



Newtown St Boswells Melrose TD6 0SA Tel: 01835 825251 Fax: 01835 825071 Email: ITSystemAdmin@scotborders.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100051178-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Ferguson Planning		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Tim	Building Name:	Shiel House
Last Name: *	Ferguson	Building Number:	54
Telephone Number: *	01896 668 744	Address 1 (Street): *	Island Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Galashiels
Fax Number:		Country: *	UK
		Postcode: *	TD1 1NU
Email Address: *	tim@fergusonplanning.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:

You must enter a Building Name or Number, or both: *

Other Title:

Building Name:

C/O

First Name: *

Building Number:

Last Name: *

Address 1
(Street): *

Shiel House

Company/Organisation

Roxburghe Estates

Address 2:

54 Island Street

Telephone Number: *

Town/City: *

Galashiels

Extension Number:

Country: *

UK

Mobile Number:

Postcode: *

TD1 1NU

Fax Number:

Email Address: *

Site Address Details

Planning Authority:

Scottish Borders Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

634245

Easting

378295

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Conversion of existing steading to form one residential dwelling together with associated parking and infrastructure works

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Refer to Grounds of Appeal Statement

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review. * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Statement of Appeal, Planning Application Form, Planning Statement, Site Layout Plan, Plans & Elevations, Report of Handling, Decision Notice

Application Details

Please provide details of the application and decision.

What is the application reference number? *

17/00118/FUL

What date was the application submitted to the planning authority? *

08/02/2017

What date was the decision issued by the planning authority? *

11/04/2017

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Ferguson Planning Tim Ferguson

Declaration Date: 12/05/2017

FERGUSON
PLANNING



LOCAL REVIEW BODY – STATEMENT OF APPEAL
(17/00118/FUL)

CONVERSION OF EXISTING STEADING TO FORM ONE
RESIDENTIAL DWELLING TOGETHER WITH
ASSOCIATED PARKING AND INFRASTRUCTURE
WORKS

KERCHESTERS FARM, KELSO, TD5 8BN

CLIENT: ROXBURGHE ESTATES

MAY 2017

Main Office:

Shiel House
54 Island Street
Galashiels
TD1 1NU

T 01896 668 744
M 07960 003 358
E tim@fergusonplanning.co.uk
W www.fergusonplanning.co.uk

Glasgow Office:

69 Buchanan Street
Glasgow
G1 3HL

M 07586 807 973
E sarah@fergusonplanning.co.uk
W www.fergusonplanning.co.uk

NI Office:

61 Moyle Road
Ballycastle
Co. Antrim
BT54 6LG



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Appendix 2: Site Layout Plan

Ref: ROX1

LPA Ref: SBC

Author: TF/GF

Telephone: 01896 668 744

Date of Issue: May 2017

1. Introduction

- 1.1 This statement of appeal has been prepared by Ferguson Planning on behalf of Roxburghe Estates who wish to convert and upgrade an existing steading at Kerchesters Farm to form one high quality residential dwelling.
- 1.2 The related planning application (17/00118/FUL) was lodged on 8th February 2017 with a decision, via delegated powers, to refuse the application received on 11th April 2017. As such, we now seek to appeal the decision via the Local Review Body.
- 1.3 This statement responds to the reason for refusal and, where appropriate, cross referring to the delegated officer's report, Local Development Plan and material considerations. The relevant appeal documentation is listed within Appendix 1.

2. Reason for Refusal

2.1 Within the decision notice the reason for refusal was that:

"The proposal is contrary to Policy HD2 of the Local Development Plan 2016 and the advice of Supplementary Planning Guidance (SPG) – New Housing in the Borders Countryside, in that:

- i) The proposal does not appropriately constitute a conversion in that it is not physically capable of conversion;**
- ii) The building is not worthy of conversion in terms of its architectural or historical merit**
- iii) The site lies outwith any recognised settlement or building group and the need for a new dwellinghouse on this site has not been adequately substantiated**

The proposal is contrary to PMD2 of the LDP and SPG New Housing in the Borders Countryside and SPG Placemaking and Design, in that the resulting building would not be in keeping with the design and character of the existing building.

The proposal is contrary to Policy EP2 and EP3 of the LDP in that the potential impact on local biodiversity and protected species is unknown as surveys of the surrounding buildings and trees have not been carried out, informed by a Preliminary Roost Assessment."

Representations

2.2 There were a total of seven representations to the application.

2.3 The Landscape Architect **supports** the application as the **"existing steading is something of an eyesore and development represents an improvement in landscape and visual terms"**. They propose a condition to protect the two oak trees to the north of the plot.

2.4 The Ecology Officer considers the suitability of the existing structure for bats as **low** and the mature oak trees may provide roosting opportunities for bats. The steading building may afford opportunities for barn owl, barn swallow and crevice-dwelling species such as common pipistrelle. Bird species recorded with 2km of the proposed site include breeding lapwing, curlew and oystercatcher, greylag goose and barn owl. As a result Ecology recommended two conditions – a bat survey of the building and oak trees prior to determination and a species protection plan for breeding birds prior to commencement of development.

2.5 Archaeology has **no objections** and recommends that a Watching Brief is undertaken during any below excavations required for this development.

2.6 The Outdoor Access Officer has **no objections** to the proposal as the right of way BR15 utilizes the existing access road leading to the site.

- 2.7 Roads Planning Service have **no objections** to the proposal. They have raised a number of points that could be conditioned and be incorporated into any final design.
- 2.8 The Environmental Health Officer sent a questionnaire to the applicant which was completed and returned. As a result they recommend planning permission should be **granted** on condition that development is not to be permitted until a site investigation and risk assessment has been carried out to identify and assess potential contamination on site.
- 2.9 Education and Lifelong Learning require a contribution of £2,718 for Sprouston Primary School and Kelso High School. The contribution would be deemed acceptable by the applicant.

3. Planning Context

Site Context

- 3.1 The steading is located to the south of Kerchesters Farm, Kelso, TD5 8BN and is accessed via a track from Kerchesters or a track off the B6396 opposite the yard of Eric Gillie. The site extends to some 0.3 hectares and is contained within its own boundary fencing. A wooded area called the Jockscairn Plantation is located to the north, Haddenrig Wood is to the east and farmland to the south and west.
- 3.2 The steading is in a 'U' formation and is made of brick work up to full wall height. It has a corrugated iron roof structure fully intact with wooden beam structures separating and structurally holding the barn.

Related Planning Policy

- 3.3 Within the 'Report of Handling' the Planning Officer has focussed the determination of the application on Policy HD2 Housing in the Countryside (C) Conversions, Policy PMD2 Quality Standards, Policy EP2 Protected Species and Policy EP3 Local Biodiversity. Supplementary Planning Guidance 'New Housing in the Borders Countryside' and 'Placemaking and Design' are also key material considerations.
- 3.4 Policy HD2 (C) Conversions states:
- Development that is a change of use of a building to a house may be acceptable provided that:
- a) The council is satisfied that the building has architectural or historic merit, is capable of conversion and is physically suited for residential use,
 - b) The building stands substantially intact (normally at least to wallhead height) and the existing structure requires no significant demolition. A structural survey will be required where in the opinion of the Council it appears that the building may not be capable of conversion
 - c) The conversion and any proposed extension or alteration is in keeping with the scale and architectural character of the existing building.
- 3.5 Policy PMD2 ensures that all new development including housing is of a high quality and respects the environment in which it is set. It is expected that new development be of high quality in terms of sustainability, placemaking and design, accessibility and green/open space.
- 3.6 The aim of Policies EP2 and EP3 are to protect nationally important nature conservation sites and protected species and to safeguard and enhance local biodiversity.

