

Public Document Pack



LOCAL REVIEW BODY MONDAY, 14 MARCH, 2016

A MEETING of the LOCAL REVIEW BODY will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS, TD6 0SA on MONDAY, 14 MARCH, 2016 at 10.00 AM

J. J. WILKINSON,
Clerk to the Council,

3 March 2016

BUSINESS		
1.	Apologies for Absence.	
2.	Order of Business.	
3.	Declarations of Interest.	
4.	Consider request for review of refusal of planning consent in respect of siting of caravan for permanent residence (retrospective) on land south of Camphouse Farmhouse, Camptown, Jedburgh. 15/00769/FUL, 16/00003/RREF	
	Copies of the following papers attached:-	
	(a) Decision Notice	(Pages 1 - 2)
	(b) Notice of Review	(Pages 3 - 8)
	(c) Officer's report of handling and papers referred to in report.	(Pages 9 - 30)
	(d) Consultations	(Pages 31 - 44)
	(e) List of Policies	(Pages 45 - 58)
5.	Any Other Items Previously Circulated	
6.	Any Other Items which the Chairman Decides are Urgent	

NOTES

- 1. Timings given above are only indicative and not intended to inhibit Members' discussions.**
- 2. Members are reminded that, if they have a pecuniary or non-pecuniary interest in any item of business coming before the meeting, that interest should be declared prior to commencement of discussion on that item. Such declaration will be recorded in the Minute of the meeting.**

Membership of Committee:- Councillors R. Smith (Chairman), J. Brown (Vice-Chairman), M. Ballantyne, J. Campbell, J. A. Fullarton, I. Gillespie, D. Moffat, S. Mountford and B White

Please direct any enquiries to Fiona Walling 01835 826504
email fwalling@scotborders.gov.uk



Regulatory Services

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference : 15/00769/FUL

To : Kerr Renwick Donerentin Camphouse Jedburgh Scottish Borders TD8 6PN

With reference to your application validated on **6th July 2015** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Siting of caravan for permanent residence (retrospective)

at : Land South Of Camphouse Farmhouse Camptown Jedburgh Scottish Borders

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

**Dated 2nd November 2015
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**



Signed

.....

Chief Planning Officer

APPLICATION REFERENCE : 15/00769/FUL

Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
M4P-00434081	Location Plan	Refused
1	Block Plans	Refused
2	Elevations	Refused
3	Elevations	Refused
4	Elevations	Refused
5	Elevations	Refused
6	Floor Plans	Refused

REASON FOR REFUSAL

- 1 The proposal would be contrary to Policy D2 of the Scottish Borders Consolidated Local Plan Adopted 2011 and the Supplementary Planning Guidance on New Housing in the Borders Countryside 2008 as the caravan is not located within any settlement or an established building group of three or more dwellinghouses or building(s) capable of conversion to residential use and the agricultural and operational requirement for the use of the caravan for permanent residential occupation has not been adequately demonstrated. The retention of the caravan on this site would lead to an unacceptable and unjustified sporadic development in the countryside.

- 2 The proposal would result in an unacceptable form of development that would not be in accordance with the criteria contained within Policy G1 of the Scottish Borders Consolidated Local Plan Adopted 2011 and Supplementary Planning Guidance: Placemaking and Design 2010. The unit is not physically suited for permanent retention for residential use, due to its size, design and construction. The development is not in keeping with the scale or architectural character of the existing buildings at Camptown to the detriment of the visual amenities of the area.

FOR THE INFORMATION OF THE APPLICANT

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose TD6 OSA.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997.

Visit <http://eplanning.scotborders.gov.uk/online-applications/>



NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

IMPORTANT: Please read and follow the guidance notes provided when completing this form.

Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Mark this box to confirm all contact should be through this representative:

* Do you agree to correspondence regarding your review being sent by e-mail? Yes No

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application Date of decision (if any)

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

Reasons for seeking review

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

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

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- | | Yes | No |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

We didnt think it necessary to mention that my wife does not drive, she spends almost every day on site.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

Kerr Renuard

Date

1 - 2 - 16

Your reasons for refusal of our application for the "Caravan" which is a Park Home, it is not a new house but a refurbished Park Home of standard size and construction with the exception of the timber cladding, Apex roof + extra insulation. The reason for living here is to run the farm, we need to be on site 24/7 for the care of the stock especially at lambing time in April. The land is both sides of the A68 which is a challenge in itself somebody needs to be here 24/7 should some stock get out or heaven for bid a vehicle goes through a fence and release the stock. We have sheep, chickens + horses which all need to be cared for.

The unit "Park Home" is perfectly suitable for permanently living in it is bigger in the living area than a lot of modern houses its size is perfectly adequate for 2 people, the sitting room is 20ft x 11ft, the kitchen is 20ft x 9ft, which is bigger than the house we used to rent. We have a full bathroom suite and two bedrooms, we are on our second winter here and it is a lot warmer than our rented house. you also accepted council tax from Dec. 2014 to April 2016.

As for not being like the rest of Camptown. There is a variety of different styles of property in Camptown.

There is a large white gable end with a tiled roof sticking up behind the cottages, A large wood + glass structure on Overtonbush hill looking onto the A68 which was supposed to be a house and equestrian centre there is no equestrian centre nor room for one. There is another white house Honeyuckle House which has a red tiled roof. all the rest of the houses in Camptown are slate, there is no set style. We have never had any negativity about our build quite the opposite in fact.

But the main thing for us is the welfare of our stock, badgers make an awful mess in a chicken run in a short time. They need protecting especially at night. and sheep need 24 hr care at lambing time usually in atrocious weather. We have 157 acres here to care for not a 5 acre paddock.

We also run a fencing business from this address which takes me away during the day at times my wife does not drive but is on hand to tackle any matters that arises with the stock. if we were not on site the stock would not get 24 hr attention.

Kerr Remuick

Donerentun

Camphouse Farm

Jedburgh

TD8 6PN.

