

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference : 17/00530/FUL

To : Mr And Mrs D Gold per Kanak Bose Ltd Ogscastle Roman Road Carnwarth ML11 8NE

With reference to your application validated on **7th April 2017** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of dwellinghouse with attached garage and workshop

at : Land North West Of Alderbank Macbiehill West Linton Scottish Borders

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

Dated 14th June 2017
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA

Signed


.....
Chief Planning Officer

APPLICATION REFERENCE : 17/00530/FUL

Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
DOCUMENT 1	Site Plan	Refused
DOCUMENT 2	Location Plan	Refused
DOCUMENT 3	General	Refused
OGS 173 30	General	Refused

REASON FOR REFUSAL

- 1 The proposals do not comply with Local Development Plan Policy HD2 and the Supplementary Planning Guidance on New Housing in the Borders Countryside as the site is located outwith, and not well related to, the recognised boundary of the existing building group at Macbiehill which is the natural slope between the site and "Alderbank", breaking into an undeveloped field at a higher level.

The proposals do not comply with Local Development Plan Policy HD3 and the Supplementary Planning Guidance on Privacy and Sunlight in that the proximity and change in levels in relation to "Alderbank" would result in significant adverse effects on the residential amenity enjoyed by that property, creating an overbearing impression.

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.

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 17/00530/FUL

APPLICANT : Mr And Mrs D Gold

AGENT : Kanak Bose Ltd

DEVELOPMENT : Erection of dwellinghouse with attached garage and workshop

LOCATION: Land North West Of Alderbank
Macbiehill
West Linton
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
DOCUMENT 1	Site Plan	Refused
DOCUMENT 2	Location Plan	Refused
DOCUMENT 3	General	Refused
OGS 173 30	General	Refused

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

No representations received.

Consultations were carried out with: Roads - A number of applications have been made for this site and the comments made before still apply. No objections in principle for this new dwelling which is to be accessed via the existing private road. The parking and turning area must be properly consolidated prior to occupation of the dwelling and the parking retained in perpetuity. If approved, this proposal will not breach the threshold for the number of new builds served by a private road. This unit would constitute the 3rd new dwelling served by the private road (application 12/00205/AMC is deemed to have lapsed and application 16/00709/FUL is yet to be determined); Environmental Health - No objection. Proposals include a stove which could impact on public health if not properly installed and maintained; Education and Lifelong Learning - a contribution for Peebles high School would be required if granted; the Coal Authority - the site does not lie within the Development High Risk Area; SEPA - no objection.

No further assessments (ES; design statement etc.) were required.

If granted, a developer contribution would be required for education provision. Due to the low level of the contribution, it is unlikely that a section 75 would be required and it is more likely that the contribution would be secured by means of a section 69 agreement.

There are no Ministerial Directions on the site.

DOCUMENT 4 : 4 PAGES

There is planning history associated with this site. This is summarised below.

11/00197/FUL Erection of dwellinghouse and detached garage Withdrawn 19 May 11
14/00994/FUL Erection of dwellinghouse and attached garage and workshop Withdrawn 4 Dec 14
16/00835/FUL Erection of dwellinghouse and attached garage and workshop Withdrawn 6 Oct 16
16/01319/FUL Erection of dwellinghouse and attached garage and workshop Refused 15 Dec 16

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Local Development Plan 2016

PMD1 - Sustainability

PMD2 - Quality standards

HD2 - Housing in the countryside

HD3 - Protection of residential amenity

EP13 - Trees, woodlands and hedgerows

IS7 - Parking provision and standards

Supplementary Planning Guidance

Placemaking and Design

New Housing in the Borders Countryside

Landscape and Development

The site is not strategic, therefore the policies contained within SESplan are not considered.

Recommendation by - Ranaid Dods (Planning Officer) on 13th June 2017

The site is approximately 800m north of the A701 and is accessed from a private road some 300m long which runs westwards from the unclassified public road. Macbiehill is within the countryside and is in an elevated position, with the ground level rising from the A701. A number of properties lie to the south of the application site and, due to the topography, they are at a lower level than the application site. The eaves of the property immediately to the south east of the site (known as Alderbank) are roughly level with the ground level of the application site. The site itself is undeveloped land on which there is some planting and an area of gravel hardstanding. Beyond the site boundary lies rough grazing ground.

The proposal is to construct a single storey "L" shaped house with a pitched roof, the ridge of which would be approximately 5.2m above ground level. The south west elevation, which would be largely glazed, would be lined up with that of Alderbank. The two buildings would sit gable to gable and would be separated by approximately 13m. In terms of design and materials, the proposal would fit with Alderbank and the other properties to beyond. Solar panels would be located on the roof and there would be a stainless steel flue. Although it is not specifically mentioned on the drawings, it is assumed this would serve a wood burning stove. The applicant proposes boundary planting on the northwest and south west boundaries of the site. In addition, there would be an area of planting on the north east boundary.

That having been said, the principle of development on this site is not acceptable. Applications for housing outwith settlement envelopes must be assessed against the policies contained within the local development plan (LDP), the council's supplementary planning guidance and Scottish Government policy and guidance on development in the countryside. The principal policy within the LDP which relates to rural development is HD2.