Material Considerations

- 3.7 A key material consideration in the determination of this application is Supplementary Planning Guidance 'New Housing in the Borders Countryside' (2008). This document states that

rehabilitation of any available existing buildings should be considered as an alternative to new development and the Council should look sympathetically at proposals for the sensitive reuse, conversion or rehabilitation of traditional buildings. The following criteria should apply when assessing proposals for conversions:

- No adverse effect on the viability of a farming unit or conflict with the operations of a working farm;
- Satisfactory access and other road requirements
- Satisfactory public or private water supply and drainage facilities
- The building is structurally sound, in a reasonable state of repair, and capable of conversion without substantial rebuilding. If it is incapable of conversion, any replacement building should reflect the form and character of the original structure;
- The building can be converted without alterations to its external appearance which would detract from its character and attractiveness;
- The building makes a positive contribution to the landscape and has no adverse effect on countryside amenity or nature conservation'
- No adverse impact on ancient monuments or archaeological sites;
- Appropriate siting, design and materials

3.8 SPG 'Placemaking and Design' (2010) is also a key consideration in the determination of this application. This states that new development must seek to achieve the following objectives:

- Development must fit with the wider landscape
- New design should always respond to the wider landform in terms of views, settlement pattern, drainage and long term growth
- Identify key landscape heritage features
- Key views from the wider area toward the proposed development must be considered
- Must form a logical addition in terms of distribution and form
- Must make most efficient use of existing roads and services infrastructure

3.9 This guidance states that a positive relationship must be created from the development to views from main roads/focal points. Traditional materials should be used as they sit naturally within the rural landscape.

4. Grounds of Appeal

Reason for Refusal

4.1 The reason for refusal is outlined in chapter two. It centres on the belief that the application fails to comply with Policy HD2 (C), PMD2, EP2 and EP3 of the Scottish Borders Local Development Plan 2016 in that:

- the building is not capable of conversion or not worthy of conversion in terms of its architectural or historic merit;
- the proposed building would not be in keeping with the design and character of the existing building; and
- the potential impact on local biodiversity and protected species is unknown

4.2 Our response to the reason for refusal forms the Grounds of Appeal and which are now listed below.

Grounds of Appeal (GOA)

GOA 1

4.3 We strongly challenge the assertion that the building is not worthy of conversion in terms of its architectural or historic merit or indeed that this should be a core reason for refusal when a building is substantially intact and redundant in use.

4.4 We disagree with the notion that there is no historic context for this proposed layout. A key historical feature of the building is its steading shape and style. This commitment to preserve the historical merit of this building by keeping the u-shaped steading layout and orientation should have gained greater recognition. The courtyard will be used as garden/recreational space thus enhancing what currently exists.

4.5 The Report of Handling also asserts that the use of cladding to “hide” the brickwork proves that there is no historic or architectural merit to the building. The use of cladding is to enhance the existing brickwork and which will respect the rural character of the setting. The original brickwork will remain intact and will be used in part within the interior to pay respect to its historical past. The iron roof structure needs replacement due to rot and damage and will be replaced with a high quality natural slate, again respecting the architectural character of the building.

4.6 The proposal therefore complies with Policy HD2 (C) in that the historical building is capable of conversion, the building lies substantially intact and the conversion would be in keeping with the character and scale of the building and rural location.

GOA 2

- 4.7 It is worth noting that it is accepted within the Report of Handling that “*the proposal would be high quality in design*” but the scale and character of the proposal is a “*significant enlargement*”.
- 4.8 The proposed conversion results in the footprint of the building being less than what currently exists. This together with the high quality materials, landscaping and planting ensures the proposal complies with Policy PMD2 and thus should not have been refused on this basis.

GOA 3

- 4.9 It was the intention to protect existing woodland, including the two oak trees, to the north while retaining the historic wall structure by retaining that in the boundary but building a new rear wall some 5 metres away. The existing wall will then form a boundary wall and used as a feature of the garden.

GOA 4

- 4.10 It has been misinterpreted that we intend to demolish the existing brick walls as the proposed plans and elevations lodged show the lines of the proposed clad stone walls directly aligned with the existing brick walls. Although the officer's report states that the drawings could be inaccurate the officer comes to the conclusion that the proposal is for demolition which “*is not supported by the conversion policy*”.
- 4.11 For clarity the plans that were submitted were indicative and were originally for a PPP application which was subsequently not validated by the council as they advised a detailed application is required for a conversion. These indicative plans were then used for the detailed application. It is not our intention to demolish the existing structure as we explained in Paragraph 5.4 of our Planning Statement.
- 4.12 The walls are to remain intact with the building survey showing that this is possible. The applicant seeks a consistent external finish using high quality and rural acceptable stonework cladding.

GOA 5

- 4.13 The report states that the “*proposal relies heavily on intervention to introduce light*” into the proposed dwelling and thus the frequency of the windows and doors and the enclosure of the internal courtyard “*is not historically accurate*”.
- 4.14 The existing walls have no windows or doors due to the fact that it was previously built for use as an agricultural steading. New openings in the existing wall are needed to allow the building to act as residential and we have minimised these openings to respect the character of the building. Again the use of timber windows in a simple design complies with Supplementary Planning Guidance, New Housing in the Borders Countryside (p. 44).

- 4.15 The internal courtyard will remain and will be used as open space/garden area and thus will remain historically accurate. There are no internal walls within the building's quadrant and thus stone cladding will be introduced which again respects the existing brickwork and rural character of the building.
- 4.16 As stated we believe the decision has overly focussed on a building requiring to have historical significance. It is our position that the building is largely intact and appears on largely the same footprint from key receptor points that should be deemed acceptable. The proposal does that and is an enhancement to what exists.

GOA 6

- 4.17 The Structure Condition Survey that was conducted finds that *"the walls are constructed in a good quality brick in a lime mortar and in general are in a very good condition"*. The iron roof structure needs replaced due to rot and damage. This will be replaced with a high quality natural slate, again respecting the rural area in which the existing building is set.
- 4.18 The officer's report states that *"it is accepted that the building does stand substantially intact in its present use"*. As there will be no significant demolition the proposal complies with Policy HD2 (C) b.

GOA 7

- 4.19 The officer's report states that the existing building is of single storey and that the extra attic space, six skylights and three windows to the front makes the proposal *"not appear consistent with current scale and character"*.
- 4.20 The proposed layout is indeed consistent with the current scale and character. The attic space is to be used for storage only with the windows and skylights on the roof/gable area to provide more light to the house. The roof/gable area requires to be removed due to "decay and rot" and thus the addition of the windows do not significantly alter the scale or character of the building.
- 4.21 If it is considered critical in the determination of this application these three windows and six skylights can be reduced in scale.
- 4.22 It is also worth noting that the footprint of the proposed house will be less than the existing steading which again respects its scale.

GOA 8

- 4.23 The Landscape Architect supports the application. They feel that the existing steading is *"something of an eyesore and development represents an improvement in landscape and visual terms"*.
- 4.24 They also state that *"the proposed building is set well away from public receptors and the existing trees and woodland provide a visual backdrop"*.

- 4.25 We therefore question how one can refuse the application on the basis of the “scale” of the proposal given that it is deemed appropriate in visual and landscape terms.

GOA 9

- 4.26 We question why the third reason for refusal has been stated regarding surveys of the buildings not being carried out.
- 4.27 In our correspondence with the case officer we asked if these surveys could be conditioned prior to commencement of works rather than prior to the determination of the application.
- 4.28 The response was that “*There shall be no requirement for bat/ecology surveys; the recommendation is for refusal, as advised previously*” (In Pre-App 16/00455/PREAPP).
- 4.29 For clarity, the applicant is willing to undertake the required surveys and happy to be conditioned prior to any site works beginning.
- 4.30 It is somewhat disappointing that a decision on the application was made prior to all of the statutory consultations being received and considered.
- 4.31 It is essential to have all the relevant statutory consultee’s comments before any decision is made. Unfortunately this has not been the case.

GOA 10

- 4.32 The roads planning service have no objections to the proposal. They have raised a number of points that could be conditioned and be incorporated into any final design.
- 4.33 Supplementary Guidance advises that “*satisfactory access and other road requirements*” is a key consideration in assessing any conversion proposal. Therefore we again question how one could come to a decision before they received a response from the roads department.

GOA 11

- 4.34 As outlined within SPG a key criterion in assessing conversion proposals is the availability of satisfactory public or private water and drainage facilities. This does not seem to have been taken into account in the determination of this application.
- 4.35 The site benefits from being next to an existing mains power supply and water supply and private drainage arrangements will be used in the form of a septic tank. Again these related matters can be conditioned.