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 15/00769/FUL

APPLICANT : Kerr Renwick

AGENT :

DEVELOPMENT : Siting of caravan for permanent residence (retrospective)

LOCATION: Land South Of Camphouse Farmhouse
Camptown
Jedburgh
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY: Late Submission of Information

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
M4P-00434081	Location Plan	Refused
1	Block Plans	Refused
2	Elevations	Refused
3	Elevations	Refused
4	Elevations	Refused
5	Elevations	Refused
6	Floor Plans	Refused

NUMBER OF REPRESENTATIONS: 0
SUMMARY OF REPRESENTATIONS:

There are no representations.

CONSULTATIONS:

Transport Scotland: Access to the site from the trunk road will be via the existing access. No new access will be permitted.

Jed Valley Community Council: No comments

Environmental Health: The applicant has indicated that the proposed development is on a private water supply. In order to assess this application the following information is required:

1. The type of supply ie borehole, spring, well etc
2. The location of the source by way of an 8 digit reference number
3. Details of other properties on the supply (if the supply is an existing one)
4. Estimated volume of water that the supply will provide (details of flow test)
5. Evidence that this supply will not have a detrimental effect on supplies in the area

6. Details of any emergency tanks
7. Details of treatment to be installed on the system
8. Details of any laboratory tests carried out to ensure the water is wholesome.

Re-consultation: The applicant has provided updated information and the water supply has been risk assessed. Water will be provided to the development from the Edgerston Water Supply. The supply is suitable for provision of water to the proposed development.

Contaminated Land Officer: With reference to my planning response dated 28 July 2015, the applicant has now returned the Agricultural Buildings Questionnaire. Having regard to the information supplied by the applicant there is no indication of any land contamination issues on this site. Accordingly I have no objections or further comments to make on this application. No condition is required.

Archaeology Officer: There are no known archaeological implications. While there is some potential in the wider area for prehistoric archaeology associated with a former burial cairn in particular, given the retrospective nature of the application any impacts have already occurred. However, any further development of this site may require archaeological mitigation.

Roads Planning Officer: As the road serving this site is a trunk road, the comments of Transport Scotland should be sought.

Economic Development/ Business Gateway: This application provides a rough outline of a sheep based livestock unit; given that the farm is circa 140 acres it should be sufficient to support a worker based on the 'standard man day' system of evaluation. However there is a lack of information to demonstrate that it is either the intention or there is scope to attain a unit of sufficient agricultural activity to demonstrate an effective 'standard man day' level.

Unfortunately the Economic Development Section cannot make a sufficiently informed opinion because of the lack of information with this application. If the applicant can provide more information in the form of a detailed business plan containing information as to how he intends to develop the business to an appropriate level within the SMD criteria, then the Economic Development Section can give this application due consideration.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Consolidated Local Plan Adopted 2011

Policy G1: Quality Standards for New Development
Policy G5: Developer Contributions
Policy BE2: Archaeological Sites and Ancient Monuments
Policy H2: Protection of Residential Amenity
Policy Inf4: Parking Provisions and Standards
Policy Inf5: Waste Water Treatment Standards
Policy D2: Housing in the Countryside

Supplementary Planning Guidance:

New Housing in the Borders Countryside December 2008

Placemaking and Design January 2010

Householder Developments July 2006

Recommendation by - Euan Calvert (Assistant Planning Officer) on 2nd November 2015

This report of handling considers Full Planning Permission for retrospective permanent residential accommodation within an "Enhanced Park Home" which is essentially a building of proportions and design similar to a static caravan which has been re-roofed, modernised and given additional external cladding.

Site and Proposal

Camphouse Farm is located 6 miles south of Jedburgh in the Jed Forest Valley, a few hundred yards south of Camptown. The farm is adjacent to and west of the A68 trunk road, on the hillside above the Jed Water.

The farmhouse is a fine example of a Coaching Inn, a category B Listed Building, which is unfortunately positioned immediately adjacent to the widened A68 road. To the rear, former stables and the Inn form a U-shaped complex within which a tall steel framed shed has been erected resulting in the loss of the courtyard and the historic sense of place.

To the north, an agricultural steel barn stands used for farm machinery. To the south, to the rear of the traditional stables, a French (barrel roofed) barn aligns with the rear of the stable while two smaller mono-pitched roof cart sheds enclose this smaller courtyard, which has its own access from the A68.

The applicant has erected the residential accommodation north of these barns, within what was formally enclosed as an orchard. The vehicular parking has been made within this smaller courtyard. The "Enhanced Park Home" has been erected at a north-north easterly angle to take full advantage of the view down the Jed Water valley.

The unit is 20ft by 32ft under a 12ft gabled pitch roof (25°) on 7ft 6" wallheads. The prefabricated dwelling has been levelled by mounting the northern end on stilts where the steep hillside falls away. A timber terrace and balustrade surround the north quarter whilst the character of the building is dominated by horizontal timber weatherboarding, white uPVC windows and grey profile steel sheet roofing. Both principal and rear elevations include small flat roofed enclosed porches. The building is sited at an angle to the A68, on a plot 22m x 27m, which is maintained as private grounds and laid to grass and vegetable plots. The plot is enclosed from the A68 corridor by a mature mixed hedgerow.

The applicant seeks retrospective permission for the use of this caravan as permanent residential accommodation.

Policy Considerations

The adopted consolidated Local Plan of 2011 Policy D2 (E) is relevant, which considers that housing with a location essential for business needs may be acceptable if the Council is satisfied:

1. That the housing development is a direct operational requirement of agricultural and it is for a worker predominantly employed in the enterprise and the presence of that worker on-site is essential to the efficient operation of the enterprise.
2. It is for use of a person last employed in an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and also employed on the unit that is the subject of the application, and the development will release another house for continued use by an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and
3. The housing development would help support a business that results in a clear social or environmental benefit to the area, including the retention or provision of employment or the provision of affordable or local needs housing, and
4. No appropriate site exists within a building group, and
5. There is no suitable existing house or other building capable of conversion for the required residential use.

