

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 17/01613/PPP

APPLICANT : Mr & Mrs Brian Soar

AGENT : Aitken Turnbull Architects Ltd

DEVELOPMENT : Erection of dwellinghouse

LOCATION: Land East Of Keleden
Ednam
Kelso
Scottish Borders

TYPE : PPP Application

REASON FOR DELAY:

DRAWING NUMBERS:

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

NUMBER OF REPRESENTATIONS: 7
SUMMARY OF REPRESENTATIONS:

REPRESENTATIONS:

Eight neighbours were notified by letter. Adverts were placed in the Southern Reporter and on PINS website.

Support was offered from one local Councillor citing amenity and landscape assimilation. The site is considered to have sense of place and is close to the village settlement which ensures community benefits.

Two further support comments cite:

1. Community benefit
2. Landscape settling
3. Land not used for beneficial purpose.
4. Habitat for wildlife.

Two objections cite:

1. Outwith village boundary/ local plan.
2. Road safety issues on narrow road.
3. Loss of view
4. Traffic increase
5. Height of proposal
6. Landscape affected

Two general comments:

- 1, Ability of services to cope.
2. Presence of gas pipe.

CONSULTATIONS:

Education Department: Catchment area for Ednam Primary School and Kelso High School. A contribution of £2718 is required.

Roads Planning: No objection, however conditions to require the following specification in REM application are required:

- o The access to be formed with a service layby as per my standard specification DC-3.
- o The first 5m of the access to be no steeper than 1 in 15.
- o Measures to be put in place to prevent the flow of water onto the public road.
- o Two parking spaces, not including any garage, to be provided within the site and retained in perpetuity.

There has been no response from the Community Council or Forward Planning.

PLANNING CONSIDERATIONS AND POLICIES:

SBC Local Development Plan 2016

PMD1: Sustainability

PMD2: Quality Standards

Policy PMD4: Development outwith Development Boundaries

Policy ED10: Protection of Prime Quality Agricultural Land and Carbon Rich Soils

Policy HD2: Housing in the Countryside

Policy HD3: Protection of Residential Amenity

Policy IS2: Developer Contributions

Policy IS5: Protection of Access Routes

Policy IS7: Parking Provision and Standards

Policy IS9: Waste Water Treatment Standards and Sustainable Urban Drainage

Supplementary Planning Guidance:

Placemaking and Design 2010

Householder Developments 2006

New Housing in the Borders Countryside 2008

Recommendation by - Euan Calvert (Assistant Planning Officer) on 23rd January 2018

Planning Permission in Principle is sought for erection of a dwellinghouse on land to the east of Keleden, Ednam.

Site and location

The application site is located on the south side of the minor public road between Ednam and Highridgehall. The Old Smithy, River Cottage, Oaklands and Keleden are sited on the south side of this road and west of this proposal. This is a roadside plot of identical depth to the neighbouring plot of Keleden, extending to 0.136ha. The land is undeveloped. It is currently laid to grass and a level platform entrance has now been formed which is laid in hardcore. A shipping container has been placed at the back of this entrance. The applicant/landowner now appears to be using this site and the neighbouring land, down to the Eden water, as mown garden ground. They have removed their rear fence from Oaklands (they live in this neighbouring property) and are running this field as contiguous garden ground. The land now appears as mown grass/meadow/orchard and is now occupied by a prefabricated summer house and pergola. A planning enforcement case is being pursued by the Council for this change of use of land from agriculture to garden and erection of buildings (17/00131/UNDEV and 17/00100/S27).

The site boundary is open to the roadside verge; a post and wire fence and hedge encloses the eastern boundary; and timber fence and coniferous hedging enclose the western boundary and intervene views to Keleden. The south boundary is currently undefined (bar a very newly planted Leylandii hedge row.)