GOA 12

- 4.36 The site is at no risk of flooding and does not have any environmental or historical designations of note. We are in agreement with the landscape officer in that what is proposed is a net enhancement to what currently exists.

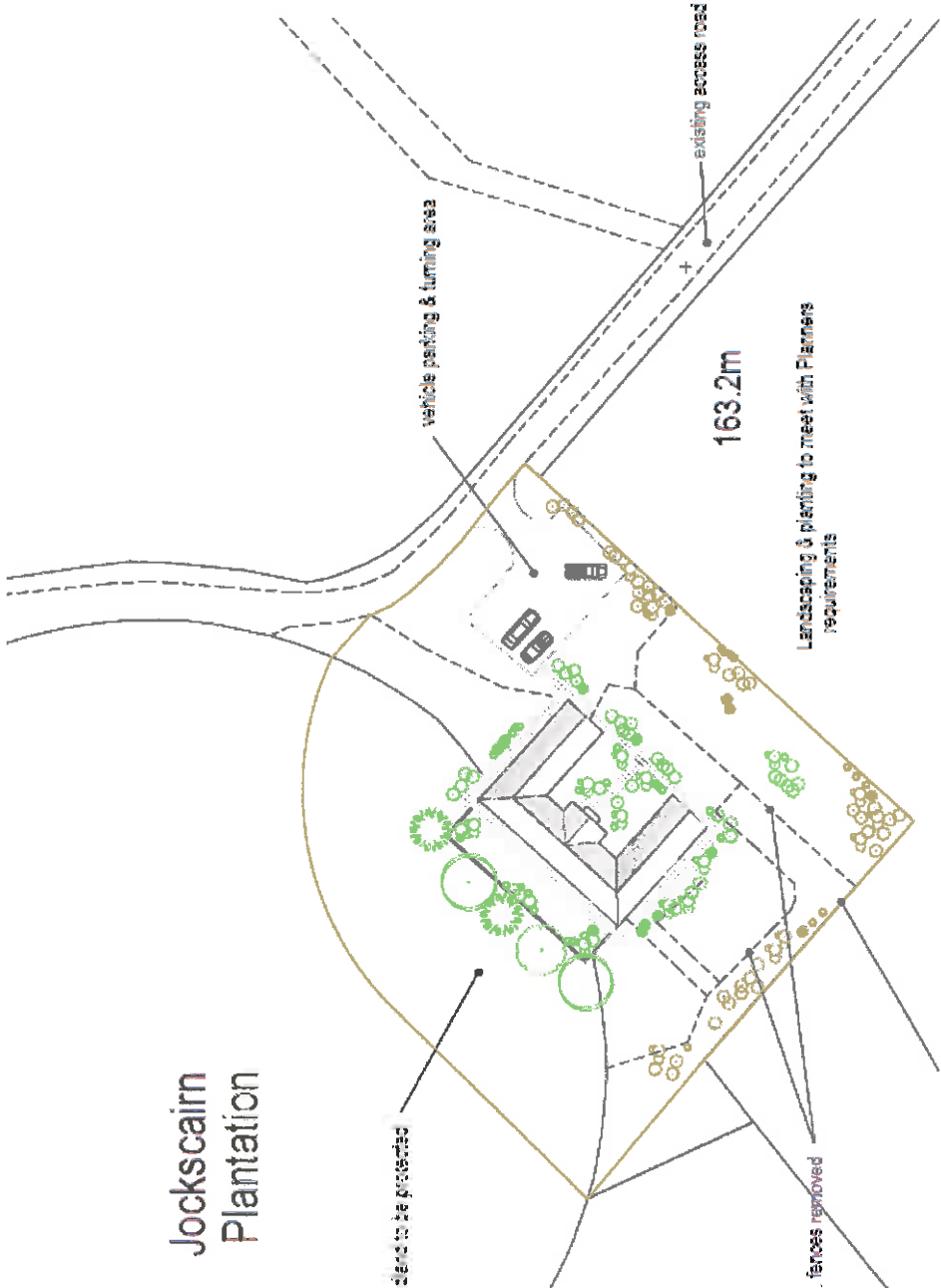
5. Conclusion

- 5.1 We believe that the proposal represents an appropriate conversion of an existing steading for the reasons outlined within our Grounds of Appeal.
- 5.2 The application was refused on the basis that it was considered not to comply with Policy HD2 (C) in that the building is not worthy of conversion in terms of architectural/historical merit and Policy PMD2 in that the resulting building would not be in keeping with the design and character of the existing building.
- 5.3 Although we sought clarity on the required ecological surveys the application was also refused on the basis that these were not carried out.
- 5.4 We consider that the proposal does comply with Policy HD2 (C). The building does have historical/architectural merit in the form of the existing materials and layout/orientation. The proposal seeks to respect this by enhancing the existing brickwork with stone cladding and keeping the existing courtyard formation.
- 5.5 The building does lie substantially intact and there will be no significant demolition works. The building survey undertaken found the walls are constructed in a good quality brick and are in "a very good condition".
- 5.6 The conversion is in keeping with the scale and character of the existing building. In fact the footprint of the proposed building will be less than what currently exists. The decaying roof and gable will be replaced with a natural slate which acknowledges the buildings rural setting and an enhancement to what currently exists. The use of the roof for attic space or the addition of windows on the gables does not increase the scale of the building.
- 5.7 The proposal will respect its rural surroundings and will not have an adverse impact on key receptor points from the B6396 and the access road.
- 5.8 This is confirmed by the Landscape Architect who considers the existing building "an eyesore" at present with the proposal representing "an improvement in landscape and visual terms". The building will appear in form largely as it currently stands from the key receptor points.
- 5.9 The mature woodland to the rear of the steading will remain and which will provide a defensible boundary and backdrop setting which ensures the house is well enclosed. This is further strengthened by the existing fence line around the curtilage of the site.
- 5.10 The site is not at risk of flooding and does not have any environmental or historical designations to be concerned with.
- 5.11 Although not mentioned within the Report of Handling the site benefits in being next to an existing mains power supply, water supply and having a suitable existing access road from the main road. Private drainage arrangements will be used in the form of a septic tank.
- 5.12 We therefore respectfully request that this appeal be allowed.

Appendix 1: Appeal Documents List

1. Appeal Form
2. Statement of Appeal
3. Planning Application Form
4. Planning Statement
5. Site Layout Plan
6. Plans & Elevations
7. Report of Handling
8. Decision Notice
9. Structure Survey
10. Consultation Responses (Refer to Planning Portal)

Appendix 2: Site Layout Plan





Newtown St Boswells Melrose TD6 0SA Tel: 01835 825251 Fax: 01835 825071 Email: ITSystemAdmin@scotborders.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100035616-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Conversion of existing steading to form one residential dwelling together with associated parking and infrastructure works

Is this a temporary permission? *

Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) *

Yes No

Has the work already been started and/or completed? *

No Yes - Started Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Ferguson Planning		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Tim	Building Name:	Shiel House
Last Name: *	Ferguson	Building Number:	54
Telephone Number: *	01896 688 744	Address 1 (Street): *	Island Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Galashiels
Fax Number:		Country: *	UK
		Postcode: *	TD1 1NU
Email Address: *	tim@fergusonplanning.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:		You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	C/O Ferguson Planning
First Name: *		Building Number:	
Last Name: *		Address 1 (Street): *	Shiel House
Company/Organisation	Roxburghe Estates	Address 2:	54 island Street
Telephone Number: *		Town/City: *	Galashiels
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	TD1 1NU
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Scottish Borders Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

634243

Easting

378297

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

Council officer outlined what was required in application. Initially it was thought the building may not be suitable for conversion. We have now provided a structure survey with this application.

Title:

Mr

Other title:

First Name:

Euan

Last Name:

Calvert

Correspondence Reference Number:

16/00455/PREAPP

Date (dd/mm/yyyy):

27/05/2016

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

0.33

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Former farm steading

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *

Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

Yes No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

- Yes – connecting to public drainage network
 No – proposing to make private drainage arrangements
 Not Applicable – only arrangements for water supply required

As you have indicated that you are proposing to make private drainage arrangements, please provide further details.

What private arrangements are you proposing? *

- New/Altered septic tank.
 Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).
 Other private drainage arrangement (such as chemical toilets or composting toilets).

