
**Please find attached additional Information in respect of
Items No. 5 and 6 on the Agenda for the above meeting**

5.	<p>Consider request for review of refusal of application in Principle for the Erection of dwellinghouse on Plot 5, Hume Bank, Hume Hall Holdings, Greenlaw - 21/00726/PPP and 21/00025/RREF</p> <p>Copies of the following papers attached:-</p>
	<p>(b) Papers referred to in Officers Report (Pages 3 - 12)</p>
6.	<p>Consider request for review of refusal of application in Principle for Erection of dwellinghouse on Plot 4, Hume Bank, Hume Hall Holdings, Greenlaw - 21/00727/PPP and 21/00026/RREF</p> <p>Copies of the following papers attached:-</p>
	<p>(b) Paper's referred to in the Officer's Report (Pages 13 - 30)</p>

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Ms S Redpath
per Richard Amos (Duns)
Per Taylor Dickinson
2 Golden Square
Duns
Scottish Borders

Please ask for: Cameron Kirk
☎ 01835 825253
Our Ref: 19/01782/PPP
Your Ref:
E-Mail: cameron.kirk@scotborders.gov.uk
Date: 2nd June 2020

Dear Sir/Madam

**PLANNING APPLICATION AT Plot 5 Land South West of Hume Bank Hume Hall Holdings
Hume Scottish Borders**

PROPOSED DEVELOPMENT: Erection of dwellinghouse

APPLICANT: Ms S Redpath

Please find attached the formal notice of refusal for the above application.

Drawings can be found on the Planning pages of the Council website at
<https://eplanning.scotborders.gov.uk/online-applications/>.

Your right of appeal is set out within the decision notice.

Yours faithfully

John Hayward

Planning & Development Standards Manager

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (as amended)

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

Application for Planning Permission

Reference : 19/01782/PPP

To : Ms S Redpath per Richard Amos (Duns) Per Taylor Dickinson 2 Golden Square Duns Scottish Borders TD11 3AW

With reference to your application validated on **19th December 2019** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

Proposal : Erection of dwellinghouse

At : Plot 5 Land South West of Hume Bank Hume Hall Holdings Hume Scottish Borders

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

**Dated 1st June 2020
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

**John Hayward
Planning & Development Standards Manager**

APPLICATION REFERENCE : 19/01782/PPP**Schedule of Plans and Drawings Refused:**

Plan Ref	Plan Type	Plan Status
19/B472/PL01	Location Plan	Refused
19/B472/PL02	Proposed Site Plan	Refused

REASON FOR REFUSAL

- 1 The proposed development would be contrary to Policy HD2 and Policy ED10 of the Scottish Borders Local Development Plan 2016, as well as the Council's adopted Supplementary Planning Guidance 'New Housing in the Borders Countryside 2008' in that it would not relate well to an existing building group, it would break into an undeveloped field and the application site would be disproportionately large within this context and so the development would be detrimental to the character of the building group. In addition, the development would result in the permanent loss of prime quality agricultural land.

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 (as amended) 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 (as amended).

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SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 19/01782/PPP
APPLICANT : Ms S Redpath
AGENT : Richard Amos (Duns)
DEVELOPMENT : Erection of dwellinghouse
LOCATION: Plot 5 Land South West Of Hume Bank
Hume Hall Holdings
Hume
Scottish Borders

TYPE : PPP Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
19/B472/PL01	Location Plan	Refused
19/B472/PL02	Proposed Site Plan	Refused

NUMBER OF REPRESENTATIONS: 5

SUMMARY OF REPRESENTATIONS:

A total of 5 valid representations (4 objections and 1 general comment) have been received as defined in the Scheme of Delegation. This does not include multiple representations from the same household which equate to 6 letters in total. All issues raised have been considered. The letters raise the following material issues:

- o Loss of prime quality agricultural land;
- o Impact on visual amenities of area;
- o Impact on residential amenity;
- o Impact on natural heritage;
- o Drainage;
- o Roads related issues, such as, road safety, access, parking, visibility, increase to traffic, footway provision and street lighting.

Consultations

Community Council has not responded at the time of writing this report.

Education and Lifelong Learning has confirmed that developer contributions are sought for Berwickshire High School.

Roads Planning Service do not object in principle to the proposal. They advise that access to the plot should be by way of a joint service layby with Plot 4. They recommend that standard conditions and informatives are attached.

Scottish Water has not responded at the time of writing this report.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Local Development Plan 2016

PMD1: Sustainability

PMD2: Quality Standards

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

HD2: Housing in the Countryside

HD3: Protection of Residential Amenity

EP3: Local Biodiversity

IS2: Developer Contributions

IS7: Parking Provision and Standards

IS9: Waste Water Treatment Standards and Sustainable Urban Drainage

Supplementary Planning Guidance

Developer Contributions 2019

Householder Development (Privacy and Sunlight) 2006

New Housing in the Borders Countryside 2008

Placemaking and Design 2010

Recommendation by - Cameron Kirk (Assistant Planning Officer) on 29th May 2020

Site description

The application site relates to part of an agricultural field that is located at Hume Hall Holdings which lies approximately 3 miles south of the settlement of Greenlaw. The public road (U72-5) flanks the north west boundary of the application site. There are residential properties within the surrounding locality to the north and south west of the application site. The site is relatively flat and is identified as being an area of prime quality agricultural land.