In all instances there shall be compliance with the Council's Supplementary Planning Policy Guidance where it meets the terms of this policy and development must not negatively impact on landscape and existing communities.

The Council's Supplementary Planning Guidance on New Housing in the Borders Countryside 2008 advises that there are circumstances where a new house may be required for genuine circumstances of local need. In assessing such a proposal the Council will take into account:

- Whether the need for the house is supported on an agricultural basis by an appropriate agricultural adviser with suitable accreditations;

- Whether the need for a house is demonstrated to be essential for the running of an agricultural or rural business in this location;
- Whether the applicant has selected the most satisfactory site.

Policy G1 of the Local Plan and the Council's Supplementary Planning Guidance on Placemaking and Design of 2010 are material considerations in this instance, which seek new dwellings to create "a sense of place, designed in sympathy with Scottish Borders architectural styles;this need not exclude appropriate contemporary and/ or innovative design".

History

This application has arisen from a report of unauthorised development.

Planning and Listed Building Consent were granted in 1995 for the demolition of a cart shed and erection of a portal frame building (95/00108/FUL and 95/00107/LBC).

Supporting Information

The applicant has applied for permanent residence in this caravan on the basis that he is farming Camphouse Farm holding for the first time this year, whilst another family member (who formerly farmed the holding) is residing in the attached farmhouse. The applicant is also running a fencing contracting business from this site.

The applicant has supported the application with the briefest of business information. I understand that the applicant tends livestock, in the form of sheep husbandry, and requires to be on-site for 24 hour supervision. A brief inventory of livestock has been provided, a note of the farm size (154 acres or thereby) and anecdotal evidence that the title to the farm is a business comprising three family members.

Assessment

Justification and Need

The material consideration in this application is Policy D2, (E) of the Local Plan, in that whether the use of this caravan as a permanent dwelling is a direct operational requirement of a worker predominantly employed in the enterprise in this rural location and the presence of that worker on-site is essential to the efficient operation of the enterprise.

Income and expenditure accounts for the applicant's business (predominantly the fencing business) were submitted late in the stage of the application. The Economic Development Officer from Business Gateway has considered these and met with the applicant in person to discuss his findings. The applicant was encouraged to seek the professional assistance of a business adviser from the Scottish Agricultural College (SAC Consulting) and he was advised to request an extension of time to allow for a business plan to be prepared and submitted. Despite these best endeavours, the applicant has not provided sufficient information or requested additional time to seek professional advice which would "...demonstrate that it is either the intention or there is scope to attain a unit of sufficient agricultural activity to demonstrate an effective 'standard man day' level".

Despite the advice of the Economic Development Officer that a sheep based livestock unit on a farm circa 140 acres should be sufficient to support a worker based on the 'standard man day' system of evaluation, the supporting information is considered poor and insufficient to draw any such conclusion. In addition, it is not clear what proportion of the applicant's time and income is derived from the fencing business which in itself, does not require a rural location and is not justification for a new dwellinghouse on this site.

The Council must therefore conclude from this that the permanent occupation of the caravan for residential use does not comply with Policy D2 (E) in that it has not been adequately demonstrated that there is a direct operational requirement for this residence and that the presence of a worker on-site is not essential for the efficient operation of the farm business. In addition, it has not been satisfactorily demonstrated that the applicant is predominantly employed in agriculture as he operates a fencing business from the site.

Policy D2 identifies that the Council will promote rural housing in village locations, associated with existing building groups or in dispersed communities within the Southern Borders Housing Market Area and this siting does not fulfil any of these criteria.

Siting and Design

The Council considers the use of this building for permanent accommodation to be contrary to Policy G1: Quality Standards for New Development. The building is not compatible with local vernacular and by its very nature, is temporary in character. The architectural style includes a shallow pitched roof in steel profile sheet which is more in keeping with agricultural vernacular rather than residential dwellings. The location near to the steading is appropriate, however the scale, massing, height and density are at odds to the adjacent Listed Building (Camphouse Coaching Inn and Stables), which fronts the A68 and is the primary residence for the farm.

The applicant is commended for finishing the property in a sympathetic timber material within this wooded location however the design is out of keeping with local architecture, such as the adjacent farmhouse, and overall the building is harmful to the visual amenities of the area. The Council does not normally support applications for permanent residence within a structure of this design and the unit does not comply with Placemaking and Design Supplementary Planning Guidance.

Water Supply and Drainage

The application has been considered by the Environmental Health Officer who confirms that the water supply is from Edgerston, which is suitable for the provision of water to the existing caravan.

The applicant has confirmed that the dwelling feeds into a septic tank and this accords with Policy Inf5.

Contaminated Land

The Contaminated Land Officer has confirmed that the land is not subject to contamination following the applicant returning his questionnaire. I am satisfied that development does comply with policy G4.

Impact on Residential Amenities

Policy H2 states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted.

The caravan is some distance from the farmhouse and so the light and privacy of occupants of this property are not affected by the caravan and there are no other properties in the surrounding area.

Developer Contributions

I do not identify any requirements for contributions (Policy G5).

Access and Parking

Transport Scotland and the Roads Planning Officer have confirmed that the access and parking arrangements are satisfactory provided that no additional accesses to the A68 are made thereby I am satisfied that Policy Inf4 has been met.

Archaeology

The Council's Archaeologist states there are no known archaeological implications. Given the retrospective nature of the application any impacts have already occurred, however any further development of this site may require archaeological mitigation in accordance with policy BE2.

REASON FOR DECISION :

The development is contrary to Policies G1 and D2 of the Scottish Borders Consolidated Local Plan Adopted 2011 and Supplementary Planning Guidance: New Housing in the Borders Countryside and Placemaking and Design. The building is not physically suited for permanent retention for residential use due to its construction and design. The building is not in-keeping with the scale or architectural character (massing, height and density) of the existing residential buildings of Camptown and the adjacent Listed Building. Furthermore, the site is outwith any settlement or building group and there has been insufficient information provided to substantiate residing at this location on a permanent basis on the basis of essential business/agricultural justification.