What private arrangements are you proposing for the New/Altered septic tank? *

- Discharge to land via soakaway.
 Discharge to watercourse(s) (including partial soakaway).
 Discharge to coastal waters.

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *

Details can be provided by way of a suitably worded condition.

Do your proposals make provision for sustainable drainage of surface water?? *
(e.g. SUDS arrangements) *

Yes No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

Yes

No, using a private water supply

No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? *

Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? * Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? * Yes No

Is any of the land part of an agricultural holding? * Yes No

Do you have any agricultural tenants? * Yes No

Are you able to identify and give appropriate notice to ALL the agricultural tenants? Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate E

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate E

I hereby certify that –

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are no agricultural tenants

Or

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are agricultural tenants.

Name:

Address:

Date of Service of Notice: *

Name:

Address:

Date of Service of Notice: *

(4) – I have/The applicant has taken reasonable steps, as listed below, to ascertain the names and addresses of the other owners or agricultural tenants and *have/has been unable to do so –

Signed: Tim Ferguson

On behalf of: Roxburghe Estates

Date: 26/01/2017

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

Yes N/A

A Design Statement or Design and Access Statement. *

Yes N/A

A Flood Risk Assessment. *

Yes N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

Yes N/A

Drainage/SUDS layout. *

Yes N/A

A Transport Assessment or Travel Plan

Yes N/A

Contaminated Land Assessment. *

Yes N/A

Habitat Survey. *

Yes N/A

A Processing Agreement. *

Yes N/A

Other Statements (please specify). (Max 500 characters)

Planning Statement; Structure Condition Survey

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Ferguson Planning Tim Ferguson

Declaration Date: 26/01/2017

Payment Details

Cheque: Tim Ferguson, 012345678

Created: 26/01/2017 14:57

FERGUSON
PLANNING



PLANNING STATEMENT

CONVERSION OF EXISTING STEADING TO FORM ONE RESIDENTIAL DWELLING TOGETHER WITH ASSOCIATED PARKING AND INFRASTRUCTURE WORKS

KERCHESTERS FARM, KELSO, TD5 8BN

CLIENT: ROXBURGHE ESTATES

JANUARY 2017



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Appendices:

Appendix 1: Location Plan

Appendix 2: Plan & Elevations

Appendix 3: Structure Condition Survey

Ref: ROX1

LPA Ref: SBC

Author: TF/GF

Telephone: 01896 668 744

Date of Issue: January 2017

1. Introduction

- 1.1 This statement has been prepared by Ferguson Planning on behalf of the applicant, Roxburghe Estates, who wish to convert and upgrade an existing steading at Kerchesters Farm to form one high quality residential dwelling.
- 1.2 Full Planning Permission is being sought for the conversion to a single dwellinghouse together with associated garden, parking area and associated infrastructure works. Further detail of the proposal is outlined within Section Three of this statement together with the associated architectural drawings produced by Boydell Architecture (Refer to Appendix 2).
- 1.3 The purpose of this statement is to provide an overview of the proposal and set out the reasoning as to why such application should be supported. The remainder of this statement is structured as follows:
 - Section 2: Site Context
 - Section 3: The Proposal
 - Section 4: Planning Policy
 - Section 5: Policy Compliance
 - Section 6: Conclusion

2. Site Context

- 2.1 The steading is located to the south of Kerchesters, Kelso, TD5 8BN and is accessed via a track from Kerchesters or a track off the B6396 opposite the yard of Eric Gillie. It extends to some 0.33 hectares and is within a short drive to Kelso.
- 2.2 To the north is a wooded area called Jockscairn Plantation, to the east is Haddenrig Wood and to the south and west is farmland. Refer to the Location Plan in Appendix 1.
- 2.3 The steading is contained within its own boundary fencing. It is in a 'U' formation and is made of brick work up to full wall height. It also has a corrugated iron roof structure fully intact. Wooden beam structures separate and structurally hold the barn.
- 2.4 A central courtyard relates to the barn structure with further hard standing to the side allowing vehicle movements in and out.

Figure 1: View of steading from South East corner



3. The Proposal

- 3.1 The proposal is for full planning permission for the conversion to a single house to replace the now redundant steading building.
- 3.2 The site is largely rectangular in shape and extends to approximately 0.33 hectares. We feel the proposal represents a suitable conversion to a dwelling house for the reasons outlined within Section 5.
- 3.3 It is important to note that a structural survey was undertaken and which showed that the walls were in "very good condition". Thus there is a sound existing structure from which to work with. The full survey can be found within Appendix 3.
- 3.4 The intention would be that the existing walls of the steading to remain intact clad with high quality stonework with the main alteration being the insertion of windows and replacement of the iron structure roof which is in decay. This will be replaced with a natural slate to acknowledge the buildings rural setting and an enhancement to what currently exists.
- 3.5 The internal courtyard will be retained to form a garden with further garden area surrounding the converted steading together with boundary planting to enable a defensible edge. The existing access and forecourt would be utilised and provide ample space for two parked cars and turning area. Existing and new fencing will be provided, in the form of post and rail, enabling a clearly defined plot.
- 3.6 The key receptor points from the B6396 and the access road are the east and west sides of the building. The existing and principle walls face in these directions and thus the scale and profile of built form will largely be as it is today.
- 3.7 The existing rear wall will remain intact to preserve reference to that which has gone before. The gap between the existing and proposed rear walls will result in a buffer between the house and existing wall/woodland. Access will be via a gate on the east and west sides. It will also provide a form of barrier between the built form and associated tree root areas.
- 3.8 The external brickwork walls would be clad with high quality stone work to reflect traditional steadings found throughout the Scottish Borders. It is likely internally the existing brickwork will remain exposed in places as a reference to the buildings historical past. The floorplan and elevations have been provided for general context and can be found within Appendix 2.
- 3.9 There is an existing overhead power line which comes alongside the track from Potsclose. The site also benefits from having a suitable existing access road from the main road with minimal farm traffic using it.
- 3.10 There is a 2" alkathene water pipe which comes up the track from Kerchesters and supplies the buildings and fields at the top of the farm (including Jock's Cairn buildings).

- 3.11 There is a separate mains supply to Potsclose which comes from Lempitlaw. An underground pipe was laid across the fields to connect to the main on the Lempitlaw road when Potsclose was sold by the Estate some years ago. It would therefore be feasible to extend this supply to serve Jock's Cairn if required.
- 3.12 There are many existing examples of high quality conversions of former u-shaped steadings in the countryside as shown in the images below.



4. Planning Policy

- 4.1 The development plan is made up of the Strategic Development Plan for South East Scotland (SESPan) and the Scottish Borders Local Development Plan 2016.

Scottish Borders Local Development Plan 2016

- 4.2 One of the principal policies in the determination of this application is **Policy HD2: Housing in the Countryside** where councils wish to promote appropriate rural housing development:

- a) in village locations in preference to the open countryside
- b) associated with existing building groups where this does not adversely affect their character or that of the surrounding area

Section (C) of Policy HD2 is relevant for this proposal. This states that development that is a change of use of a building to a house may be acceptable provided that:

- a) the Council is satisfied that the building has architectural or historic merit, is capable of conversion and is physically suited for residential use,
- b) the building stands substantially intact (normally to wallhead height) and the existing structure requires no significant demolition. A structural survey will be required where in the opinion of the council it appears that the building may not be capable of conversion, and
- c) the conversion and any proposed extension or alteration is in keeping with the scale and architectural character of the existing building.

- 4.3 **Policy PMD2 Quality Standards** seeks high quality design and which respects the environment in which it is contained.

Material Considerations

- 4.4 The key material considerations in the determination of an application of this nature are considered to be:
- Supplementary Planning Guidance:
 - 'New Housing in the Borders Countryside' (2008).
 - 'Placemaking & Design' (2010)
- 4.5 **SPG New Housing in the Countryside (2008)** provides advice on conversions of farm steadings (Appendix 2). It states that "*where buildings become redundant it may be considered appropriate that they be re-used to keep the appearance and character of the rural farm buildings as well as the rural countryside*".

