

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013****Application for Planning Permission****Reference : 17/01045/PPP****To : Mrs Anne McKelvey per Ericht Planning & Property Consultants The Office - Gifford House
Bonnington Road Peebles EH45 9HF**

With reference to your application validated on **26th July 2017** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of dwellinghouse**at: Land South Of Kailzie Mains Farm Peebles Scottish Borders**

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

**Dated 22nd September 2017
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed**Depute Chief Planning Officer**

APPLICATION REFERENCE : 17/01045/PPP**Schedule of Plans and Drawings Refused:**

Plan Ref	Plan Type	Plan Status
	Location 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 is located out with the identifiable boundaries of the building group which is contained by the woodland plantations and this location would fail to respect the character of the building group. No economic case has been substantiated to support a house outwith the extent of the building group
- 2 The development would be contrary to Policy EP13 of the Local Development Plan 2016 and Trees and Development Guidance 2008 in that the proposed development would result in the loss of a woodland plantation which would have a harmful impact on the landscape character of the rural area and setting 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 : 17/01045/PPP

APPLICANT : Mrs Anne McKelvey

AGENT : Ericht Planning & Property Consultants

DEVELOPMENT : Erection of dwellinghouse

LOCATION: Land South Of
Kailzie Mains Farm
Peebles
Scottish Borders

TYPE : PPP Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
	Location Plan	Refused

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

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;

Contaminated Land Inspection Strategy
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

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
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Recommendation by - Scott Shearer (Planning Officer) on 22nd September 2017

Site and application description

The application site is located to the south west of Kailzie Mains which is a farm holding in-between Peebles and Cardrona. The site itself is roughly triangular in shape and forms part of a woodland shelter belt which stretches in a south easterly direction. The farm steading is located directly to the north of the site and an access track wraps around the west of the site which provide a route for farm vehicles to access the farm land. 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

Planning Permission for the erection of a dwellinghouse on this site has been approved on three previous occasions. The last permission was consented in 1999, ref 99/00317/OUT. In approving the 1999 application, a condition was attached to the consent to tie the occupancy of the dwelling to the farm for use of a farm worker, a retiring farmer or the widower of a person last employed in the farm enterprise. Separate conditions requiring improvement to the access road and agreement of reserved matters details were also included. This application lapsed in 2002 without any detailed applications being lodged and in the intervening period the site has not formed part of any other proposed developments.

Principle

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 1.5 of the applicant's supporting statement confirms that the application is lodged for consideration under the LDP's Building Groups criteria.

The existence of a building group is identifiable by its sense of place. At Kailzie Mains there are three dwellinghouses which consist of the two semi-detached farm cottages and the dwelling known as Beckhope

to the north east. These properties are well related to one another by being positioned alongside farm buildings and tracks and the extent of the group is terminated by dense planting belts to the north west and south east. The SPG on new housing in the countryside recognises plantations as being manmade boundaries which identify the boundaries of a building group. Against the requirement of Policy HD2 and the SPG I am satisfied that a building group exists at Kailzie Mains and that its sense of place is defined by the location of buildings in between its planted belt boundaries. This group has the numerical capacity to expand as there are no extant or implementable planning permissions for any further houses to be added to the group.

Policy HD2 requires that sites for building group additions are well related to an existing group. On considering the ability of a group to absorb further development one of the requirements of the SPG recommends that;

"New development should be limited to the area contained by that sense of place;"

The trees which are present within the site may not have formed part of the planting belt during the previous planning application. The supporting statement notes that the majority of the trees within the site were planted 15 years ago, concluding that this planting took place after the last planning consent to develop this site was issued. The trees within this site are now sufficiently well established that they are integral to the planting belt which encloses this group to the south east. All existing housing in the group is restricted to the ground in between the identified plantations. Siting the proposal within one of the woodland strips which now encloses this group means that the site fails to remain within the identifiable limitations which contain the sense of place of the Kailzie Mains building group. The proposal is therefore not considered to represent a sensitive addition which is well related to the character of this building group.

Landscape and tree impact

From a landscaping perspective the proposals will involve the removal of trees from the site. The number of trees which would have to be removed has not been established in this application however the woodland in the site is now quite dense so in order to develop the site it is anticipated that a number of trees would likely require to be removed. The site does not appear to be readily visible within the wider landscape. By removing trees from the site, the development may be visible from the road to the west. This road is a minor road and while the site is within the SLA, the trees within the site are not judged to be integral to the SLA. In PPP terms the proposal is not necessarily considered to have an adverse 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. However, the majority of the planting which this development will impact on is not historic planting. The development of this site has been previously approved at time when this designation would have been in place as the landscape was identified in the 1998 study and the last application at the site approved in 1999. With these observations in mind the proposal is not judged to be objectionable on the basis that it will adversely impact on the Designed Landscape.

Turning to the direct impact of the development on trees within the site itself, the supporting statement has advised that replacement planting can take place to offset the removal from trees from this site if this application were to be approved. While the trees which will be affected by this development are not protected, they are now enough established to form part of context of the local landscape at Kailzie Mains. Policy EP13 seeks to protect woodland resources which add value to their locations. The loss of trees from this site as a result of its development would erode part of a woodland which was planted as a logical extension to a larger planting belt which encloses the local landscape and now positively contributes to the character and amenity of Kailzie Mains. Despite a Tree Survey not being requested I am of the opinion that the proposal would cause sufficient damage to a woodland resource which in turn would adversely affect the landscape character of the rural area. This impact would not be supportable against policy EP13. This policy allows an exemption to remove woodland resources when it is demonstrated that there is a wider public benefit behind the proposals, in this case no benefit exist.

Access

The existing access from the public road up to the farm steading is in a good condition. The access around the steading and up and around this site is substandard, this will be the access which traffic to and from the

site will have to use. If this proposal were to be approved the agent has confirmed that the road would be improved. There is no reason why the access could not be brought up to a suitable standard therefore the proposal is not opposed on these grounds.

The proposal is submitted on the basis that it is not to be tied to the farm, if consent were to be granted. The access which wraps around the site would be used by farm traffic and if development was granted there is potential for a degree of conflict between a property which would not be involved within the agricultural enterprise and farming operations using the access. Though I am uncomfortable with this relationship, and note that the previous consent was limited by occupancy condition, I also note that the RPO has not recommended that the use conflict is strong enough in roads terms to insist on the planning condition. I note that a neighbouring property is not within the farm holding now and is closer to the steading. The stretch of road where vehicles of the two separate uses could meet is short. If approved, there may be potential to mitigate these impacts by taking the access to the site as close to the road with shared access and limiting openings from a building on to the farm track. All things considered, the impact of a residential property adjacent to a farm track is not ideal but given possibility to mitigate against some of the adverse impacts caused by the farm track at the AMC stage, my unease is not strong enough to be sufficient reason to oppose this development.

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 :

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 is located out with the identifiable boundaries of the building group which is contained by the woodland plantations and this location would fail to respect the character of the building group. No economic case has been substantiated to support a house outwith the extent of the building group.

The development would be contrary to Policy EP13 of the Local Development Plan 2016 and Trees and Development Guidance 2008 in that the proposed development would result in the loss of a woodland plantation which would have a harmful impact on the landscape character of the rural area and setting of the building group.

Recommendation: Refused

- 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 is located out with the identifiable boundaries of the building group which is contained by the woodland plantations and this location would fail to respect the character of the building group. No economic case has been substantiated to support a house outwith the extent of the building group
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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”.