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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 100076150-002

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:	Aitken Turnbull Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Aitken	Building Name:	
Last Name: *	Turnbull	Building Number:	9
Telephone Number: *	01896 752760	Address 1 (Street): *	Bridge Place
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Galashiels
Fax Number:		Country: *	Scotland
		Postcode: *	TD1 1SN
Email Address: *	admin@aitken-turnbull.co.uk		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mr &amp; Mrs"/>	Building Name:	<input type="text" value="Oaklands"/>
First Name: *	<input type="text" value="Brian"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Soar"/>	Address 1 (Street): *	<input type="text" value="Cliftonhill"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Ednam"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Kelso"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="TD5 7QE"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

## Site Address Details

Planning Authority:	<input type="text" value="Scottish Borders Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

Northing

Easting

## 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)

Proposed Building Plot for erection of dwelling house

## 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 supporting documents

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)

Application Form, Layout Plan, Site Photographs, Appeal Statement

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

17/01613/PPP

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

23/11/2017

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

26/01/2018

## 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

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure \*

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

A site inspection will give the Local Review Body members a more informed perspective and context of the application

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: Aitken Turnbull Architects Aitken Turnbull

Declaration Date: 07/02/2018





Erection of Dwellinghouse  
Oaklands, TD5 7QE  
Ednam, Scottish Borders

Statement of Appeal - February 2018  
Planning Application Reference 17/01613/PPP  
For Mr and Mrs B Soar  
Aitken Turnbull Architects



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## 1.0 Introduction

1.1 This statement of appeal has been prepared by Aitken Turnbull Architects on behalf of the applicant and owner of the site Mr and Mrs Soar, who wish to build and occupy the house themselves.

1.2 Mr Soar has worked in tree protection for Roxburghe Estates for the last 25 years and Mr and Mrs Soar are now past retirement age and would like to downsize from their current house, Oaklands, Cliftonhill, Ednam. Mr and Mrs Soar wish to remain in the Borders and would like to build a new home on the land they already own which is close by.

1.3 The application site is located to the East of Keleden, Ednam adjacent to the C46 Ednam to Cliftonhill road. The proposed site area is 0.136HA or thereby. The site is currently classified as agricultural land but the applicants have recently lodged a Planning Application (Reference number 18/00086/FUL) to allow them to use the land as garden ground for their existing residence (Oaklands). The applicants also own the remainder of the field to the south of the application site which also forms part of their current Planning Application 18/00086/FUL.

1.4 The proposal (17/01613/PPP) for the new dwelling was lodged on 23rd November 2017 with a decision, via delegated powers to refuse the application received on 31st January 2018. As such, we now seek to appeal the decision via the Council's Local Review Body.

1.5 This statement now responds to the reasons for refusal and, where appropriate, cross referring to the delegated officers report, Development Plan and material considerations. The supporting documentation to this appeal are listed



## 2.0 Reasons for Refusal

2.1 Within the 'Decision Notice' the main reason for refusal was:

*The proposals would be contrary to Policy PMD4 of the Scottish Borders Local Development Plan 2016 in that the erection of a dwellinghouse on this site would result in development outwith the development boundary of the village as defined on the settlement profile of Ednam, leading to unjustified encroachment into the open countryside and coalescence with the Cliftonhill building group. The proposed dwelling is not a job generating development in the countryside that has economic justification under Policy ED7 or HD2; it is not an affordable housing development that can be justified in terms of Policy HD1; a shortfall in the provision of an effective 5 year land supply has not been identified and it is not a development that would offer significant community benefits that would outweigh the need to protect the development boundary.*

2.2 It is considered important to highlight at this stage key points or observations on the Planning Officer's report. These being that:

### Representations

2.3 The officers' report mentions that Roads Planning had no objection to the proposals.

2.4 There were two letters of objection received. The first objector lives in Cliftonhill Farm Cottages and their objection related to road safety. The second objector also resides in Cliftonhill and their objection was on the basis of the application being contrary to the Local Plan, height of the proposal, increased traffic, loss of view, privacy of neighbouring properties, road safety and trees/landscape being affected although no specific details were put forward for a number of the reasons. The applicant responded to the latter objection comments stating a number of the concerns can be resolved by a subsequent further application providing detailed information on the size and design of the proposed dwelling house.

2.5 There was no representation made by the CC.

2.6 A representation was made by E&LL requiring a contribution of £2718 for the new Kelso High school. The applicant confirmed they would be prepared to enter into a Legal Agreement to allow payment of this contribution at the appropriate time.

### Planning Considerations and Policies

2.7 SESPlan Strategic Development Plan. Scottish Borders Consolidated Local Plan and Scottish Planning Policy provide the key policies and which are then supported by the Supplementary Planning Guidance (SPG) and Planning Advice Notes (PAN).

2.8 The local plan is being seen as the primary consideration in the determination of this application.

2.9 It is noted that there is a need for the council to facilitate the delivery of sufficient new housing to meet local needs.

2.10 The plot will be located in such a way that it will be less visible than the properties consented on planning applications 14/01314/AMC and 14/01220/AMC that neighbour it.

2.11 The development will not conflict with the established land use of the area as the area is surrounded by residential dwellings and can easily form part of the overall character of the area.

2.12 The development will not be cramming or overdevelopment in the area. There is sufficient space for the dwelling and much more of the site area will be untouched by the development.

2.13 The development will not result in any significant loss of daylight, sunlight or privacy to the adjoining property such as overshadowing or overlooking.



#### Other considerations

2.14 It is important to bear in mind that this is an application for planning permission in principle, much more of the detailed design confirming the height, form and floor level of the proposed new dwelling house is reserved for a later stage in the planning process.