5. Planning Policy Compliance

- 5.1 This section will focus on how the proposal meets the current relevant Local Development Plan policies under HD2 Housing in the Countryside and other considerations.
- 5.2 Due to the proposal falling outwith the nearest development boundary of Sprouston and therefore within a countryside location, Policy HD2 is a key consideration in the overall determination of this application. The proposal represents the conversion of a former farm steading back into use in the form of a single residential dwelling and thus criterion 'C' is relevant.
- 5.3 In the Pre-application response (16/00455/PREAPP) the Council were concerned that the building in question was not capable of conversion or physically suited for residential use. In response a condition survey was carried out in October 2016. It finds that "the walls are constructed in a good quality brick in a lime mortar and in general are in a **very good condition**". It is acknowledged certain propping or foundation works may be needed but the related costing can be absorbed as part of the overall build. The Building Survey is contained within Appendix 3.
- 5.4 The existing walls are largely room height and would remain intact. They would be used and cladded in high quality stone externally. Where existing openings exist they would be built up as per existing walls. Windows and doors would be inserted to aid the conversion for residential purposes.
- 5.5 The proposed new rear wall has been moved further to the south in order to preserve the mature woodland to the north where the existing wall currently sits against. This existing wall will not be altered.
- 5.6 The proposed conversion will result in the footprint of the building being less than what currently exists. Any alteration will not upset the current architectural character of the building. The report finds that the iron roof structure needs replaced due to rot and damage. This will be replaced with a high quality natural slate, again respecting the architecture of the building.
- 5.7 It is important to note that the key receptor points from the B6396 and the access road are the east and west sides of the building and these will be used as the outer walls of the house with only minor adjustments to accommodate timber windows. The structural form will therefore largely be as it is today when viewed from the main road.
- 5.8 The existing courtyard formation of the building will be kept and will accommodate a garden area and pathway connected to the parking area. Soft landscaping works will be planted throughout the site to minimise the level of visual impact and soften built form.
- 5.9 The parking area will have ample space for two cars and a turning area and will be connected to the existing access road.

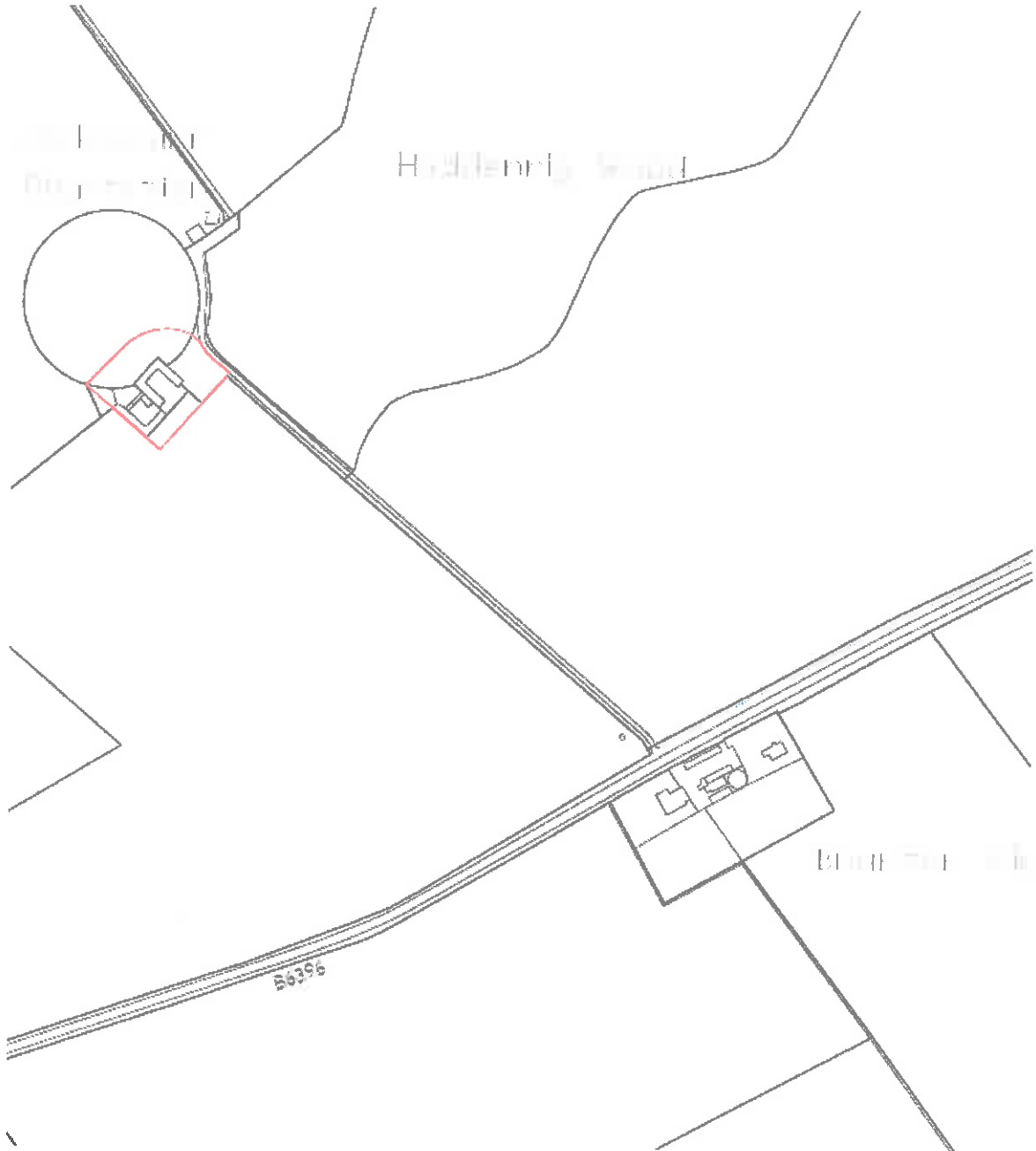
- 5.10 The appended architectural drawings provide the positioning of the new windows and doors, the accommodation of vehicular parking, and the provision of the garden area and thus complies with SPG New Housing in the Borders Countryside.
- 5.11 It is important to note the core walls from key receptor points (i.e. road) are fully intact and will be used as the outer floorplate. The site frontage will therefore follow its existing formation.
- 5.12 The existing fence line at the curtilage of the site ensures it has its own defensible boundary and again complies with SPG New Housing in the Borders Countryside, (page 46). Any new fencing that is required will be in the form of post and rail as specified in the SPG.
- 5.13 The mature woodland which will be protected to the north of the building again provides this defensible boundary and backdrop setting which will ensure that the house is well enclosed and again provide a defensible edge.
- 5.14 The site is not at risk of flooding and does not have any environmental designations. Existing nearby utilities would be availed of.
- 5.15 The site benefits in being next to an existing mains power supply, water supply and having a suitable existing access road from the main road with minimal farm traffic using it. Private drainage arrangements will be used in the form of a septic tank.
- 5.16 Finally, there has been a defined and significant housing shortfall within the Scottish Borders and the proposal will play its part in seeking to address that shortfall and within a short period of time.

