

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference : 17/01572/PPP

To : Mrs Anne McKelvey per Erich Planning & Property Consultants Per Kate Jenkins 57
Northgate Peebles EH45 8BU

With reference to your application validated on **16th November 2017** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of dwellinghouse

at: Land South East Of Beckhope Kailzie Peebles Scottish Borders

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

Dated 15th January 2018
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA

Signed



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Depute Chief Planning Officer

APPLICATION REFERENCE : 17/01572/PPP**Schedule of Plans and Drawings Refused:**

Plan Ref	Plan Type	Plan Status
	Site Plan	Refused

REASON FOR REFUSAL

- 1 The development would be contrary to Policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 in that the proposed development breaks into a previously undeveloped field which is located out with both natural and man made boundaries of the building group. This location fails to respect the character of the building group and would potentially lead to ribbon development which would further undermine its character.
- 2 The development would be contrary to Policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 in that the proposed development fails to reflect and respect the scale and siting of other individual dwelling plots within the group and would therefore adversely affect the character of the building group.

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 : 17/01572/PPP
APPLICANT : Mrs Anne McKelvey
AGENT : Ericht Planning & Property Consultants
DEVELOPMENT : Erection of dwellinghouse
LOCATION: Land South East Of Beckhope
Kailzie
Peebles
Scottish Borders

TYPE : PPP Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
	Site Plan	Refused

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

Roads Planning: Suggest that concerns exist from a sustainable transport perspective in relation to developments out with recognised building groups and settlements however if the planning authority is minded to approve the proposal then no objections on roads groups are raised. If approved a detailed application will require parking and turning for two vehicles within the curtilage of the plot, excluding garages.

Community Council: No response received.

Education and Lifelong Learning: The development triggers financial contributions totalling £5,211 towards local education facilities.

Environmental Health (Amenity and Pollution): The use of a private water supply and private drainage system can impact on the amenity and health of neighbouring residents if these services are not installed, operated and maintained properly. To militate against these impacts planning conditions and related informative notes are recommended.

Landscape Architect: No objection provided access to the site is located outwith the Root Protection Area of the trees along the north west boundary of the site and a more comprehensive planting scheme is agree to enclose the site that the one shown on the submitted plan in order to assimilate the development into the wider landscape.

PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan 2016:

PMD2 - Quality Standards
HD2 - Housing in the Countryside
HD3 - Protection of Residential Amenity
EP5 - Special Landscape Areas
EP10 - Gardens and Designed Landscapes
EP13 - Trees, Woodlands and Hedgerows
IS2 - Developer Contributions
IS7 - Parking Provisions and Standards
IS9 - Waste Water Treatment Standards and Sustainable Urban Drainage

SPG's on;

Developer Contributions
Landscape and Development
Local Landscape Designations
New Housing in the Borders Countryside
Trees and Development

Other

Peter McGowan's Survey of Designed Landscapes 2008

Recommendation by - Scott Shearer (Planning Officer) on 12th January 2018

Site and application description

The application site is located to the south east of Kailzie Main on relatively flat land within an open field. The north western boundary of the site is enclosed by a post and wire fence. A water course with some planting along its embankment separates this field from the farm access road. The farm steading is located on the opposite side of the access road to the north west. A field access lies to the south west of the site with the water course and woodland plantation enclosing the land to the south west. The site is located within the Tweed Valley Special Landscape Area (SLA). Planning permission in principle is sought to erect a dwellinghouse on this site.

Site History

The application site has no previous planning history. It is however worth noting that planning permission was previously approved to build a house within the now woodland area to the south west. The last permission was granted in 1999 with the dwelling tied to the farm and its occupancy restricted for use of a farm worker, a retiring farmer or the widower of a person last employed in the farm enterprise. None of these approvals were implemented. Earlier this year application 17/01045/PPP sought to resurrect permission for a house on the site of the previous approvals. This application was refused on grounds that the location of the site was positioned outwith the identifiable boundaries of the building group and that the development would have a harmful impact on the landscape character of the area as a result of the loss of the woodland plantation.

This latest application seeks to address the reasons for refusal of application 17/01045/PPP by revising the location of the development.

Principle

Similar to application 17/01045/PPP, the submitted planning statement suggests that there is an economic need for the development in that the additional accommodation will allow a retiring farmer to make way for another family member who does not presently reside on the farm to take over the business. However, no economic justification has been provided to demonstrate the requirement for a further house and section 1.12 of the applicant's supporting statement confirms that the application is lodged for consideration under the LDP's Building Groups criteria.