Recommendation: Refused

- 1 The proposal would be contrary to Policy D2 of the Scottish Borders Consolidated Local Plan Adopted 2011 and the Supplementary Planning Guidance on New Housing in the Borders Countryside 2008 as the caravan is not located within any settlement or an established building group of three or more dwellinghouses or building(s) capable of conversion to residential use and the agricultural and operational requirement for the use of the caravan for permanent residential occupation has not been adequately demonstrated. The retention of the caravan on this site would lead to an unacceptable and unjustified sporadic development in the countryside.
- 2 The proposal would result in an unacceptable form of development that would not be in accordance with the criteria contained within Policy G1 of the Scottish Borders Consolidated Local Plan Adopted 2011 and Supplementary Planning Guidance: Placemaking and Design 2010. The unit is not physically suited for permanent retention for residential use, due to its size, design and construction. The development is not in keeping with the scale or architectural character of the existing buildings at Camptown to the detriment of the visual amenities of the area.

Informatives

It should be noted that:

- 1 The applicant should consider taking professional advice if he wishes to demonstrate an economic requirement for housing in the countryside at this location in accordance with policy D2 of the Scottish Borders Consolidated Local Plan Adopted 2011. A detailed business plan would be required to demonstrate how he intends to develop the business to an appropriate level within the SMD criteria, without which, there is no justification.

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

15/00769/FUL CAMPHOUSE

Scottish Borders Council
Town and Country
Planning (Scotland) Act
1997

K&L
subject to the
requirements of the
associated Decision
Notice



CAMPTOWN
TD86PN

OS MasterMap 1250/2500/10000 scale
02 June 2015, ID: M4P-00434081
Brown Newsagents, Kelso

1:1250 scale print at A4, Centre 367811 E, 612991 N

© Crown Copyright Ordnance Survey Licence no
100025026



15/00769/FUL

Planning Department
Planning and Control
Planning (Development) Section
1997

REFUSED

subject to the
requirements of the
associated Decision
Notice

lamphouse

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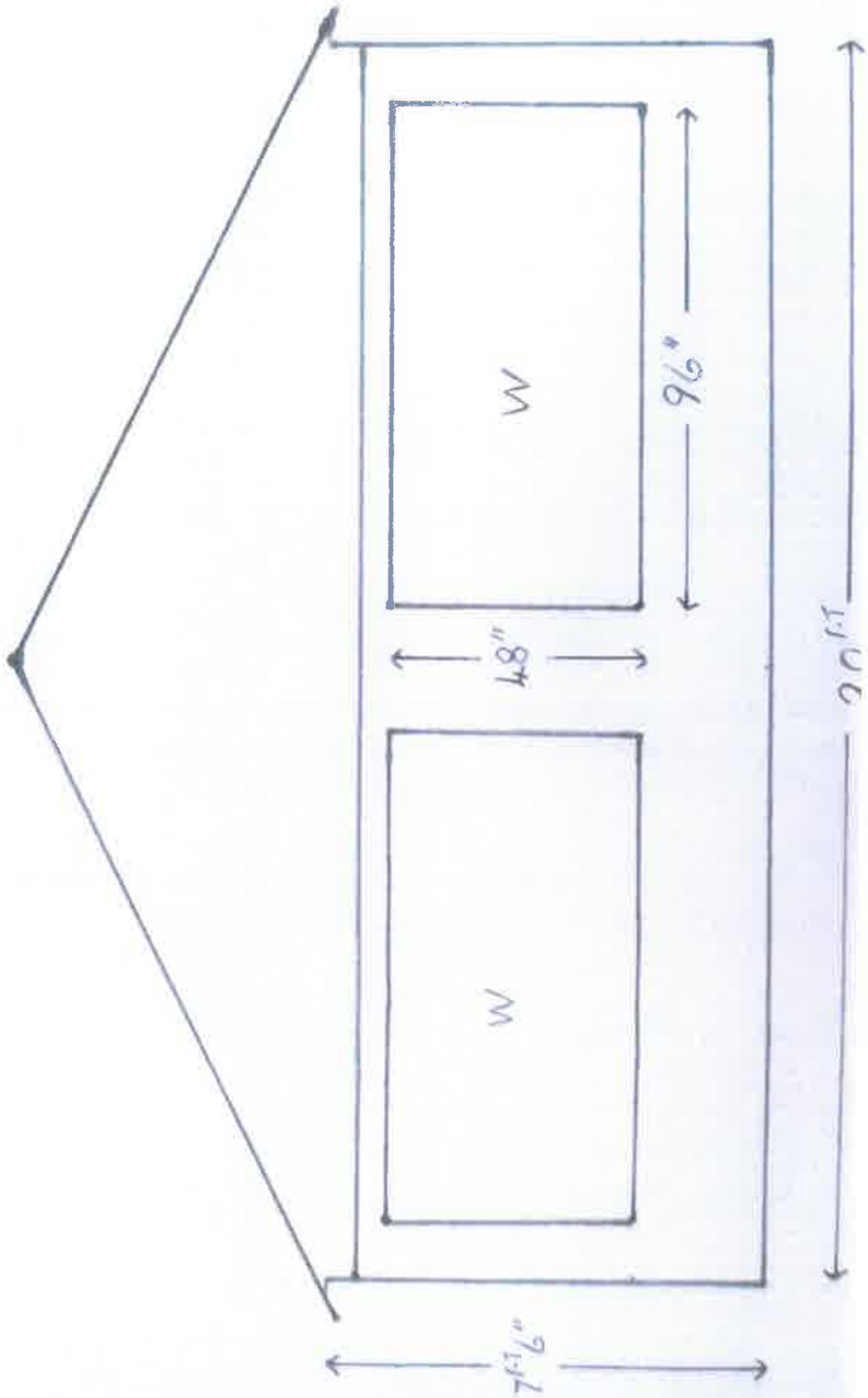
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15/00769/FUI