2.15 The development will maximise the efficient use of energy resources such as the use of Solar PV, will avail of current infrastructure and use sustainable construction techniques.

2.16 The dwelling can be accommodated on site with minimum intervention and will not require any significant engineering works.

2.17 Following consultation with the Roads Department it is agreed that a detailed application will include the requested requirements.

2.18 The dwelling will be a unique design and finished externally in materials, colours and textures which complement the highest quality of architecture.



### 3.0 Grounds of Appeal

#### Reason for Refusal

3.1 The reason for refusing the application is outlined in chapter 2. It centres on the belief that the proposal encroaches into the open countryside and that it seeks to bridge the building groups at Ednam and Cliftonhill.

3.2 Our response to the reason for refusal together with the informative leading to the decision forms the 'Grounds of Appeal' and which are now listed below.

#### Grounds of Appeal

3.3 The settlement boundary of East of Ednam is not set by any strong physical feature and simply follows the garden boundary of River Cottage, Oaklands and Keleden. A more logical boundary exists on the linear fence line between the two fields marked A + B on the attached site plan, and it has been proposed that this edge be planted to provide a reinforced landscaped boundary.

3.4 Since the last application the applicant has reinforced the Eastern boundary with trees and hedge planting which is specified in our application reference 17/01613/PPP.

3.5 The Planning Department is inconsistent by stating the application would lead to a coalescence with Cliftonhill as this has already happened by virtue of the two new dwelling houses to the North of the site approved under Planning Applications 11/00750/PPP and 14/01220/AMC. The construction of these two dwellings which are now complete conjoins the Cliftonhill building group to the village of Ednam.

3.6 Both Ednam and Cliftonhill share the same postcodes and we would argue that they are not clearly defined separate settlements.

3.7 The developments created through planning applications 14/01314/AMC and 14/01220/AMC effectively creates a linkage development especially when viewed from the public road (B6461)/accessible countryside, and so we would dispute that there is encroachment into the open countryside or coalescence.

3.8 We would propose that there is a linear building group formed by (West to East) The Old Smithy, River Cottage, Oaklands and Keleden, and that a modest addition would not be out of character nor would be damaging to the open countryside. We consider that appropriate planting could contain the development and prevent any sprawl.

3.9 The clients do not intend to build a mansion house but rather a modest dwelling to which they will retire. The vernacular would be entirely appropriate in terms of scale and affordability.

3.10 The Council have identified a shortfall in the effective 5 year land supply and any contribution to lessen the shortfall should be supported.



3.11 There were three support comments received during the application processing period.

3.12 Support comment 1 from Mrs Gail Clarkson indicated the land is not currently used for any beneficial purposes and a new dwelling on the land would be in keeping with the area and help support the local amenities in the village of Ednam.

3.13 Support comment 2 from Mr John Shuttleworth indicated the addition of a new dwelling would bring employment to the area and support the existing community in Ednam. Mr Shuttleworth also highlighted the benefit to the wildlife habitat created by the new hedgerow and trees planted by the applicant.

3.14 Support comment 3 from councillor Tom Weatherston indicated a new dwelling in this location would harmonise with the neighbouring properties and not sit in location. The proposal would also take the site to a natural settlement boundary and would not have negative impact on neighbouring properties or views of the area. Councillor Weatherston also indicated he is of the opinion that the council should encourage appropriate housing in suitable locations in village settlements to benefit and reinforce the local community. He indicated there is a definite sense of place and similar applications have been recently approved on sites on the opposite side of the road. The proposal would free up a family home as Mr and Mrs Soar intent to downside by moving into the new dwelling and sell their current property (Oaklands). Councillor Weatherston can not see any negative outcomes if approval is granted.



#### **4.0 Conclusion**

We believe that the subject site represents a sound location for a new dwelling. It relates well to its immediate surroundings and will avail of existing infrastructure provision and public transport services nearby.

The Community Council offer no objections to the proposal and we believe that the proposal, for reasons outlined in the 'Grounds of Appeal' and Planning Supporting Statement provide more than sufficient evidence to show that following the construction of the houses opposite the site, the reasons for refusal no longer remain valid.

We should add that our client is content to meet the Developer Contributions for the new Kelso High School.

Taking the 'Grounds of Appeal' note within chapter 3 we therefore respectfully request that the appeal be allowed.

*Regulatory Services*

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference : 17/01613/PPP

To : Mr & Mrs Brian Soar per Aitken Turnbull Architects Ltd 9 Bridge Place Galashiels Scottish Borders TD1 1SN

With reference to your application validated on **29th November 2017** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of dwellinghouse

At : Land East Of Keleden Ednam Kelso Scottish Borders

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

Dated 26th January 2018  
Regulatory Services  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA

Signed

A rectangular grey box redacting the signature of the Depute Chief Planning Officer.

.....  
Depute Chief Planning Officer



## Regulatory Services

**APPLICATION REFERENCE : 17/01613/PPP**

### Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
PP-01	Location Plan	Refused

### REASON FOR REFUSAL

- 1 The proposals would be contrary to Policy PMD4 of the Scottish Borders Local Development Plan 2016 in that the erection of a dwellinghouse on this site would result in development outwith the development boundary of the village as defined on the settlement profile map for Ednam, leading to unjustified encroachment into the open countryside and coalescence with the Cliftonhill building group. The proposed dwelling is not a job generating development in the countryside that has economic justification under Policy ED7 or HD2; it is not an affordable housing development that can be justified in terms of Policy HD1; a shortfall in the provision of an effective 5 year land supply has not been identified and it is not a development that would offer significant community benefits that would outweigh the need to protect the development boundary.

### 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.