The supporting statement from section 3.10 has also provided a sequential assessment which has considered other available land surrounding Kailzie Mains farm steading to accommodate an additional dwelling house. Each of these sites is ruled out for various reasons which include; conflict with farming operations, detrimental impact on the amenity of existing residential properties and location out with the building group. The supporting statement recommends that the application site is the most suitable location to add a further house to this group. Nevertheless the merits of this site must be tested against the requirements of Policy HD2 section (A) which covers Building Groups and supplementary planning guidance on this topic.

During the handling of application 17/01045/PPP it was observed that a building group with a capacity for further expansion exists at Kailzie Mains. Neither the policy context regarding what constitutes a recognisable building group or the number of houses at Kailzie Mains has changed since the last application and no new permissions for new houses has been granted. I am therefore satisfied that a building group with the numeric capacity for growth still exists at this farm holding.

Similar to application 17/01045/FUL, the key consideration is whether the site is well related to an existing group. The SPG explicitly recommends that;

"Sites should not normally break into previously undeveloped fields, particularly where there exists a definable boundary between the existing group and the field".

The field where this site is located has not been previously developed. A recognisable natural boundary in the form of a water course and to a lesser extent the man made boundaries of the road and post and wire fence separate this undeveloped field from the existing houses within this group which are located to the north west. In comparison to the previous application the site is located close to the existing residential plots and the location of the development has been moved outwith the woodland. Nevertheless, this new location is still not considered to be well related to the building group because it breaks into a previously undeveloped field which is separated from existing dwellings within the group by firstly natural and secondly man made boundaries. Furthermore, granting consent for a development within this location raises the possibility of setting an undesirable precedent for ribbon development along the roadside of this undeveloped land to the south east of the farm steading.

In addition to the need for the proposal to be located within the identifiable boundaries of the group, the SPG also requires that the scale and siting of the development is well related to individual houses within the group. Beckhope House is currently the largest plot within the group with the layout of the residential sites having narrower depths which keeps them closer to the roads around the farm steading. The scale of this plot is considerably larger than any of the existing plots and its depth is out of keeping with the layout of other plots within this group. The scale and siting of the development is not judged to reflect and respect character of the existing plots within the group.

Landscape and tree impact

A reason for objecting to the previous application was that it would adversely affect mature trees which contributed positively to the character of the group. While there are a couple of mature trees along the north western edge of the site, I am satisfied that if the development were to be approved that the site could be developed in a manner without adversely affecting these trees.

The site is within the SLA, however its location does not have a wide landscape and visual impact therefore the principle of the development does not adversely impact on the special qualities of the designated landscape area.

Kailzie Mains is a Designed Landscape. Though this is a Council designation, rather than a formal GDL, it is a landscape of particularly special quality. The location of the proposal does not impact on any historic landscape features concluding that the proposal should not harm the character or wider setting of the Designed Landscape.

Access

The existing access from the public road up to the farm steading is in a good condition. While the RPO has noted that they are uncomfortable with the location of the development from a sustainable transport

perspective, no road safety concerns have been raised concluding that the proposal is not objectable on access grounds.

Other Matters

If this application were to be approved, matters relating to; water supply, foul and surface water drainage and land contamination could be addressed by appropriately worded planning conditions and informative notes. The agent has confirmed that the applicant would enter into a legal agreement to conclude payment of developer contributions. I can report that the proposal is not opposed on any of these grounds. Development of the site should be capable of being achieved without harming neighbouring amenity.

REASON FOR DECISION :

1. The development would be contrary to Policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 in that the proposed development breaks into a previously undeveloped field which is located out with both natural and man made boundaries of the building group. This location fails to respect the character of the building group and would lead to ribbon development along a public road.
2. The development would be contrary to Policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 in that proposed development fails to reflect and respect the scale and siting of other individual dwelling plots within the group and would therefore adversely affect the character of the building group.

Recommendation: Refused

1. 1. The development would be contrary to Policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 in that the proposed development breaks into a previously undeveloped field which is located out with both natural and man made boundaries of the building group. This location fails to respect the character of the building group and would potentially lead to ribbon development which would further undermine its character.
2. 2. The development would be contrary to Policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 in that the proposed development fails to reflect and respect the scale and siting of other individual dwelling plots within the group and would therefore adversely affect the character of the building group.

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