6. Conclusion

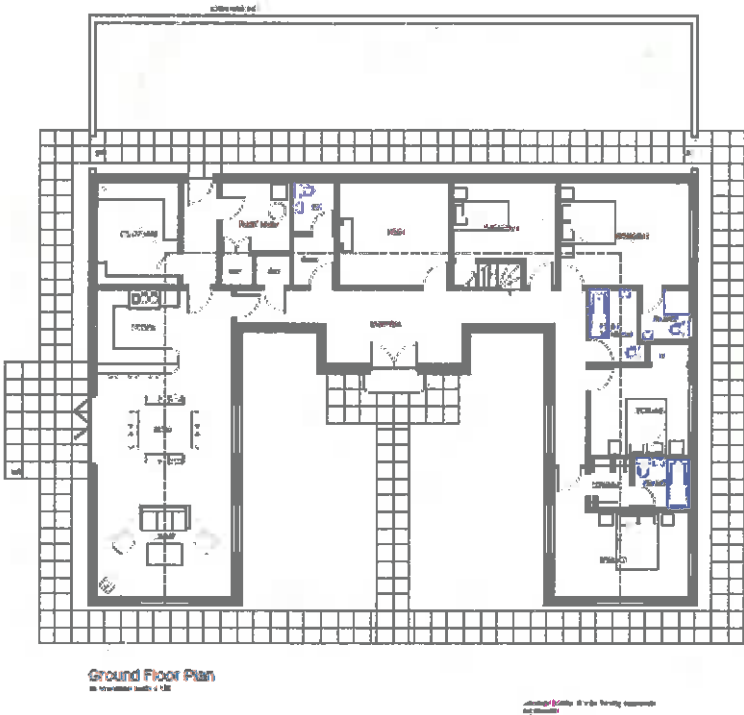
- 6.1 We believe that the proposal represents a sound conversion to a dwelling house for the reasons outlined within Chapter 5.
- 6.2 A condition survey of the farm steading has been carried out and finds that the structure of the building is in good condition. It is capable of a conversion to a residential use with no significant demolition works expected.
- 6.3 There are no flooding or environmental issues associated with the site.
- 6.4 The fence line at the curtilage of the site and mature woodland to the rear provides its own defensible boundary. Any new fencing that is required will be in the form of post and rail as specified in the SPG.
- 6.5 The conversion will result in the use of the existing or core structure and be less than the existing footprint of the current steading.
- 6.6 A new rear wall is proposed which will ensure that no trees are effected by the proposal. The existing rear wall will remain intact and act as a reference to the historic built form of the steading.
- 6.7 For the reasons mentioned within this statement we kindly request that this conversion be granted.

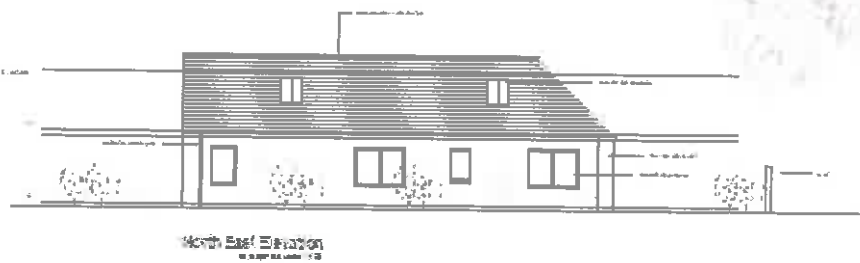
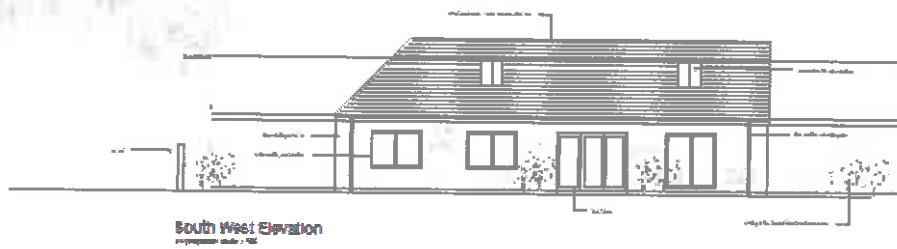
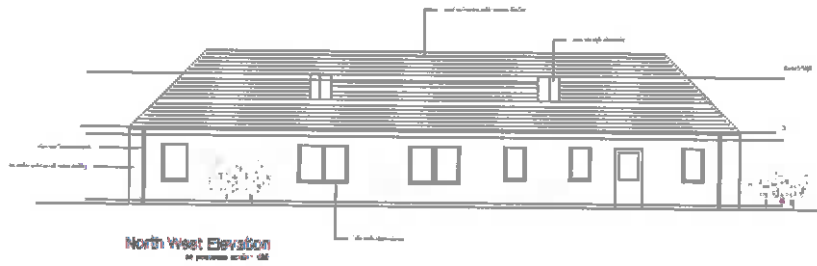
Appendices

Appendix 1: Location Plan



Appendix 2: Plan & Elevations





Appendix 3: Structure Condition Survey

McKay & Partners
CONSULTING CIVIL & STRUCTURAL ENGINEERS

CLIENT: ROXBURGHE ESTATES

PROJECT TITLE: SUPERFICIAL STRUCTURAL INSPECTION
KERCHESTERS FARM, KELSO

PROJECT REF: 16/185

DATE: 1ST NOVEMBER 2016

6 Market Place, Selkirk TD7 4BT 01750 7217260

INTRODUCTION:

At the request of Boydell Architecture acting on behalf of Roxburghe Estates, Messrs McKay & Partners carried out a condition survey of a farm steading to advise if it would be suitable for conversion to a domestic property.

During the inspection no coverings or finishes were disturbed and we are thus unable to confirm that hidden detail are entirely free from defect.

The inspection was undertaken on 28th October 2016.

DESCRIPTION:

The steading is located to the south of Kerchesters, Kelso TD5 8BN and is accessed either from a track from Kerchesters or a track off the B6396 opposite the yard of Eric Gillie.

The precise location is NGR 378294E, 634243N at 165m above sea level.

To the north is a wooded area called Jockscarm Plantation, to the east is Haddenrig Wood and to the south and west is open farmland.

The west side also has a series of disused stock pens. No dipper was present.

The steading forms an inverted 'U' shape with the open end facing south.

The main external perimeter wall is constructed in brickwork which varies from 2.5m to 2.65m in height.

The internal supports consist of large section timber posts and beams at approximately 3.0m centres. Each post corresponds with a truss which supports purlins and cement fibre roof sheeting.

The floor over the covered areas was concrete.

3 No. feeding troughs had been cast against the wall face internally on each leg of the steading.

OBSERVATIONS: (to be read with drawing 16/185/SN1)

For the purpose of this report, the roof, timber beams and timber posts were not inspected as these require replacement due to rot and damage.

The walls are constructed in a good quality brick in a lime mortar and in general are in a very good condition with no loss of face and mortar dropping out.

The walls were checked every 6-7m for plumbness using a 1.2m long level and found to be true at all locations.

There was some minor looseness to the top bricks where water from the roof/missing gutters had washed out the mortar and some movement above the rotten door lintol to the gable end.

Some very slight settlement cracking was noted to the opposite gable end.

A trial pit was dug to this gable and the wall was founded at 100mm depth on a rough strip foundation bearing onto a Firm Red Clayey Sandy Silt.

CONCLUSIONS:

Although the brick perimeter wall is in good condition, it is poorly founded and would require underpinning before any works were undertaken i.e. removing beams, posts, slab.

Any future works would also have to provide temporary propping of the wall until the new structure had been built and tied to this wall.

The ground conditions would indicate to us that porosity will be poor for the disposal of roof water and foul effluent. Alternative methods such as existing field drains should be investigated.

Although the walls themselves are in good condition the cost of the underpinning and temporary propping of the walls would have to be carefully considered and taken into account if a conversion scheme is to be progressed.

SCOTTISH BORDERS COUNCIL

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO
CHIEF PLANNING OFFICER**

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 17/00118/FUL

APPLICANT : Roxburghe Estates

AGENT : Ferguson Planning

DEVELOPMENT :

Change of use of redundant steading and alterations to form dwellinghouse with associated parking and infrastructure works

LOCATION: Redundant Steading North West Of
Pots Close Cottage
Kelso
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
1175 P03 A	Location Plan	Refused
1175 P02 A	Planning Layout	Refused
1175 P01 B	Block Plans	Refused

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

No neighbours were required to be statutory notified. No adverts were made in the local press. The surrounding landowner is the applicant.

Consultations:

Landscape Architect: Supports the development. Jockscairn, the woodland plantation to the rear of the building, consists largely of un-thinned conifers with a few broadleaves immediately behind the steading. This includes 2 rather fine spreading oak trees which are well worthy of retention.

The existing steading is something of an eyesore and development represents an improvement in landscape and visual terms. Conditions of support:

- i. It will be desirable to manage the plantation woodland by thinning and it may be felled at some stage.
- ii. Retention of the broadleaves is desirable, in particular the 2 oak trees which are of specimen quality. These 2 trees should be individually identified on the Site Layout plan and a suitable protection area set out.