Proposed development

Planning Permission in Principle is sought for the erection of a dwellinghouse. Vehicular access to the site would be taken from the public road to the north. The proposed dwellinghouse would be connected to the public water supply network and would be served by private drainage arrangements.

Supporting information

Planning Statement prepared by Richard Amos Ltd, dated 12 December 2019.

Relevant planning history

04/01610/OUT Erection of dwellinghouse. Refused 23 November 2004.

16/00679/PREAPP - Pre-application enquiry.

19/01783/PPP (Plot 4) - Erection of dwellinghouse. Pending consideration.

Assessment

Principle of development

The application site is not located within the defined development boundary of a settlement and as such would equate to development in the countryside. In order to establish the principle of development it must be assessed against Policy HD2: Housing in the Countryside. The application site is not located in the Southern

Housing Market Area. At present, it is agricultural land and the proposal would not result in the conversion of an existing building to a house, the restoration of an existing house or result in the proposed replacement of an existing house. In addition, no justification has been provided to demonstrate that there is an economic requirement for a house to be built in this location. Therefore, sections (B) - (F) of Policy HD2 would not be applicable in establishing the principle of development in this particular location. It would only be appropriate to assess the proposal against section (A) Building Groups of Policy HD2.

Section (A) Building Groups of Policy HD2 advises that additional dwellings should only be permitted where the site relates well to an existing building group of at least three dwellings and will only result in the addition of two dwellings or a 30% increase to the group, whichever is greater, during the period of the Local Development Plan. The cumulative impact of new development on the character of the building group, and on the landscape and amenity of the surrounding area will be taken into account when determining applications.

Additionally, the Council's Supplementary Planning Guidance titled 'New Housing in the Borders Countryside 2008' states that the existence of a group will be identifiable by a sense of place which will be contributed to by natural and man-made boundaries. Sites should not normally break into undeveloped fields particularly where there exists a definable natural boundary between the building group and the field and the new development should be limited to the area contained by that sense of place. Any new development should be within a reasonable distance of the existing properties within the building group and this distance should be guided by the spacing between the existing properties in the building group. The scale and siting of new development should reflect and respect the character and amenity of the existing building group.

It is acknowledged that there is a building group at Hume Hall Holdings and that the dwellinghouses within the locality of the application site contribute to the building group. There is the numerical capacity within the building group to add an additional two dwellinghouses under the current Local Development Plan period. Therefore, the main consideration is whether the proposed development would be an appropriate addition to the existing building group.

Most of the dwellinghouses associated with the building group are situated to the north of the public road, with the exception of two dwellinghouses, Glenholly and Hume Brae which lie to the south west of the application site. Agricultural land separates the application site from Hume Brae. Plot 4 (19/01783/PPP, pending consideration) is conterminous with the north west boundary of the application site.

The application site and neighbouring application site would not be conterminous with any of the surrounding properties. In light of this, the application site is not considered to relate well to the existing building group as a dwellinghouse in this location would appear visually isolated from the core area of the building group to the north of the public road. Additionally, the development to Plot 4 may never be implemented and this would exacerbate the relationship the application site has with the existing building group as it would be visually detached and conterminous with any of the surrounding properties. Considering the position and orientation of the application site relative to the existing building group it is not felt that it would positively contribute to the overall sense of place found within the locality.

Furthermore, the application site is disproportionately large, comparatively, with neighbouring properties. The curtilage of Glenholly and Hume Brae extends to approximately 685 square metres and 435 square metres, respectively. The application site extends to an area of approximately 2315 square metres, which is significantly larger than the adjacent properties. The size of the plot is not commensurate to the curtilage of neighbouring properties. This would fundamentally change the character of the area. Even if the proposal was well related to an existing building group the size of the application site would not be appropriate in this particular location.

This position is consistent with that taken by the Planning Authority during consideration of application 04/01610/OUT for the development of housing in this location. There are no new material considerations which suggest that housing development in this location would be acceptable now and there are no known extenuating circumstances or other material considerations which indicate that the application should be supported as an acceptable departure from the Scottish Borders Local Development Plan 2016.

In addition, the application site is identified as being an area of prime quality agricultural land. The principle of development must also be assessed against Policy ED10: Protection of Prime Quality Agricultural Land

and Carbon Rich Soils. Policy ED10 states development which results in the permanent loss of prime quality agricultural land will not be permitted unless:

- a) the site is otherwise allocated within this local plan
- b) the development meets an established need and no other site is available
- c) the development is small scale and directly related to a rural business.

The application site is not allocated within the current Local Development Plan. The proposed development would not be for an established need and while it may be small scale, it would not be directly related to a rural business.