Administrative Council
of the
University of Colorado at
Boulder
1997

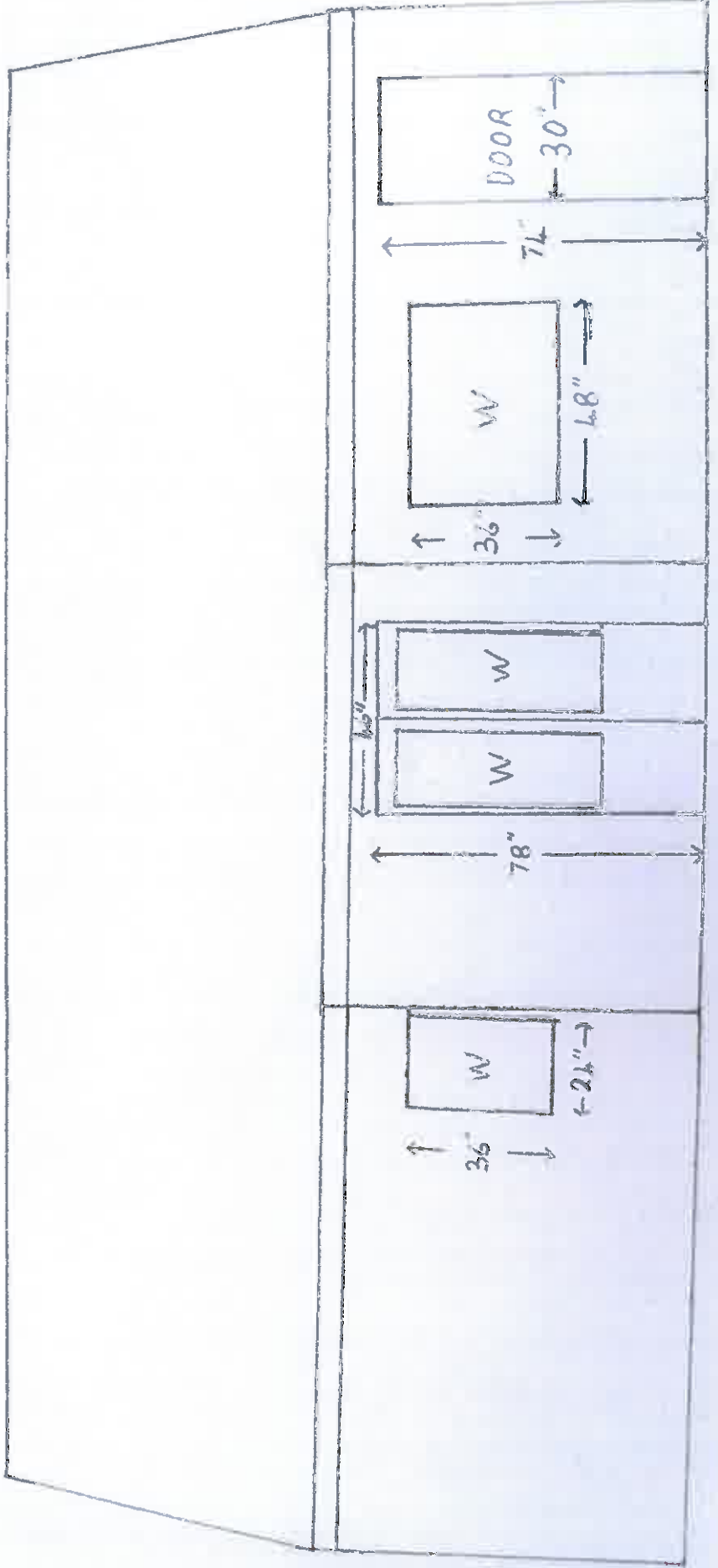
REFUSED

subject to the
requirements of the
associated Decision
Notice



English Heritage Council
Town and Country
Planning (Statutory) Act
1997