There is an existing building group at Macbiehill and housing up to a total of 2 or 30% may be approved whichever is greater during the current Local Plan period. Alderbank was approved and built during the previous local plan period. There is currently an application under consideration for a new dwellinghouse within the walled garden to the south. If both the current applications were to be approved, this would bring the number of new dwellings approved during the current local plan period to two, which would comply with this part of policy HD2.

There are, however, other policy considerations which must be taken into account. In particular, the requirement that the council is satisfied that the site is well related to an existing building group. In addition, Scottish Government policy and guidance is clear that it is important to protect the countryside from suburbanisation and to ensure that new development is designed properly to fit within the landscape and surroundings.

There have been several previous applications, set out above, for development of a house on this site. A brief outline of those applications follows. In 2011 an application for a dwelling on almost the same part of the site as the current application (11/00197/FUL) was withdrawn as it could not be supported in planning policy terms. The main issue was that the proposed development was too detached from the steading and building group by virtue of distance and level.

Later in 2011 a further application was submitted for a house with the footprint closer to the existing building group. That application was approved since it related well to the existing building group and the design was acceptable. The property was subsequently constructed and is now known as Alderbank. Included in that permission was a planting scheme within the current application site and, potentially, the footprint of the proposed house would be partly within the area of planting associated with Alderbank. Although it would appear that some planting has taken place, this does not appear to be as extensive as shown on the plan submitted as part of the relevant condition.

In 2014 a planning application (14/00994/FUL) was submitted for a house on the current application site. The application was withdrawn after the applicant was advised that this application could not be supported as the location of the house did not relate well to the existing building group.

Two applications were submitted in 2016. The first (16/00835/FUL) was withdrawn after the applicants were informed that the application could not be supported. Again the proposed building did not relate well to the existing building group.

The second application (16/01319/FUL) was for a one and a half storey house. Although that proposal was more closely related to Alderbank, the difference in levels between the application site and Alderbank resulted in the principle of the development of this previously undeveloped site again being called into question. The council's supplementary planning guidance (SPG) on housing in the countryside states that 'Sites should not normally break into previously undeveloped fields, particularly where there exists a definable natural boundary between the existing group and the field. Natural boundaries should take precedence over man-made boundaries when defining the extent of a building group'.

Alderbank is a single storey property located in a small hollow and the small slope along the north western boundary of that property to the application site is a natural boundary that defines the extent of the building group. The application site lies in an area of undeveloped ground beyond that natural, defensible boundary. For this reason, the proposed dwellinghouse does not comply with policy HD2 and guidance for housing in the countryside. The slope on the north western edge of the site provides a clear boundary to the building group and creates a sense of place at Macbiehill of a tightknit group of residential properties. This boundary should be maintained and any new development should be contained within the existing group.

Although the application under consideration is for a single storey property, the difference in levels as noted above and the location outwith the existing building group, still creates a tension with policy and guidance. This will not contribute to the sense of place created by the compact and low nature of the former farm steading buildings and building group to the south. Instead, it will create a sense of development creeping into undeveloped land beyond the building group and will be at a considerably higher level.

There is no reference in the proposals to the required planting, which was agreed as a condition on the consent for Alderbank. An area of planting is shown along the north western and south western boundaries of the site, which would create a strong boundary feature. If implemented however, this would have the effect of moving the existing natural boundary of the building group (the slope between the site and Alderbank) some distance to the north west and provide further potential house plots. A double beech hedge is proposed on the boundary with Alderbank. This will provide some screening although it will take time to establish and, in any event, will not mitigate for the difference in levels between the two properties. It is council policy to discourage linear developments of building groups, which would occur if the current application and any future applications were approved.

The proposed house is closer to Alderbank than previous applications and, due to the orientation and fenestration of the building, the proposal will not have an adverse impact on the privacy of Alderbank. There will be a negative impact on the visual amenity of that property due to the level difference and a feeling of the proposed building being overbearing.

In conclusion, the proposed development is located in an open area of undeveloped ground which lies beyond a defensible boundary and outwith an existing building group. The proposal is contrary to policy HD2 and published guidance on new housing in the countryside. The applicant has advanced no material reasons to set aside the policies contained within the development plan and council and Scottish Government guidance.

REASON FOR DECISION :

The proposed development does not relate well to the existing building group. It is outwith the natural boundary of the building group and is at a considerably higher level than the adjacent house. The site is within an undeveloped field. The proposals do not, therefore, comply with policy HD2 of the Scottish Borders Local Development Plan. Further, it is contrary to Scottish Government and Scottish Borders Council guidance on new housing in the countryside.

The difference in levels between Alderbank and the application site and the proximity of the two buildings will result in an overbearing appearance. This will be detrimental to the amenity currently enjoyed by residents of Alderbank. The proposal is, therefore, contrary to policy HD3 of the Scottish Borders Local Development Plan.

Recommendation: Refused

- 1 The proposals do not comply with Local Development Plan Policy HD2 and the Supplementary Planning Guidance on New Housing in the Borders Countryside as the site is located outwith, and not well related to, the recognised boundary of the existing building group at Macbiehill which is the natural slope between the site and "Alderbank", breaking into an undeveloped field at a higher level.

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