Therefore, the proposed development would be contrary to Policy HD2 and Policy ED10, as well as the Council's adopted Supplementary Planning Guidance 'New Housing in the Borders Countryside 2008'. Therefore, the principle of development cannot be supported in this location.

Layout, siting and design

Policy PMD2 aims to ensure that all new development is of a high quality and respects the environment in which it is contained. Notwithstanding the matters raised in the previous section of this report in relation to the principle of development, it is acknowledged that the application site is sizable and could comfortably accommodate a large dwellinghouse. However, a large dwellinghouse would not reflect the character of the existing building group as the neighbouring dwellinghouses are modest in scale. As the application is for Planning Permission in Principle, precise details of the layout, siting and design of the proposed dwellinghouse have not been provided at this stage and will be assessed on receipt of a subsequent planning application. Any subsequent application must ensure that the proposed dwellinghouse is modest in scale to reflect the scale of neighbouring properties within the building group and also be sited to the northern section of the application site to reflect the position of Glenholly and Hume Brae.

The use of certain boundary treatments in this location could have an adverse impact on the surrounding landscape. With this in mind, a condition is recommended, should permission be granted, removing permitted development rights under class 3E of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) to ensure that no means of enclosure are erected other than those agreed in any subsequent application.

Impact on residential amenity

Policy HD3 aims to protect the amenity of neighbouring residential properties against inappropriate development that would result in the loss of amenity or privacy. As previously mentioned, the application is for Planning Permission in Principle and no detailed information has been provided at this stage to show the layout, siting and design of the proposed dwelling. The impact the proposed development would have on the amenity and privacy of neighbouring properties cannot be fully assessed at this stage. Further consideration would be given to the impact the proposed development would have on neighbouring properties on receipt of a further planning application detailing the layout, siting and design of the proposed dwelling. However, it is not anticipated that a dwellinghouse in this location would adversely impact on the amenity or privacy of neighbouring properties.

Roads

Indicative details show that vehicular access to the site would be taken from the public road to the north. Roads Planning Service was consulted as part of the application process. They have no objection to the proposed development provided that the site access is formed as a joint service layby detail with the neighbouring application site (19/01783/PPP).

In accordance with Policy IS7, parking for two vehicles must be provided within the curtilage of the dwellinghouse. It is expected that this requirement could be achieved. Standard conditions and informatives are recommended, if permission is granted, in relation to access and parking.

Concerns have also been raised in relation to visibility, increase to traffic, street lighting and footway provision. Roads Planning Service has not brought up any of the aforementioned points in their consultation

response and the Planning Authority can only assume that they do not pose an issue for the development. It is not anticipated that the proposal would adversely impact on road safety.

Water supply and drainage

The proposed development would be connected to the public water supply network - this approach is welcomed. Scottish Water was consulted as part of the application process, although they have not responded at the time of writing this report.

Foul drainage would be dealt with by private drainage arrangements in the form of a septic tank to soakaway. Concerns have been raised over the accuracy of the information provided in the application relating to drainage and the impact the proposed development would have on the drainage arrangements for neighbouring properties. The septic tank for Byreside is located within the application site. It is proposed to remove the existing septic tank that serves Byreside and connect the proposed dwellinghouses and Byreside to a new septic tank which would be located to the south corner of the application site.

Indicative details have been provided to demonstrate that Byreside would continue to have a suitable means of foul drainage. No information has been provided to show how the proposed development would impact on any of the other neighbouring properties existing drainage arrangements. Nonetheless, the proposed development must ensure that neighbouring properties can be adequately served by suitable means of drainage and that it does not inhibit the use of existing drainage arrangements. Drainage would be subject to further consideration at the building warrant stage. Conditions are recommended, should permission be granted, to ensure that further details are provided in respect of water supply and drainage to demonstrate that they are achievable.

Natural Heritage

Concerns have been raised over the impact the proposed development would have on the presence of wildlife in the application site which is presently an agricultural field. Considering the nature of the site and the proposed development, it would not warrant an ecological survey being undertaken to support the application.

Waste

There would be sufficient room for bin storage within the application site and they should be stored in an unobtrusive location. The precise details would be agreed with a subsequent application.

Developer contributions

Policy IS2 aims to ensure that the cost of new or additional infrastructure required for new development is met by the developer. Developer contributions would be secured by means of either a Section 69 or Section 75 Legal Agreement.

Conclusion

The proposed development would be contrary to Policy HD2 and Policy ED10 of the Scottish Borders Local Development Plan 2016, as well as the Council's adopted Supplementary Planning Guidance 'New Housing in the Borders Countryside 2008' in that it would not relate well to an existing building group, it would break into an undeveloped field, the application site would be disproportionately large within this context and it would result in the permanent loss of prime quality agricultural land. It is therefore recommended that the application be refused.