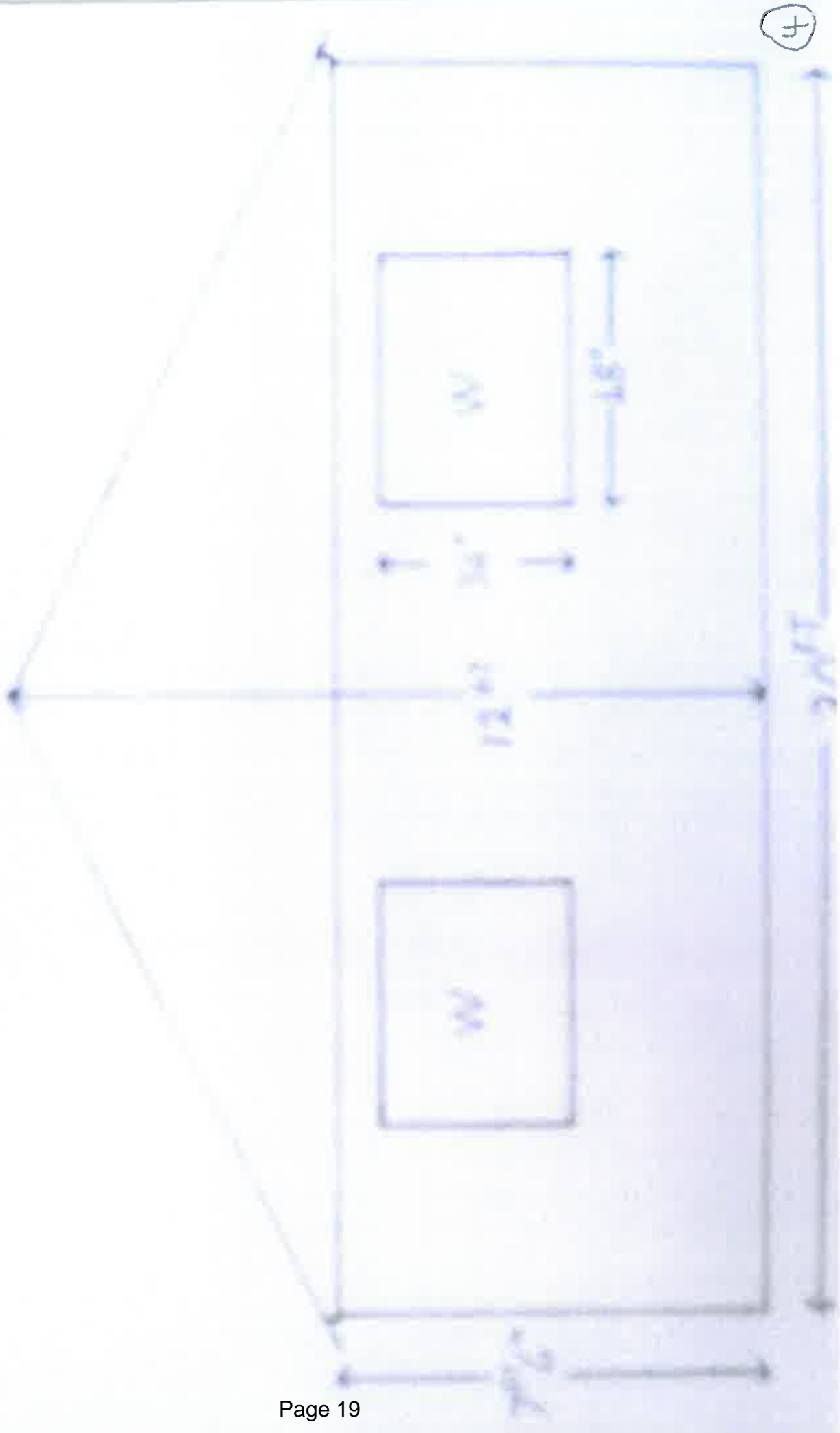
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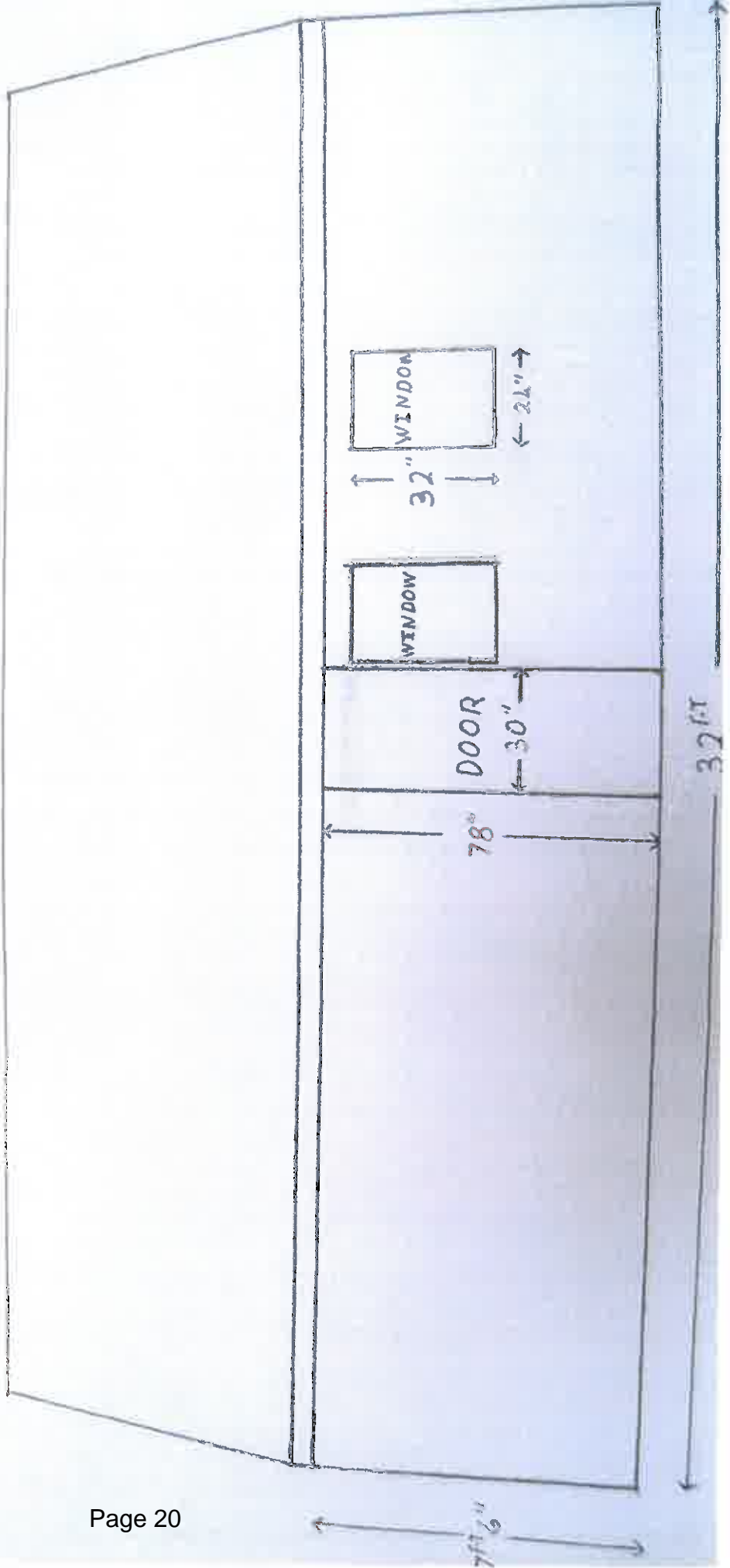
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Scottish Borders Council
Town and Country
Planning and Land Use
1997

