

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference : 16/01319/FUL

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

With reference to your application validated on **19th October 2016** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

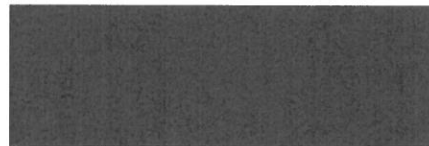
Proposal : Erection of dwellinghouse with attached garage and workshop

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 15th December 2016
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



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Chief Planning Officer

APPLICATION REFERENCE : 16/01319/FUL

Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
OGS173 01 REVD	Location Plan	Refused
OGS173 02 REVD	Block Plans	Refused
OGS173 03 REVC	Floor Plans	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 the recognised boundary of the existing building group which is the natural slope between the site and Alderbank. It is in an undeveloped field at a higher level and it does not relate well to the existing group in terms of location and design.

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 0SA.

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 : 16/01319/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
OGS173 01 REVD	Location Plan	Refused
OGS173 02 REVD	Block Plans	Refused
OGS173 03 REVC	Floor Plans	Refused

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

Consultation Responses
Education
Contributions required for Peebles High School

Roads Planning

My comments to the previous application (16/00835/FUL), which was withdrawn prior to determination, are applicable to the current application and I have copied them below for your information.

However, I would add that the workshop must be for the ancillary purposes of the proposed dwelling and should not be used as a commercial business.

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.

It should be noted that if approved, this proposal will not result in the threshold being breached for the number of new builds served by a private road. As far as I can see, this unit would constitute the 3rd new dwelling served by the private road if it is approved as application 12/00205/AMC is deemed to have lapsed and application 16/00709/FUL is yet to be determined at the time of writing this report.

Environmental Health

No objections subject to conditions relating to private drainage and water supply and an Informative relating to the use and maintenance of the proposed stove and the drainage system.

SEPA

There appears to be limited detail of the drainage arrangements. We do note the presence of a septic tank marked on one of the drawings however there are no details of the discharge. Assuming the discharge is to a mounded or closed soakaway SEPA has no objection to this proposal.

The waste water drainage proposals will require authorisation under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended).

Our preference would be that all the technical information required for all permissions and licensing is submitted at the same time as the planning application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application and/or neighbour notification or advertising.

Coal Authority

Standing advice should be placed on any consent notice.

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

Recommendation by - Dorothy Amyes (Planning Officer) on 12th December 2016

The application site is located on higher ground to the north west of the property known as Alderbank at Macbiehill. It is proposed to erect a one and a half storey dwellinghouse on the site.

The dwellinghouse will be located towards the south eastern corner of the site and access will be via an existing track. It is proposed that the dwellinghouse will be L shaped with an integral garage and workshop. The building will have a pitched roof with a ridge height of approximately 6.5m and there will be large areas of glazing on the southwest facing elevation. The external materials are to be slate on the roof and render on the walls. There will be a short length of hedgerow between the proposed house and Alderbank and further planting along the boundary of the proposed paddock area. Four parking spaces are shown adjacent to the house.

Any application for housing in the countryside must be assessed against the prevailing Local Development Plan, principally HD2 Housing in the Countryside and Supplementary Planning Guidance New Housing in the Borders Countryside. 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. The adjacent property, Alderbank was approved and built during the previous local plan period. A consent for a new dwelling to east of Alderbank details of which were approved in 2012 (12/00205/AMC) has now lapsed. 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 2 which would comply with this part of the policy.

However, there are also other policy considerations in particular whether or not the site is well related to the existing building group. There have been a number of previous applications for all or part of this site that are relevant to this consideration.

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 site and dwellinghouse were considered to be too detached from the steading and building group by virtue of distance and level.

Later in 2011 a further application was submitted for a dwellinghouse with the footprint closer to the existing building group. This application was approved as it was considered that it related well to the existing building group and that the design was appropriate. The property is called Alderbank. However, as part of the consent a planting scheme was approved which is within the current application site and potentially the proposed footprint of the dwellinghouse would be partly within the proposed area of planting. 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. Over time and, if all of the planting had taken place, this would provide a strong edge to the building group. The current application indicates that additional tree planting will take place along the north western boundary of the site.

In 2014 a planning application (14/00994/FUL) was submitted for a dwellinghouse on the current application site but the footprint was located further north from the current site. Again 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 and the application was withdrawn.

Earlier this year an application (16/00835/FUL) for a dwellinghouse on the site was withdrawn after the applicants were informed that the application could not be supported as it was considered that the site did not relate well to the existing building group.

The current application shows the house to be located closer to the new dwellinghouse called Alderbank yet it is still located at a higher level in an open field. The SPG advises 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 it is considered that the small slope up to the field along the north western boundary of this property is a natural boundary that defines the extent of the building group. For this reason the proposed dwellinghouse does not comply with policy HD2 and guidance for housing in the countryside. It is considered that this natural slope provides a clear boundary to the building group and creates a sense of place at Macbiehill of a tightknit group of residential properties. It is considered that this boundary should be maintained any that any new development should be contained within the existing group.

In addition, the majority of the properties at Macbiehill are single storey, what is proposed is a one and a half storey property with a ridge height of 6.5m. Given the difference in levels as noted above, the new house will sit well above the existing houses and will not contribute to the sense of place created by the compact and low nature of the former farm steading buildings. It will appear to tower above the existing properties. It is accepted that the newer house, Coitquoit is an exception to this but this is at the opposite end of the building group and is well screened.

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 boundary of the paddock site with the intention of creating a strong boundary feature. If this was approved it could 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. It is policy to discourage linear developments of building groups which would occur if the current application and any future applications were approved.

A double beech hedge is proposed for a short distance along the entrance to two of the parking spaces. This will provide some screening in the long term. Although the house is closer to Alderbank than the previous applications, the proposal will not have a significant adverse impact on the residential amenity of the existing

residents. It is of a different design to any of the other individual houses within the building group and a design statement demonstrating the context for the design has not been submitted with the application.

There are no other issues relating to the proposal and the applicants are willing to enter into a legal agreement for the required development contributions towards Education and Lifelong Learning.

In conclusion, it is considered that the application cannot be supported as the proposed site is located in an open field beyond a recognisable boundary to the existing building group and there are no overriding reasons why an exception should be made in this case. It is therefore contrary to policy HD2 and the SPG on new housing in the countryside.

REASON FOR DECISION :

The proposals are not acceptable as they do not comply with Local Development Plan policy HD2 and Supplementary Planning Guidance on new housing in the countryside in that the site does not relate well to the existing building group as it is outwith the natural boundary of the building group formed by an area of sloping ground and it is at a higher level within an undeveloped field.

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 the recognised boundary of the existing building group which is the natural slope between the site and Alderbank. It is in an undeveloped field at a higher level and it does not relate well to the existing group in terms of location and design.

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