REASON FOR DECISION :

The proposed development would be contrary to Policy HD2 and Policy ED10 of the Scottish Borders Local Development Plan 2016, as well as the Council's adopted Supplementary Planning Guidance 'New Housing in the Borders Countryside 2008' in that it would not relate well to an existing building group, it would break into an undeveloped field, the application site would be disproportionately large within this context and it

would result in the permanent loss of prime quality agricultural land. It is therefore recommended that the application be refused.

Recommendation: Refused

- 1 The proposed development would be contrary to Policy HD2 and Policy ED10 of the Scottish Borders Local Development Plan 2016, as well as the Council's adopted Supplementary Planning Guidance 'New Housing in the Borders Countryside 2008' in that it would not relate well to an existing building group, it would break into an undeveloped field and the application site would be disproportionately large within this context and so the development would be detrimental to the character of the building group. In addition, the development would result in the permanent loss of prime quality agricultural land.

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



TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (as amended)

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

Application for Planning Permission

Reference : 04/01610/OUT

To : Executor of The Late James Inglis per John Sale 7 Bank Street Galashiels TD1 1EN

With reference to your application validated on **16th August 2004** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

Proposal : Erection of dwellinghouse

at : Plot 4 Hume Bank Hume Hall Holdings Hume Kelso Scottish Borders TD5 7TW

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

**Dated 23rd November 2004
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

**John Hayward
Planning & Development Standards Manager**

APPLICATION REFERENCE : 04/01610/OUT

Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
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REASON FOR REFUSAL

- 1 The proposal would be contrary to Policy 7 of the Berwickshire Local Plan in that the form and appearance of the existing building group at Hume Hall would be adversely affected by additional development.

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 appeal to the Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months from the date of this notice. The notice of the appeal should be addressed to Planning and Environmental Appeals Division, Scottish Government, Ground Floor, Hadrian House, Falkirk, Callendar Business Park, Callendar Road, FK1 1XR. A copy of the notice of the appeal must, at the same time, be sent to the Legal Services Section, Scottish Borders Council, 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 (as amended).

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 04/01610/OUT
APPLICANT : Executor Of The Late James Inglis
AGENT : John Sale
DEVELOPMENT : Erection of dwellinghouse
LOCATION: Plot 4 Hume Bank
Hume Hall Holdings
Hume
Kelso
Scottish Borders
TD5 7TW

TYPE : OUT Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
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NUMBER OF REPRESENTATIONS: 4
SUMMARY OF REPRESENTATIONS:

PLANNING CONSIDERATIONS AND POLICIES:

Recommendation by - () on 23rd November 2004

SCOTTISH BORDERS COUNCIL

BERWICKSHIRE AREA COMMITTEE

23 NOVEMBER 2004

APPLICATION FOR PLANNING PERMISSION

ITEM: **REFERENCE NUMBER:** 04/01610/OUT

OFFICER: Mr A Maclean
LOCAL MEMBER: Councillor McCrave
PROPOSAL: Erection of dwellinghouse
SITE: Plot 4 Hume Bank, Hume Hall Holdings, Hume
APPLICANT: Executor of the Late James Inglis

AGENT: John Sale

SITE AND APPLICATION DESCRIPTION:

This is a further outline application seeking consent for the erection of a dwelling on land at Hume Hall Holdings. The proposal is by the same applicant as for the site adjacent to Hume Bank. This application relates to land lying on the south side of the Hume Hall to Easter Harlaws road. It occupies an area of some 0.20 ha with a relatively flat plateau of land adjacent to the roadside where it would be proposed to erect the dwelling with the remainder of the land falling steadily to the south.

The site has an open aspect to the south and the plot is bounded to east and west by a grass park in the applicant's ownership. Some 50m to the west of the plot, on the same side of the road lies the property known as Hume Brae and a new dwelling Glenholly. To the north across the road lie the majority of buildings in the cluster of properties at Hume Hall. Directly opposite the site is a range of former agricultural cottages and byre these now being used for storage. These lie just to the front and east of another house Byreside. The proposed plot has been sited to avoid being in front of occupied properties. There is no significant demarcation of the plot itself other than a low roadside wall.

PLANNING HISTORY:

There is no significant planning history in this area. The dwelling Glenholly occupying an infill corner between Hume Brae and the Greenlaw to Kelso road was consented in the early 1990's.

DEVELOPMENT PLAN POLICIES:

Approved Structure Plan 2001-2011

Policy H5 applies which states:

POLICY H5 - New Housing in the Countryside - Building Groups

Proposals for new housing in the countryside outwith defined settlements but associated with existing building groups will normally be supported where they are in accordance with the provisions of the policy guidance 'New Housing in the Borders Countryside'. Favourable consideration is more likely where development proposals:

- (i) are readily accessible to the strategic public transport network,
- (ii) employ energy efficient and/or innovative design principles,
- (iii) incorporate employment-generating uses appropriate to a countryside setting.