REPLANNED

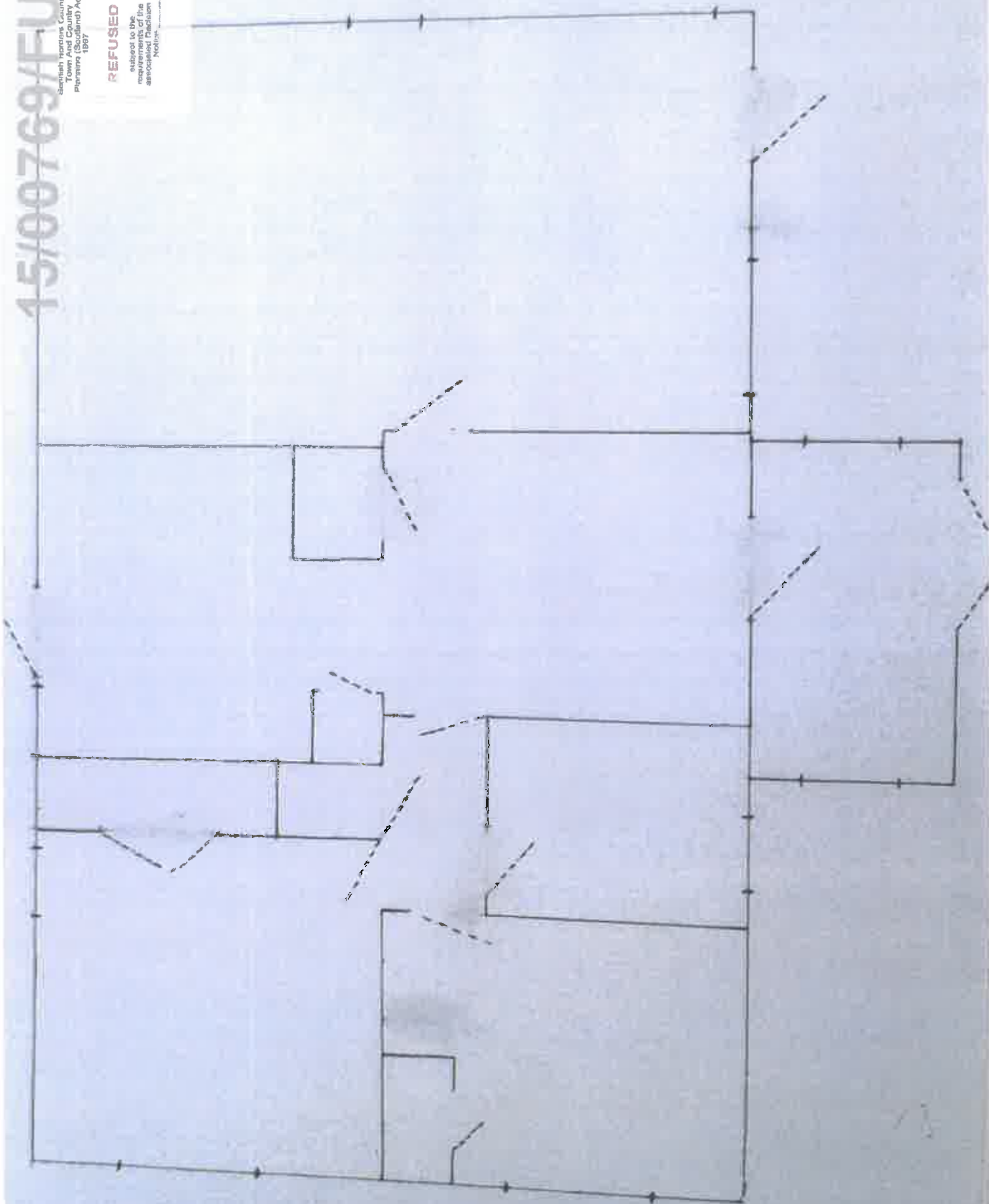
subject to the
conditions of the
replanning decision
Notice



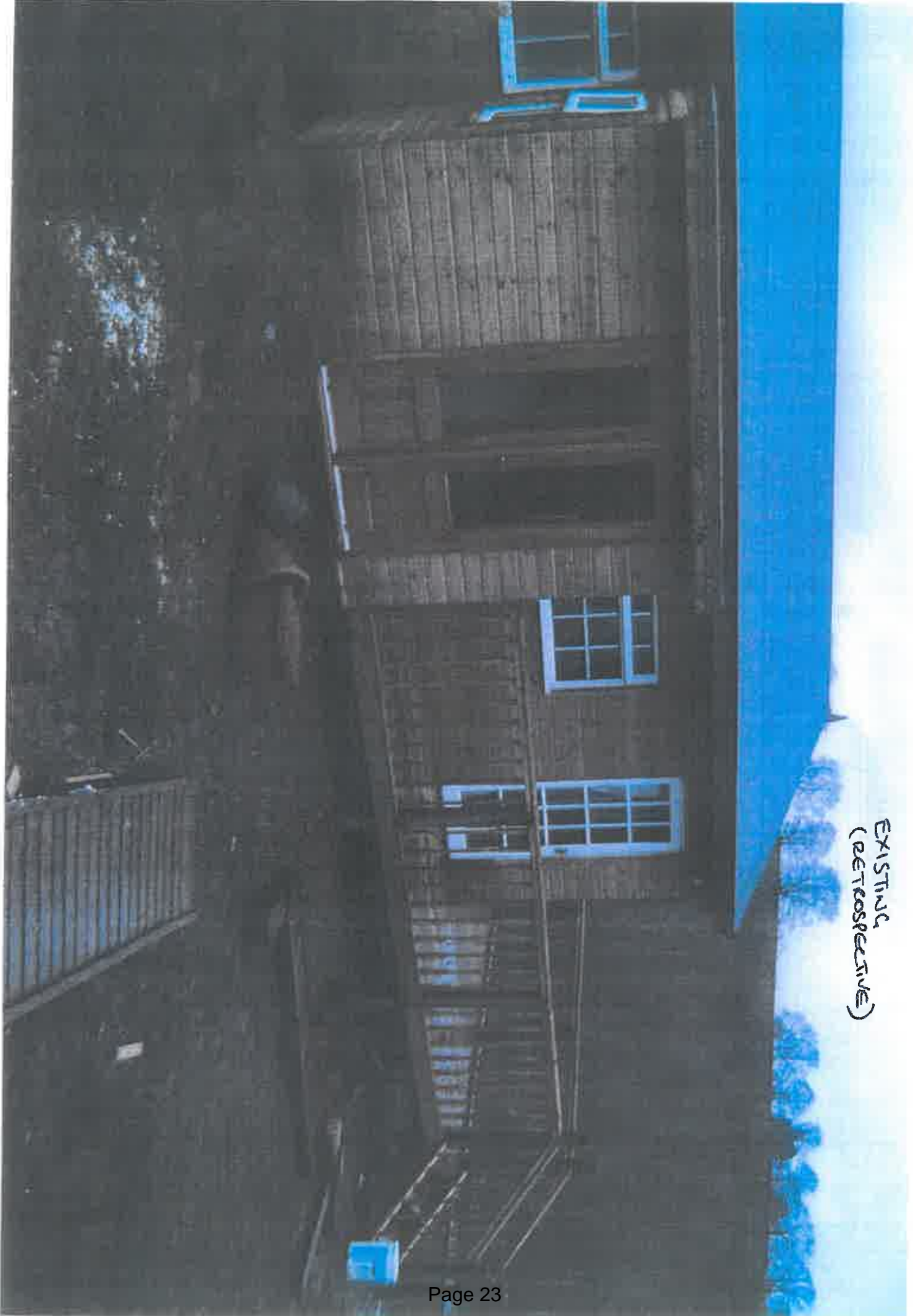
Severn-Trent Waterways Council
Planning Department
Plymouth (Severn) Act
1997