Roads Planning Service: No objections. Conditions required:

- i. Parking and turning

ii. Track to be improved to 14ton axle load and to ensure surface water run off does not affect public road.

iii. Visibility splays of 2.5m x 215m in either direction must be provided at the junction with the public road prior to the property being occupied and retained in perpetuity thereafter. Should traffic figures and speeds be suitable, this figure may be reduced with the written approval of the Roads Planning Section.

iv. The initial 6m of the access from where it meets the existing public road must be surfaced to the specification: 40mm of 14mm size close graded bituminous surface course to BS 4987 laid on 60mm of 20mm size dense binder course (basecourse) to the same BS laid on 350mm of 100mm broken stone bottoming blinded with sub-base, type 1.5. All work within the public road boundary must be carried out by a contractor first approved by the Council.

Sprouston Community Council: No response.

Education: The site is within catchment area for Sprouston Primary School and Kelso High School. A contribution of £2,718 is sought for the High School.

Ecology Officer: The suitability of this structure for bats is low, however it may afford some opportunities for crevice-dwelling species such as common pipistrelle and there is substantial good woodland habitat to the immediate north and east. The mature oak trees may also provide roosting opportunities for bat species. Bird species recorded within 2km of the proposed site include breeding lapwing, curlew and oystercatcher, greylag goose and barn owl. The steading building may afford opportunities for barn owl and also barn swallow.

Two conditions are required to ensure a survey of the buildings and trees. This should be informed by a PRA. A species protection plan for bats and breeding birds may be required in the interests of wildlife protection, in the event of approval.

Archaeology Officer: Development is within an area suspected to be a battlefield. The Battle of Haddon Rig was fought in the vicinity in 1542 between English and Scottish forces. If the battle took place at Haddon (Hadden) Rig as the historical sources imply then it probably was on the flatter ground at the top of the hill between Haddenrig Wood and Potsclose. Witches Cairn is located approximately 1km south-west of the steading and Jockscairn Plantation immediately to the north. These two names suggest cairns existed on the ridgeline of Hadden Rig. The Witches Cairn no longer exists, and I have no information for a cairn in Jockscairn Plantation. The existence of cairns on a ridgeline could imply prehistoric burials. The steading has a moderate potential for encountering buried human remains, and also early musket shot and objects dropped by the combatants during the battle.

There is a secondary potential impact of this proposal. The steading itself, which dates from the end of the 19th century, is of some historic interest. However, given its form, appearance and the almost total re-use in the proposed development, I do not feel that a record of the structure is required.

A developer funded watching brief is required in event of approval.

Environmental Health Officer: Contaminated land potential. This historic use is potentially contaminative and it is the responsibility of the developer to demonstrate that the land is suitable for the use they propose. A site investigation and risk assessment are required to be secured by condition.

Access Officer: Right of Way BR15 utilizes the existing access road leading to the site. No objection. Rights of Way are specifically protected by law under the Countryside (Scotland) Act 1967 sec. 46 'It shall be the duty of a planning authority to assert, protect, and keep open and free from obstruction or encroachment any public right of way which is wholly or partly within their area.' No objection.

PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan 2016

PMD2: Quality Standards

HD2: Housing in the Countryside
HD3: Protection of Residential Amenity
EP2: Protected Species
EP3: Local Biodiversity
EP8: Archaeology
EP12: Green Networks
EP13: Trees, Woodlands and Hedgerows
IS2: Developer Contributions
IS7: Parking Provision and Standards
IS13: Contaminated Land

Supplementary Planning Guidance
New Housing in the Borders Countryside, 2008
Guidance on Householder Developments, July 2006
Developer Contributions April 2014
Placemaking and Design, 2010
Landscape and Development, 2008

Recommendation by - Euan Calvert (Assistant Planning Officer) on 10th April 2017

Full planning permission is sought for change of use and alterations to an agricultural steading to form a dwellinghouse.

Site and Location

This semi-derelict farm steading is on the crest of Hadden Rig, a very gently sloping ridge of land. It is accessed by a farm track, leading 300m north from the Kelso to Wooler public road. The nearest neighbours are Pots Close, where an equestrian business and two residential properties are located opposite this track junction, at the roadside 7km east of Kelso.

This building sits in the backdrop of a roundel (plantation) of trees, called Jockscairn. North of the site is a telecommunications masts. Continuing along this farm track (right of way), downhill, leads to Kerchesters Farm.

History

16/00455/PREAP: The Council does not consider this building to adhere to policy HD2 (C) a). The Council does not support a proposed single dwelling or a group of 2-3 dwellings at this site.

Policy

HD2 (C): CONVERSIONS OF BUILDINGS TO A HOUSE

Development that is a change of use of a building to a house may be acceptable provided that:

- a) the Council is satisfied that the building has architectural or historic merit, is capable of conversion and is physically suited for residential use;
- b) the building stands substantially intact (normally at least to wallhead height) and the existing structure requires no significant demolition. A structural survey will be required where in the opinion of the Council it appears that the building may not be capable of conversion, and
- c) the conversion and any proposed extension or alteration is in keeping with the scale and architectural character of the existing building.

Proposal

A horseshoe planned dwelling would be constructed on the site of the existing footprint. No annotations of doughtakings are given on the drawings and no existing plan is provided. I rely on the Planning Statement to inform of the design principles: "The conversion will result in the use of the existing or core structure and be less than the existing footprint of the current steading."

The existing walls to the north western extent would be retained, to serve as enclosure to a rear garden. A new back wall would be constructed within to offset development from the sensitive specimen trees to the north. This wall would serve as a rear to a new link building between the wings. It would feature a main reception, utility and bedroom 4. The reception would feature a short internal projection which would serve

as the main entrance to the dwellinghouse, accessed from the courtyard. This would be designed to be identical in proportions and gable features of the wings flanking it.

The Agent makes a case for cladding the brick walls of the wings in a "high quality stone". The proposed gables would be 5.5m in width (presumably matching the existing width) with gable roofs, clad in natural slate. The upper half of these gables would be finished in vertical timber cladding, with a feature central window.

The southern wing would feature an open plan kitchen, dining and lounge with bi-folding doors and full height windows to the south elevation. The north wing would be enclosed sleeping accommodation with 3 bedrooms, 2 en suite and a bathroom.

The resulting footprint of the horseshoe plan would be 22m x 15.5m based on the siting and orientation of the existing structure.

Supporting Statement

- i. A structural survey supports that the walls are in "very good condition".
- ii. A buffer area to the rear of the property will ensure root protection areas of adjacent trees.
- iii. The external brick walls would be clad with stone to reflect traditional steadings in the Borders.
- vi. Alteration would not upset the architectural character of the building.
- v. The iron roof structure would be replaced with natural slate to respect the architecture of the building.

Assessment

Principle

Policy HD2 notes that conversions will only be considered (by the Council) where;

(a) a building has architectural or historic merit. It must also be capable of conversion and be physically suited to residential use.

I am unsupportive of this proposal on all three grounds:

1. This proposal is for cladding exterior walls with stone. The existing walls are constructed in a double skin red clay brick with an English bond. These bricks have most likely been fired in Midlothian and brought in by the railway therefore dating this building to post 1860, when the Kelso Line opened. My assumption is confirmed by the absence of any building being displayed at this location on the OS 1st Epoch. It is contested that there is no architectural or historic merit in this structure and this is proven by the agent's desire to use cladding to hide this built character.

2. This new layout is proposed to imitate a traditional agricultural steading however it would rely heavily on significant elements of new building to enclose the structure. There is no historic context for this proposed layout and the necessity for these new elements emphasises that the building is not physically capable of conversion. The existing building has no internal walls within its quadrant. Instead makeshift timber props (from old railway sleepers) support timber lintols and oak A-frame trusses, clad in corrugated asbestos sheeting. I am left to assume that the proposal is for mortar bound whinstone walling with cream sandstone dressings, under slate dual pitches, to imitate local vernacular. This building has no capacity for conversion, and these proposals to enclose the building would not be historically accurate.

3. The existing walls have no windows or door reveals. The proposal relies heavily on intervention to introduce light to these external spaces, once enclosed. Introducing doors and windows in such frequency, and enclosing the internal courtyard elevation with walling, is not historically accurate and is not supported by New Housing in the Countryside SPG. The building is not therefore deemed to be physically suited to residential use.

This proposal would be tantamount to rebuilding or the development of a new building, un-supportable by present Housing in the Countryside policy.