Berwickshire Local Plan 1994

Policies 7, 63 and 83 apply which state:

Policy 7

Outwith the settlements identified in policies 2, 3 and 6, new housing development will be encouraged within or adjacent to the preferred building groups listed below. In addition, limited development may also be permitted within or adjacent to other building groups. All development should meet the following criteria:

1. No adverse effect on the viability of a farming unit or conflict with the operations of a working farm;
2. Satisfactory access and other road requirements;
3. Satisfactory public or private water supply and drainage facilities;
4. No adverse effect on countryside amenity, landscape or nature conservation;
5. No adverse impact on ancient monuments, archaeological sites or on gardens or designed landscapes in the Inventory of Gardens and Designed Landscapes in Scotland;
6. Appropriate siting, design and materials in accordance with Policies 63 and 64.
7. The safeguarding of known mineral resources from sterilisation unless this is acceptable following an assessment of the environmental implications.

Preferred Building Groups

Abbey St Bathans; Auchencrow; Chirnside Station; Cove; Cranshaws; Cumledge Mill, Preston; Edrom; Fogo; Hoprig, Cockburnspath; Horndean; Houndslow; Houndwood; Hume; Ladykirk; Polwarth; Spottiswoode.

Policy 63

The Regional Council will ensure that any new building in the countryside is of sympathetic design and materials. Particular attention will also be paid to the location and landscape setting of any development. Skyline locations and ribbon development will not normally be permitted.

Policy 83

The Regional Council will ensure that all development in the countryside, including major developments such as overhead power lines, industrial buildings and tourism related projects, will meet the following criteria:

1. No adverse effect on countryside amenity, landscape or nature conservation;
2. No adverse impact on ancient monuments, archaeological sites or on gardens or designed landscapes in the Inventory of Gardens and Designed Landscapes in Scotland;
3. Appropriate site services and access available;
4. Any new building must be of sympathetic design and materials;
5. Any new building must be well sited in terms of location and landscape setting.
6. The safeguarding of known mineral resources from sterilisation unless this is acceptable following an assessment of the environmental implications.

N.B. The particular case of development by telecommunications operators is subject to Policy 103A

OTHER PLANNING CONSIDERATIONS:

New Housing in the Borders Countryside Policy and Guidance Note 1993 as Amended April 2000.

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Director of Technical Services: No objection in principle. A service lay-by, turning area and off street parking for two vehicles would be required. Verge side vegetation on the B6364 should be cleared to maximise visibility at the junction.

Other Consultees

Scottish Water: There are no mains water or drainage services available.

Greenlaw & Hume Community Council: Recommend refusal as over-development of an agricultural area. Access is poor and the proposal would set a precedent for development of the whole field.

OTHER RESPONSES:

Four individual representations have been received.

Mr Cleminson: Access is poor being opposite an existing farm access and there are electricity supply problems in the area. Development on this site would be out of keeping.

Messrs McGowan: Plot 4 is not well related to surrounding houses being in an open field in front of original property. Access remains an issue.

Mr Bell: Plot 4 sits on its own and would require a new access across the road from an existing farm access.

Mr Hendrie: The site is poorly related to other properties and is in front of an existing building.

PLANNING ISSUES:

The main determining issue is the location of the site relative to the existing building group.

ASSESSMENT OF APPLICATION:

While there are issues regarding access, water and drainage provision it is not considered that there are insuperable. Drainage for existing properties is already provided onto adjacent land. As to access, sightlines can be achieved onto the public road and the Director of Technical Services has not raised any issues regarding the number of access points in the vicinity.

As to policy, there is an existing building group at this location comprising both residential property and agricultural buildings. While most of the development lies in the quadrant to the north east of the 'T' shaped junction Hume Hall House lies to the west and Glenholly and Hume Brae are in the south east quadrant.

The proposed plot is of a size that could easily accommodate a dwelling and being on a relatively level plateau there should be no significant development issues with regard to the site. This plot has been sited in front of a row of former farm cottages and a former byre now used as storage avoiding positioning in front of existing dwellings on the north side of the road. That siting has though separated the plot from the two existing dwellings on the south side of the road which lie some 55 metres to the west. That intervening ground is partly owned by the applicant with the western part of that frontage owned by one of the objectors. There is no physical containment to these dwellings.

The principal issue is the relationship of the proposed plot to the building group. In term specifically of the Local Plan criteria, it is concluded that there are no significant issues in respect of criteria 1, 2, 3, 5 and 7. Design and materials could be dealt with subsequently should consent be granted. The main consideration is the relationship to the group in terms of siting and overall impact on amenity through encouraging further development. Although there is a development on the opposite side of the road, the proposal is not contiguous with Hume Brae. On balance it is considered that the site is poorly related to the group and that the proposal can not therefore be supported.

RECOMMENDATION BY HEAD OF DEVELOPMENT CONTROL:

It is recommended that the application is refused for the following reason:

The proposal would be contrary to Policy 7 of the Berwickshire Local Plan in that the form and appearance of the existing building group at Hume Hall would be adversely affected by additional development.

Original copy of report signed by
BRIAN FRATER (Head of Development Control)

REASON FOR DECISION :

Recommendation: Refused

- 1 The proposal would be contrary to Policy 7 of the Berwickshire Local Plan in that the form and appearance of the existing building group at Hume Hall would be adversely affected by additional development.