Policy and history

The application site is located outwith the development boundary for Ednam as defined by the Local Development Plan 2016. Policy PMD4 of the Plan aims to ensure that development is located within defined development boundaries. These boundaries indicate the extent to which town and villages should be allowed to expand during the Local Plan period and proposals for development outwith this boundary, and not on allocated sites, will normally be refused. Exceptional approvals may be granted in circumstances where a number of set criteria can be met.

This application follows two earlier planning refusals, and one appeal refusal, for an (almost) identical proposal:

16/00617/PPP: Erection of dwellinghouse. Refused on 29.06.2016 for the following reason:

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.

16/01425/PPP: Erection of a dwellinghouse. Refused 09.01.2017 for the following reason:

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.

The applicant appealed this decision to the Local Review Body (17/00001/RREF), who upheld the officer's decision and refused the application on 23.03.2017. The Review Body tested the proposal against the four qualifying criteria set out in Policy PMD4:

Members noted that the building of the new house would release the applicants existing residence "Oaklands" for holiday lets, expanding their existing tourism business in the village. Members came to the conclusion that, in the absence of a sufficiently persuasive business case, the proposals did not meet the policy test and an economic justification had not been proven.

The Review Body concluded that no case had been made that the house would meet the terms of the Council's affordable housing policy. The development did not comply with policy criteria b) of Policy PMD4.

Members were satisfied that the current Housing Land Audit identified sufficient housing land for this Housing Market Area. There was no shortfall that would permit the release of the site. The proposal could not be justified under criteria c) of Policy PMD4.

Members considered the potential community benefits that may arise from the development, especially the enhancement of the tourism offer in the area, but again did not feel that a persuasive case had been met the policy test. The proposal could not be justified under criteria d) of Policy PMD4.

In coming to their conclusion on these matters, Members gave weight to the fact the Development Boundary had only been adopted relatively recently and had been subject to public consultation. They also noted that there was other land allocated and available for housing within the village, so there was no overriding need to release this site for development.

In Members view, the erection of the proposed house would bridge the gap between Ednam and the Cliftonhill building group and result in coalescence.

It should be noted that the Planning Authority provided the applicant with pre-application advice on the acceptability of a dwellinghouse on this site on three separate occasions. In 2008, 2009 and 2015, the case officer advised that the proposed erection of a dwelling on this site would be contrary Policy G8 of the Consolidated Local Plan, and in the case of the 2015 enquiry, contrary to Policy PMD4 of the Emerging Local Development Plan 2016 in that the site would be outwith the development boundary. Furthermore, the proposed development would not meet the essential criteria for an exceptional approval. The applicant was advised that the planning authority would not be in a position to support the proposals if an application was forthcoming.

Proposal

A Supporting Statement dated 24 November 2017 by the Agent, advocates this site for a dwelling for the applicant to downsize and retire. The rationale would be for releasing their current property, Oaklands, to a family with children to support the school and village community of Ednam. The Statement notes changes to environs of the site since the last application.

Assessment

In order to qualify as an exceptional approval the proposal must meet one of the four following criteria:

1. Provided strong reasons can be given that it is a job generating development that has an economic justification under Policy ED7 - Business, Tourism and Leisure Development in the Countryside; or HD2 - Housing in the Countryside; OR
2. It is an affordable housing development that can be justified under Policy HD1 - Affordable and Special Needs Housing; OR
3. The Council has identified a shortfall through the housing land audit with regards to the provision of an effective 5 year housing land supply; OR
4. The proposed development is considered to offer significant community benefit that would outweigh the need to protect the development boundary.

Policy PMD4 also requires these proposals to represent a logical extension of the built up area and to be of an appropriate scale in relation to the size of the settlement. Proposals must not prejudice the character of Ednam and not cause a significant adverse impact on the landscape character of the settlement.