(b) A structural survey supports the application and highlights the walls being in good condition although it does warn about potential cost of underpinning and propping for conversion (presumably against the cost of replacement). The survey makes no mention to requirements for external stone cladding.

I find significant errors in the accuracy of the drawings. The lines of the proposed external walls (clad in stone) align directly with those "existing brick walls". This is either inaccurate or the proposal is for demolition. The thickness of these proposed walls is 300mm. I am led to the conclusion that the external walls are being demolished and replaced in their entirety, something which is not supported by the conversion policy.

It is accepted that the building does stand substantially intact in its present use, serving as open-air courts for animals.

(c) The scale of existing is accepted as single storey. This proposal is for stairs and attic space which would benefit from 6 skylights and 3 large windows. These windows would be prominent and would characterise the building, when seen from afar. Thus, the proposal would not appear consistent with current scale and character.

HD3 Protection of residential amenity

No adverse amenity to neighbours is identified (policy HD3). There are no overlooking or loss of privacy, noise, overshadowing or loss of light issues.

PMD2 Placemaking and design

The proposals would be high quality in design however the scale and character of the proposal is noted (as above) to be a significant enlargement.

Fenestration

The fenestration is inappropriate for conversion policy, being overtly square in proportions and with a poor window to wall mass.

External appearance: Materials, fabrics and colours

External use of stone and slate is not historically accurate for this site. Local architectural styles typically appear in this format however this building is not of that era.

EP2 Protected Species and EP3 Local Biodiversity

The Ecology Officer notes suitability of this structure for bats is low, however some opportunities for crevice-dwelling species such as common pipistrelle and there is substantial good woodland habitat to the immediate north and east. The mature oak trees may also provide roosting opportunities for bat species. Bird species recorded within 2km of the proposed site include breeding lapwing, curlew and oystercatcher, greylag goose and barn owl. The steading building may afford opportunities for barn owl and also barn swallow.

On basis of the precautionary principle, I am unable to confirm the impacts on local biodiversity without more survey data therefore a reason for refusal is cited as potential adverse impact for biodiversity. It is not possible to make Protected Species issues subject of planning conditions.

EP8 Archaeology

The Council's Archaeologist notes potential for remains to be found which may link the site to a battlefield. I find a requirement for a developer funded watching brief quite acceptable in the event of approval, in order to document and protect potential for buried archaeology.

EP12 Green Networks

The Access Ranger notes that the track between Potsclose and Kerchesters is a claimed right of way, but does not identify any issues with development provided the route is maintained open and free from obstruction. The proposed development site is adjacent to the route. I am satisfied that there is no requirement for a planning condition.

EP13 Trees, Woodlands and hedgerows

The Council's Landscape Architect supports development and notes the existing steading is something of an eyesore. In qualifying this support, he requires the two oaks (of specimen quality) to be individually identified on the Site Layout plan and a suitable protection area set out, in accordance with BS standards. I am satisfied that policy EP13 could be satisfied by the submission of further plans demonstrating the Root Protection Areas of neighbouring trees in accordance with British Standards.

IS2 Developer contributions

Contributions are required towards Kelso High School in the event of approval, in the sum of £2,718. This could either be deferred by legal agreement or a payment made up front in the event of approval.

IS7 Parking provision and standards

Roads Planning require conditions to ensure satisfactory road standards and safety in respect of: parking and turning in curtilage, the track has to be improved to 14ton axle load and to ensure surface water run off does not affect public road and visibility splays of 2.5m x 215m in either direction must be provided at the junction with the public road prior to the property being occupied and retained in perpetuity thereafter. I am satisfied that the conditions would be appropriate and necessary in the event of approval.

IS13 Contaminated Land

Potential for contaminated land has been identified and conditions would be required to ensure the applicant undertakes necessary surveys and mitigation in the event of contamination being identified.

REASON FOR DECISION :

The proposed development does not satisfy Policies PMD2, HD2, EP2 and EP3 of the Local Development Plan 2016 in that the proposal does not appropriately constitute a conversion. The building is not physically capable of conversion, it is not worthy of conversion in terms of its architectural or historic merit and the resulting building would not be in keeping with the design and character of the existing building. In addition, there are potential adverse impacts for biodiversity which have not been adequately investigated via appropriate surveys.

Recommendation: Refused

- 1 The proposal is contrary to Policy HD2 of the Local Development Plan 2016 and the advice of Supplementary Planning Guidance - New Housing in the Borders Countryside (December 2008), in that:
 - i. the proposal does not appropriately constitute a conversion in that it is not physically capable of conversion;
 - ii. the building is not worthy of conversion in terms of its architectural or historic merit;
 - iii.) the site lies outwith any recognised settlement or building group and the need for a new dwellinghouse on this site has not been adequately substantiated.
- 2 The proposal is contrary to PMD2 of the Local Development Plan 2016 and the advice contained within Supplementary Planning Guidance - New Housing in the Borders Countryside (December 2008) and Supplementary Planning Guidance - Placemaking and Design (January 2010), in that the resulting building would not be in keeping with the design and character of the existing building.
- 3 The proposal is contrary to policies EP2 and EP3 of the Local Development Plan 2016 in that the potential impact on local biodiversity and protected species is unknown as surveys of the surrounding buildings and trees have not been carried out, informed by a Preliminary Roost Assessment.

Informatives

It should be noted that:

- 1 The following issues have not been resolved:
 1. The site is potentially contaminated and a site investigate and risk assessment is required in respect of historic uses and potential contamination. At present the proposal does not satisfy policy IS13: Contaminated Land.

2. There is potential for disturbing buried archaeology. A developer funded watching brief is required in order to document and protect buried artifacts.
3. Contributions are required to Kelso High School, in the sum of £2,718. This would be secured by a legal agreement.
4. Two oaks of specimen quality are required to be individually identified on the Site Layout Plan and a suitable Root Protection Area established to protect these trees from harm.
5. Parking and turning would have to be protected in-curtilage in perpetuity. The track must be improved to a 14ton axle load and to ensure surface water run off does not affect public road. Visibility splays of 2.5m x 215m (in either direction) would have to be provided at the junction with the public road prior to any property being occupied and retained in perpetuity thereafter. All these requirements would be in the interests of ensuring roads safety and construction standards.

“Photographs taken in connection with the determination of the application and any other associated documentation form part of the Report of Handling”.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Application for Planning Permission

Reference : 17/00118/FUL

**To : Roxburghe Estates per Ferguson Planning Per Tim Ferguson 54 Island Street Galashiels
Scottish Borders TD1 1NU**

With reference to your application validated on **8th February 2017** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Change of use of redundant steading and alterations to form dwellinghouse with associated parking and infrastructure works

at : Redundant Steading North West Of Pots Close Cottage Kelso Scottish Borders

The Scottish Borders Council hereby refuse planning permission for the reason(s) stated on the attached schedule.

**Dated 11th April 2017
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



.....
Chief Planning Officer

APPLICATION REFERENCE : 17/00118/FUL

Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
1175 P03 A	Location Plan	Refused
1175 P02 A	Planning Layout	Refused
1175 P01 B	Block Plans	Refused

REASON FOR REFUSAL

- 1 The proposal is contrary to Policy HD2 of the Local Development Plan 2016 and the advice of Supplementary Planning Guidance - New Housing in the Borders Countryside (December 2008), in that:
 - i. the proposal does not appropriately constitute a conversion in that it is not physically capable of conversion;
 - ii. the building is not worthy of conversion in terms of its architectural or historic merit;
 - iii. the site lies outwith any recognised settlement or building group and the need for a new dwellinghouse on this site has not been adequately substantiated.
- 2 The proposal is contrary to PMD2 of the Local Development Plan 2016 and the advice contained within Supplementary Planning Guidance - New Housing in the Borders Countryside (December 2008) and Supplementary Planning Guidance - Placemaking and Design (January 2010), in that the resulting building would not be in keeping with the design and character of the existing building.
- 3 The proposal is contrary to policies EP2 and EP3 of the Local Development Plan 2016 in that the potential impact on local biodiversity and protected species is unknown as surveys of the surrounding buildings and trees have not been carried out, informed by a Preliminary Roost Assessment.

FOR THE INFORMATION OF THE APPLICANT

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose TD6 OSA.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997.