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

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Ms S Redpath
per Richard Amos (Duns)
Per Taylor Dickinson
2 Golden Square
Duns
Scottish Borders

Please ask for: Cameron Kirk
☎ 01835 825253
Our Ref: 19/01783/PPP
Your Ref:
E-Mail: cameron.kirk@scotborders.gov.uk
Date: 2nd June 2020

Dear Sir/Madam

**PLANNING APPLICATION AT Plot 4 Land South West of Hume Bank Hume Hall Holdings
Greenlaw Scottish Borders**

PROPOSED DEVELOPMENT: Erection of dwellinghouse

APPLICANT: Ms S Redpath

Please find attached the formal notice of refusal for the above application.

Drawings can be found on the Planning pages of the Council website at
<https://eplanning.scotborders.gov.uk/online-applications/>.

Your right of appeal is set out within the decision notice.

Yours faithfully

John Hayward

Planning & Development Standards Manager

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (as amended)

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

Application for Planning Permission

Reference : 19/01783/PPP

To : Ms S Redpath per Richard Amos (Duns) Per Taylor Dickinson 2 Golden Square Duns Scottish Borders TD11 3AW

With reference to your application validated on **19th December 2019** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

Proposal : Erection of dwellinghouse

At : Plot 4 Land South West of Hume Bank Hume Hall Holdings Greenlaw Scottish Borders

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

**Dated 1st June 2020
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

**John Hayward
Planning & Development Standards Manager**

APPLICATION REFERENCE : 19/01783/PPP**Schedule of Plans and Drawings Refused:**

Plan Ref	Plan Type	Plan Status
19/B472/PL04	Location Plan	Refused
19/B472/PL05	Proposed Site Plan	Refused

REASON FOR REFUSAL

- 1 The proposed development would be contrary to Policy HD2 and Policy ED10 of the Scottish Borders Local Development Plan 2016, as well as the Council's adopted Supplementary Planning Guidance 'New Housing in the Borders Countryside 2008' in that it would not relate well to an existing building group, it would break into an undeveloped field and the application site would be disproportionately large within this context and so the development would be detrimental to the character of the building group. In addition, the development would result in the permanent loss of prime quality agricultural land.

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 (as amended) 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 (as amended).

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SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 19/01783/PPP
APPLICANT : Ms S Redpath
AGENT : Richard Amos (Duns)
DEVELOPMENT : Erection of dwellinghouse
LOCATION: Plot 4 Land South West Of Hume Bank
Hume Hall Holdings
Greenlaw
Scottish Borders

TYPE : PPP Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
19/B472/PL04	Location Plan	Refused
19/B472/PL05	Proposed Site Plan	Refused

NUMBER OF REPRESENTATIONS: 5

SUMMARY OF REPRESENTATIONS:

A total of 5 valid representations (4 objections and 1 general comment) have been received as defined in the Scheme of Delegation. This does not include multiple representations from the same household which equate to 7 letters in total. All issues raised have been considered. The letters raise the following material issues:

- o Loss of prime quality agricultural land;
- o Impact on visual amenities of area;
- o Impact on residential amenity;
- o Impact on natural heritage;
- o Drainage;
- o Roads related issues, such as, road safety, access, parking, visibility, increase to traffic, footway provision and street lighting.

Consultations

Community Council has not responded at the time of writing this report.

Education and Lifelong Learning has confirmed that developer contributions are sought for Berwickshire High School.

Roads Planning Service do not object in principle to the proposal. They advise that access to the plot should be by way of a joint service layby with Plot 5. They recommend that standard conditions and informatives are attached.

Scottish Water has not responded at the time of writing this report.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Local Development Plan 2016

PMD1: Sustainability

PMD2: Quality Standards

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

HD2: Housing in the Countryside

HD3: Protection of Residential Amenity

EP3: Local Biodiversity

IS2: Developer Contributions

IS7: Parking Provision and Standards

IS9: Waste Water Treatment Standards and Sustainable Urban Drainage

Supplementary Planning Guidance

Developer Contributions 2019

Householder Development (Privacy and Sunlight) 2006

New Housing in the Borders Countryside 2008

Placemaking and Design 2010

Recommendation by - Cameron Kirk (Assistant Planning Officer) on 29th May 2020

Site description

The application site relates to part of an agricultural field that is located at Hume Hall Holdings which lies approximately 3 miles south of the settlement of Greenlaw. The public road (U72-5) flanks the north west boundary of the application site. There are residential properties within the surrounding locality to the north and south west of the application site. The site is relatively flat and is identified as being an area of prime quality agricultural land.

Proposed development

Planning Permission in Principle is sought for the erection of a dwellinghouse. Vehicular access to the site would be taken from the public road to the north. The proposed dwellinghouse would be connected to the public water supply network and would be served by private drainage arrangements.

Supporting information

Planning Statement prepared by Richard Amos Ltd, dated 12 December 2019.

