into the Examination of the Proposed Edinburgh Local Development Plan also indicates a significant shortfall in the anticipated effective land supply in the period to 2019. On this basis I require to turn to SESplan Policy 7, Maintaining a Five Year Housing Land Supply, which provides scope for the granting of planning permission on greenfield sites, such as the appeal site, subject to three criteria.

5. Firstly, it is necessary for the development to be in keeping with the character of the settlement and the local area. The appellant believes that the proposal fulfils this requirement stating that the development would complete the sequence of the southern expansion from the centre of Balerno and permit the creation of a clear, long-term settlement boundary. There would be green space and path linkage to allow integration with the existing built-up area, that process being assisted by the reduction of houses from 280 proposed in a previous application (which was the subject of an unsuccessful appeal) to 150 units. This lower total would reduce the overall impact. The appellant explains that the proposed house types would reflect the existing houses in Cockburn Crescent in accordance with wider place-making principles.

6. On the other hand, the council asserts the development would have a detrimental impact on the local landscape setting of Balerno and valued views towards the Pentland Hills. The area is a “non-inventory” designed landscape providing an open foreground setting to the regional landscape feature of the Pentland Hills. Despite any proposed mitigation, the rural character of the location, characterised by the scenic backdrop of the Pentlands, would be changed. The wide expanse of open skyline would be lost and the sense of place diminished. In addition to the effect on the site itself, the council believes there would also be an impact on the surrounding countryside and the approach to the Pentland Hills Regional Park.

7. In my assessment, I have noted the terms of the landscape and visual impact assessment undertaken on behalf of the appellant. I have also taken account of the opinion expressed in the previous appeal decision where the reporter stated “the proposed development would significantly change the rural setting of Balerno by moving the boundary closer to the hills and reducing the agricultural buffer between the built-up area and the wild character of the hills themselves.” I endorse this opinion and also agree with the council that the development would have a detrimental impact on the scenic backdrop of the Pentland Hills. This impact would be exacerbated by the upward slope of the ground southwards from Cockburn Crescent. This is not a private view having no right of protection but an integral part of the landscape and visual character of the location.

8. The detrimental impact would not be overcome by a reduction in the number of houses now proposed as, inevitably and overwhelmingly, the character of the site would change

from open fields to housing development. Similarly, the introduction green space and footpath links would not alter the irreversible change from rural to urban character. I further agree with the council that the access route to the regional park (there is a car park to the south beyond the site) would suffer an adverse impact.

9. The appellant argues that an improved defensible boundary to Balerno could be created. However, I consider the existing boundary provides a clear interface between the urban area terminating at Cockburn Crescent and the adjacent rural land. Furthermore, because of the topography, as described above, the houses facing the site across Cockburn Crescent – especially the single storey buildings opposite the north-eastern part of the appeal site – tend to nestle into the landscape. This reduces the starkness of the boundary. I therefore consider that there is no requirement or justification for a new urban edge.

10. On the foregoing basis, I conclude that the proposed development would not be in keeping with the character of the settlement or the local area and, accordingly, fails this aspect of the Policy 7 test.

11. Secondly, Policy 7 requires that development will not undermine green belt objectives. In this respect, the appellant points out that SPP indicates green belt boundaries should not be drawn so tightly as to prevent future growth. Boundaries should be based on physically defined barriers such as tree belts, a design solution that could be achieved in this case. Additionally, argues the appellant, the development would permit improved access, currently restricted by the active agricultural use of the appeal site. The landscape and visual impact analysis prepared on behalf of the appellant emphasises the restricted visibility of the site within the wider context.

12. The council has undertaken a review of the green belt at this location and concluded that the boundary is correctly drawn. Attention is also drawn to the previous appeal and the reporter's decision notice in which he stated that "while the appeal site may not be a conspicuous feature in views to and from the city (which would apply to many parts of the green belt), I do not consider this justifies its removal from the green belt".

13. I have noted the green belt assessment of the site in the previous appeal decision and agree that coalescence is not a consideration in this case. I also accept that the site is not allocated for planned growth but it seems to me that Policy 7 is intended to allow consideration of unallocated sites where there is a shortage of effective housing land. However, a further important objective of green belts is to maintain the landscape setting of settlements. As discussed above in terms landscape character, I do not agree that this objective would be met by the proposed development. I therefore concur with the previous reporter in this respect and endorse the opinion "that the landscape setting of Balerno would suffer a negative effect from the development". In turn, I conclude that the proposal would not accord with this green belt objective. I also agree that although the site has a relatively low visual profile in a wider context this does not justify a more flexible approach to the loss of green belt designation.

14. The appellant believes that the implementation of the proposal would allow more access to open space and the countryside. Insofar as the current agricultural use of the

land inevitably limits access, I agree that the incorporation of paths and open space within the proposed housing development would increase the current access potential to the land. However, the indicative master plan does not show improved access to the surrounding countryside and therefore I am not persuaded the development would not lead to any wider benefits in this respect.

15. The third criterion of Policy 7 requires any additional infrastructure needed as a result of the development to be either committed or to be funded by the developer. In this respect, third parties have expressed concern about a variety of perceived infrastructure shortcomings including traffic and transport, school capacity and water and drainage provision.

