

East Lothian Council leader 'misdirected' committee, appeal claims

A council leader has been accused of 'misdirecting' colleagues after a family lost out on their bid to build new homes next to their business by a single vote.

Carol Auld launched a bid to build three houses on a paddock, next to her work buildings, on the edge of Elphinstone, East Lothian, for her and her daughters to live in and carry on the family business.

But her application was rejected by East Lothian Council's planning committee after splitting the vote in half with planning convenor, and council leader, Norman Hampshire holding the casting vote.

Now an appeal to Scottish Ministers agents for the applicant claim Councillor Hampshire's position was flawed after he warned approving the application could set a precedent for 'every village in East Lothian' and add that it was his comments which swayed at least one councillor to change their vote, leading to the split.

Planning officers had recommended the committee refuse permission for the houses saying saying the paddock was a rural location and new homes would be against their countryside policy.

However it was argued that since developer Bellway had been given the go ahead to build a large housing estate on the other side of the road from the paddock it was no longer a country location.

And it was widely acknowledged at the committee meeting that the site was likely to be included in the next Local Development Plan for the area, which sets out future housing land.

In their appeal statement agents for the applicant say: "It was unfortunate that the convener of the planning committee (and also leader of the council) misdirected the committee in expressing concern as to the setting of a damaging precedent that would weaken the council's ability to prevent inappropriate development across the county.

"He said that the granting of planning permission would open the door to sites in 'every village in East Lothian' and would fundamentally weaken the council's position and that they would lose control.

"On the back of this direction and highly emotive contribution, Councillor (Shona) Macintosh changed her decision and voted in support of the officer recommendation.

"However it remains our position that Councillor Hampshire misdirected the committee in raising the matter of precedent with such gravity. There is no such thing as precedent, each application should be determined on its own merits, and each application will have a set of unique characteristics that will avoid clear precedent being set."

Councillor Hampshire did not comment on the claims. A council spokesperson said: "Reasons for refusal of planning permission were stated at the planning committee meeting on September 3 and it would be inappropriate for us to comment further pending the outcome of this appeal."

By Marie Sharp Local Democracy Reporter