Relevant planning history

04/01610/OUT Erection of dwellinghouse. Refused 23 November 2004.

16/00679/PREAPP - Pre-application enquiry.

19/01782/PPP (Plot 5) - Erection of dwellinghouse. Pending consideration.

Assessment

Principle of development

The application site is not located within the defined development boundary of a settlement and as such would equate to development in the countryside. In order to establish the principle of development it must be assessed against Policy HD2: Housing in the Countryside. The application site is not located in the Southern

Housing Market Area. At present, it is agricultural land and the proposal would not result in the conversion of an existing building to a house, the restoration of an existing house or result in the proposed replacement of an existing house. In addition, no justification has been provided to demonstrate that there is an economic requirement for a house to be built in this location. Therefore, sections (B) - (F) of Policy HD2 would not be applicable in establishing the principle of development in this particular location. It would only be appropriate to assess the proposal against section (A) Building Groups of Policy HD2.

Section (A) Building Groups of Policy HD2 advises that additional dwellings should only be permitted where the site relates well to an existing building group of at least three dwellings and will only result in the addition of two dwellings or a 30% increase to the group, whichever is greater, during the period of the Local Development Plan. The cumulative impact of new development on the character of the building group, and on the landscape and amenity of the surrounding area will be taken into account when determining applications.

Additionally, the Council's Supplementary Planning Guidance titled 'New Housing in the Borders Countryside 2008' states that the existence of a group will be identifiable by a sense of place which will be contributed to by natural and man-made boundaries. Sites should not normally break into undeveloped fields particularly where there exists a definable natural boundary between the building group and the field and the new development should be limited to the area contained by that sense of place. Any new development should be within a reasonable distance of the existing properties within the building group and this distance should be guided by the spacing between the existing properties in the building group. The scale and siting of new development should reflect and respect the character and amenity of the existing building group.

It is acknowledged that there is a building group at Hume Hall Holdings and that the dwellinghouses within the locality of the application site contribute to the building group. There is the numerical capacity within the building group to add an additional two dwellinghouses under the current Local Development Plan period. Therefore, the main consideration is whether the proposed development would be an appropriate addition to the existing building group.

Most of the dwellinghouses associated with the building group are situated to the north of the public road, with the exception of two dwellinghouses, Glenholly and Hume Brae which lie to the south west of the application site. Plot 5 (19/01782/PPP, pending consideration) is situated between the application site and the dwellinghouses to the south west. Agricultural land separates Plot 5 from Hume Brae.

The application site and neighbouring application site would not be conterminous with any of the surrounding properties. In light of this, the application site is not considered to relate well to the existing building group as a dwellinghouse in this location would appear visually isolated from the core area of the building group to the north of the public road. Additionally, the development to Plot 5 may never be implemented and this would exacerbate the relationship the application site has with the existing building group as it would be isolated even more. Considering the position and orientation of the application site relative to the existing building group it is not felt that it would positively contribute to the overall sense of place found within the locality.

Furthermore, the application site is disproportionately large, comparatively, with neighbouring properties. The curtilage of Glenholly and Hume Brae extends to approximately 685 square metres and 435 square metres, respectively. The application site extends to an area of approximately 2315 square metres, which is significantly larger than the adjacent properties. The size of the plot is not commensurate to the curtilage of neighbouring properties. This would fundamentally change the character of the area. Even if the proposal was well related to an existing building group the size of the application site would not be appropriate in this particular location.

This position is consistent with that taken by the Planning Authority during consideration of application 04/01610/OUT. There are no new material considerations which suggest that housing development in this location would be acceptable now and there are no known extenuating circumstances of other material considerations which indicate that the application should be supported as an acceptable departure from the Scottish Borders Local Development Plan 2016.

In addition, the application site is identified as being an area of prime quality agricultural land. The principle of development must also be assessed against Policy ED10: Protection of Prime Quality Agricultural Land

and Carbon Rich Soils. Policy ED10 states development which results in the permanent loss of prime quality agricultural land will not be permitted unless:

- a) the site is otherwise allocated within this local plan
- b) the development meets an established need and no other site is available
- c) the development is small scale and directly related to a rural business.

The application site is not allocated within the current Local Development Plan. The proposed development would not be for an established need and while it may be small scale, it would not be directly related to a rural business.

Therefore, the proposed development would be contrary to Policy HD2 and Policy ED10, as well as the Council's adopted Supplementary Planning Guidance 'New Housing in the Borders Countryside 2008'. Therefore, the principle of development cannot be supported in this location.

Layout, siting and design

Policy PMD2 aims to ensure that all new development is of a high quality and respects the environment in which it is contained. Notwithstanding the matters raised in the previous section of this report in relation to the principle of development, it is acknowledged that the application site is sizable and could comfortably accommodate a large dwellinghouse. However, a large dwellinghouse would not reflect the character of the existing building group as the neighbouring dwellinghouses are modest in scale. As the application is for Planning Permission in Principle, precise details of the layout, siting and design of the proposed dwellinghouse have not been provided at this stage and will be assessed on receipt of a subsequent planning application. Any subsequent application must ensure that the proposed dwellinghouse is modest in scale to reflect the scale of neighbouring properties within the building group and also be sited to the northern section of the application site to reflect the position of Glenholly and Hume Brae.