16. A transport assessment was undertaken on behalf of the appellant to support the proposal and concluded that there would be no detrimental impact on the road network and, in turn, that no mitigation measures were required. Subsequently, an addendum to the assessment was prepared to address the wider cumulative impact. The addendum also concluded that the development would have no significant additional impact, including impact on Gillespie Crossroads, a junction of particular concern to the council. Nevertheless, a proportionate financial contribution could assist in the delivery of required improvements. The appellant is also agreeable in principle to making a financial contribution towards educational facilities.

17. The council points out that as the site has not been allocated for development no required infrastructure has been identified or committed. Identified infrastructure improvements are intended to mitigate only sites allocated in the local development plan. The proposal would undoubtedly increase traffic queuing and congestion at junctions affected by the site, including Gillespie Crossroads, but the scale of impact cannot be precisely predicted.

18. No objection to the proposal has been raised by the council in respect of education. The council agrees that, should permission be granted, a legal agreement would be required to secure an appropriate financial contribution.

19. I have noted the clear concern of the third parties in respect of the anticipated impact on infrastructure, especially in terms of traffic and the capacity of the A70, Lanark Road. The appellant is prepared to make proportionate contributions to infrastructure provision where shown to be justified, the appropriate levels to be determined for inclusion in formal legal agreements. This appears to me to be an appropriate approach. I have no clear evidence to suggest other infrastructure constraints and, overall, I am unable to support the council's argument that the development would not meet the criteria of Policy 7 in terms of infrastructure provision.

20. Despite my conclusion in respect of infrastructure provision, I conclude that the proposal does not satisfy SESplan Policy 7: the development would not be in keeping with the character of the settlement and the local area and would undermine green belt objectives. In turn, I conclude that, overall, the proposal does not gain support from Policy 7.

21. The Rural West Edinburgh Local Plan designates the site as green belt, with severe

policy restrictions on development. Although the age of the local plan is such that the housing land policies must be regarded as out-of-date, I consider that the green belt policy remains relevant. Accordingly, having assessed the proposal against SESplan Policy 7, I conclude the residential development of the appeal site would be clearly contrary to the provisions of the local plan and does not meet the requirements to satisfy the terms of the strategic development plan. This conclusion points to the refusal of planning permission. I must therefore determine whether material considerations suggest otherwise.

22. Much weight must be given to SPP as a material consideration. In particular, I note that guidance in SPP presumes in favour of development contributing to sustainable development. However, as previously explained, the aim is to achieve the right development in the right place. Development at any cost is not to be allowed. I can accept that the development, if implemented, would fulfil a number of the important principles that should guide decisions. For instance, the appellant has quantified the net economic benefit that could flow from the approval of the development. Although the application is in principle, I can accept that good design could be applied to the site layout and that over-development could be avoided. Crucially, however, I do not believe that the proposal would protect and enhance the landscape and the wider environment. In my opinion, contrary to the view expressed by the appellant, this consideration significantly and demonstrably outweighs any benefits when assessed against the wider policies of SPP.

23. The Edinburgh City Local Development Plan will supersede the current local plan in the near future and must therefore be given considerable weight. The local development plan retains the green belt designation of the site and, additionally, the land is included within a larger “special landscape area”. These special landscape areas are intended “to protect Edinburgh’s unique and diverse landscape which contributes to the city’s distinctive character and scenic value”. Development which would have a significant adverse impact on the special character or qualities of the areas will not be granted planning permission.

24. Although the appellant believes the proposal would not have a detrimental impact on the special landscape area, my assessment of landscape character leads me to disagree with this opinion. Indeed, I consider that the protection of the landscape to the north of the foothills of the Pentland Hills to be a worthy and important objective. I accept the appeal site is a small part of the wider special landscape designation but, in my opinion, the land is in a particularly sensitive location and is on the approach to the regional park. As previously concluded, the use of this land for residential development would result in a significant adverse landscape impact.

25. On the foregoing basis, the proposed development does not draw support from the provisions of the forthcoming local development plan.

26. There are numerous third party representations which contain a range of objections to the proposal. I have taken account of various aspects of the representations in my assessment of the proposal. Although I have recognised the potential for financial contributions in respect of infrastructure provision, I can appreciate the concern about additional traffic generated by the proposed development. Whilst my site inspection was not undertaken during the morning or evening peak periods, the A70, Lanark Road, was far from free-flowing due especially to busses and service vehicles.

27. I acknowledge the concern of third parties over the loss of agricultural land but I note that the site does not comprise prime quality land. Other matters such as the lack of village facilities and healthcare provision have also been raised but I have no substantive evidence to draw conclusions in these respects. Indeed, the council has accepted that extra demand for local services would not merit the refusal of the proposal.

28. I have taken account of all the other matters raised but none leads me to set aside my conclusion that planning permission in principle should not be granted as the proposal does not accord with the provisions of the development plan. In reaching my conclusion I have taken account of the potential contribution to the effective land supply that could be made by the release of the site for residential development. Even the reduced number of houses proposed from 280 to 150 would represent a worthwhile contribution to the shortfall. Nevertheless, I believe that, in this particular instance, landscape character and the greenbelt designation are fundamental considerations. In turn, the proposal would not constitute the right development in the right place and I therefore dismiss the appeal.

Richard Dent

Reporter