The Supporting Statement does not demonstrate that the proposed development meets ANY of the principle criteria contained within Policy PMD4. Proposals for subsequent sale of the applicant's house to the open market can have no weight in this planning decision. This action could not be controlled by the Planning Authority and, in any case, it would have no bearing on Policy PMD4. There would be no positive impact on the effective supply of local housing land (no shortfall has been identified in this area); it would have no community benefit, it would not contribute towards affordable housing and would have no economic, tourism or leisure benefit. The proposal therefore does not comply with policy PMD4.

The overriding planning concern is the inappropriate linear fashion of development along the minor public road towards the Cliftonhill building group. This would be to the detriment of the built up edge of the settlement and would lead to a coalescence of Ednam village with the nearby Cliftonhill building group.

Local Review Body - coalescence of Ednam and Cliftonhill.

Planning history associated with the land to the NE of the application site is relevant in this case. Planning permission in principle (11/00750/PPP) was granted for the erection of 2 dwellings on land to the south west of Millburn, Cliftonhill. These dwellings were approved following a successful appeal to the Local Review Body.

Members expressed their concerns regarding coalescence of the group with the village. They were satisfied that the development of two dwellings on land adjacent to Millburn would not result in coalescence with Ednam or constitute an inappropriate form of ribbon development. They agreed that due to the degree of

separation from the village and the nature of the existing topography and vegetation, the development was clearly related to the Cliftonhill building group. Members accepted that the group could be added to along the roadside in a sympathetic way and allow the group to be balanced with the two detached houses to the east of the group; "The Seasons" and "Hillend". Detailed planning consent has been granted on both plots and both houses have been constructed. It is clear from the LRB decision that Members were concerned about the potential coalescence of Ednam village with the nearby Cliftonhill building group. Although not directly opposite the dwelling on Plot 2, the proposed dwelling would extend the settlement towards Cliftonhill and would remove this degree of separation between the village and Cliftonhill. Members were keen to ensure that Cliftonhill remains detached from the village.

Access

The Roads Planning Service has no objections. Conditions would be required to ensure that any subsequent detailed application conforms to required access and parking parameters.

Contributions to services and infrastructure

The Director of E&LL advises that a development contribution towards Kelso High School would be required by this development. This would be secured by a legal agreement to comply with policy IS2.

Services

Proposals would link to the mains waste and water, in accordance with policy IS9.

Amenity

I identify no significant adverse impact to neighbouring amenity through overlooking, privacy, loss of light or overshadowing.

Comments and support notes;

Respondents note potential community benefit arising from having a further house in the Village and having the land used for a beneficial purpose. Again I find neither matters to be material planning considerations. A live planning application is currently being considered for 10 dwellings to be added to the west of Ednam. Two general comments also raise potential issues of services and presence of a gas pipe. I have noted the low pressure gas pipe and my colleagues in Building Standards would consider connection to the public sewer, which is within reach, should permission be approved.

One Local Member unconditionally supports this proposal citing an appropriate landscape setting, community benefits and sense of place. Again, I reiterate the Local Review Body's two previous judgements highlighting coalescence and landscape concerns. The Local Member advises that this development would bring a family with children back into the village. This matter is not a material planning consideration. I reiterate that the Planning Authority cannot control potential future occupants of these dwellings.

There has been no change in policy or circumstances that would warrant a different decision in this case. The application has not been justified as an exception under Policy PMD4 and the proposed erection of a dwellinghouse on this site remains outwith the development boundary of the village and contrary to adopted LDP policy.

REASON FOR DECISION :

Taking into account the planning history associated with the related sites and the pre-application advice given in relation to the current application site, it is felt that the proposed erection of a dwellinghouse would be contrary to Policy PMD4 of the Local Development Plan 2016 in that it would result in development outwith the development boundary. Furthermore, strong reasons have not been given to justify an exceptional approval. The proposed dwelling is not a job generating development in the countryside, 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.

There has been no change in policy or circumstances since earlier decisions (16/00617/PPP and 16/01425/PPP) that would warrant a difference decision in this case.

Recommendation: Refused

- 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.

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