The use of certain boundary treatments in this location could have an adverse impact on the surrounding landscape. With this in mind, a condition is recommended, should permission be granted, removing permitted development rights under class 3E of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) to ensure that no means of enclosure are erected other than those agreed in any subsequent application.

Impact on residential amenity

Policy HD3 aims to protect the amenity of neighbouring residential properties against inappropriate development that would result in the loss of amenity or privacy. As previously mentioned, the application is for Planning Permission in Principle and no detailed information has been provided at this stage to show the layout, siting and design of the proposed dwelling. The impact the proposed development would have on the amenity and privacy of neighbouring properties cannot be fully assessed at this stage. Further consideration would be given to the impact the proposed development would have on neighbouring properties on receipt of a further planning application detailing the layout, siting and design of the proposed dwelling. However, it is not anticipated that a dwellinghouse in this location would adversely impact on the amenity or privacy of neighbouring properties.

Roads

Indicative details show that vehicular access to the site would be taken from the public road to the north. Roads Planning Service was consulted as part of the application process. They have no objection to the proposed development provided that the site access is formed as a joint service layby detail with the neighbouring application site (19/01782/PPP).

In accordance with Policy IS7, parking for two vehicles must be provided within the curtilage of the dwellinghouse. It is expected that this requirement could be achieved. Standard conditions and recommended, if permission is granted in relation to access and parking.

Concerns have also been raised in relation to visibility, increase to traffic, street lighting and footway provision. Roads Planning Service has not brought up any of the aforementioned points in their consultation response and the Planning Authority can only assume that they do not pose an issue for the development. It is not anticipated that the proposal would adversely impact on road safety.

Water supply and drainage

The proposed development would be connected to the public water supply network - this approach is welcomed. Scottish Water was consulted as part of the application process, although they have not responded at the time of writing this report.

Foul drainage would be dealt with by private drainage arrangements in the form of a septic tank to soakaway. Concerns have been raised over the accuracy of the information provided in the application relating to drainage and the impact the proposed development would have on the drainage arrangements for neighbouring properties. The septic tank for Byreside is located within the neighbouring application site (19/01782/PPP). It is proposed to remove the existing septic tank that serves Byreside and connect the proposed dwellinghouses and Byreside to a new septic tank which would be located to the south corner of the neighbouring application site (19/01782/PPP).

Indicative details have been provided to demonstrate that Byreside would continue to have a suitable means of foul drainage. No information has been provided to show how the proposed development would impact on any of the other neighbouring properties existing drainage arrangements. Nonetheless, the proposed development must ensure that neighbouring properties can be adequately served by suitable means of drainage and that it does not inhibit the use of existing drainage arrangements. Drainage would be subject to further consideration at the building warrant stage. Conditions are recommended, should permission be granted, to ensure that further details are provided in respect of water supply and drainage to demonstrate that they are achievable.

Natural Heritage

Concerns have been raised over the impact the proposed development would have on the presence of wildlife in the application site which is presently an agricultural field. Considering the nature of the site and the proposed development, it would not warrant an ecological survey being undertaken to support the application.

Waste

There would be sufficient room for bin storage within the application site and they should be stored in an unobtrusive location. The precise details would be agreed with a subsequent application.

Developer contributions

Policy IS2 aims to ensure that the cost of new or additional infrastructure required for new development is met by the developer. Developer contributions would be secured by means of either a Section 69 or Section 75 Legal Agreement.

Conclusion

The proposed development would be contrary to Policy HD2 and Policy ED10 of the Scottish Borders Local Development Plan 2016, as well as the Council's adopted Supplementary Planning Guidance 'New Housing in the Borders Countryside 2008' in that it would not relate well to an existing building group, it would break into an undeveloped field, the application site would be disproportionately large within this context and it would result in the permanent loss of prime quality agricultural land. It is therefore recommended that the application be refused.

REASON FOR DECISION :

The proposed development would be contrary to Policy HD2 and Policy ED10 of the Scottish Borders Local Development Plan 2016, as well as the Council's adopted Supplementary Planning Guidance 'New Housing in the Borders Countryside 2008' in that it would not relate well to an existing building group, it would break into an undeveloped field, the application site would be disproportionately large within this context and it

would result in the permanent loss of prime quality agricultural land. It is therefore recommended that the application be refused.

Recommendation: Refused

- 1 The proposed development would be contrary to Policy HD2 and Policy ED10 of the Scottish Borders Local Development Plan 2016, as well as the Council's adopted Supplementary Planning Guidance 'New Housing in the Borders Countryside 2008' in that it would not relate well to an existing building group, it would break into an undeveloped field and the application site would be disproportionately large within this context and so the development would be detrimental to the character of the building group. In addition, the development would result in the permanent loss of prime quality agricultural land.

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