REFUSED

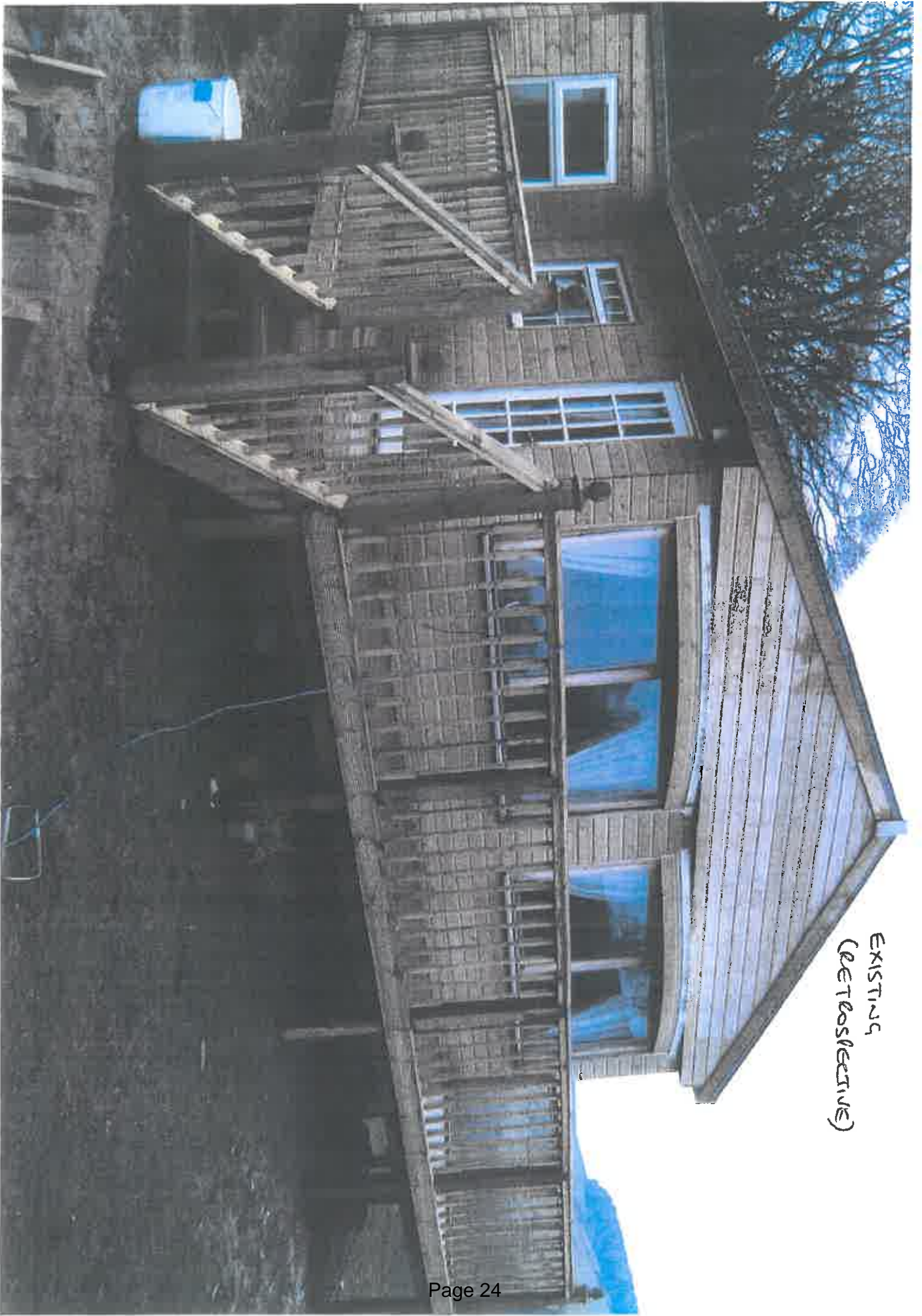
subject to the
requirements of the
associated Decision
Notice



6



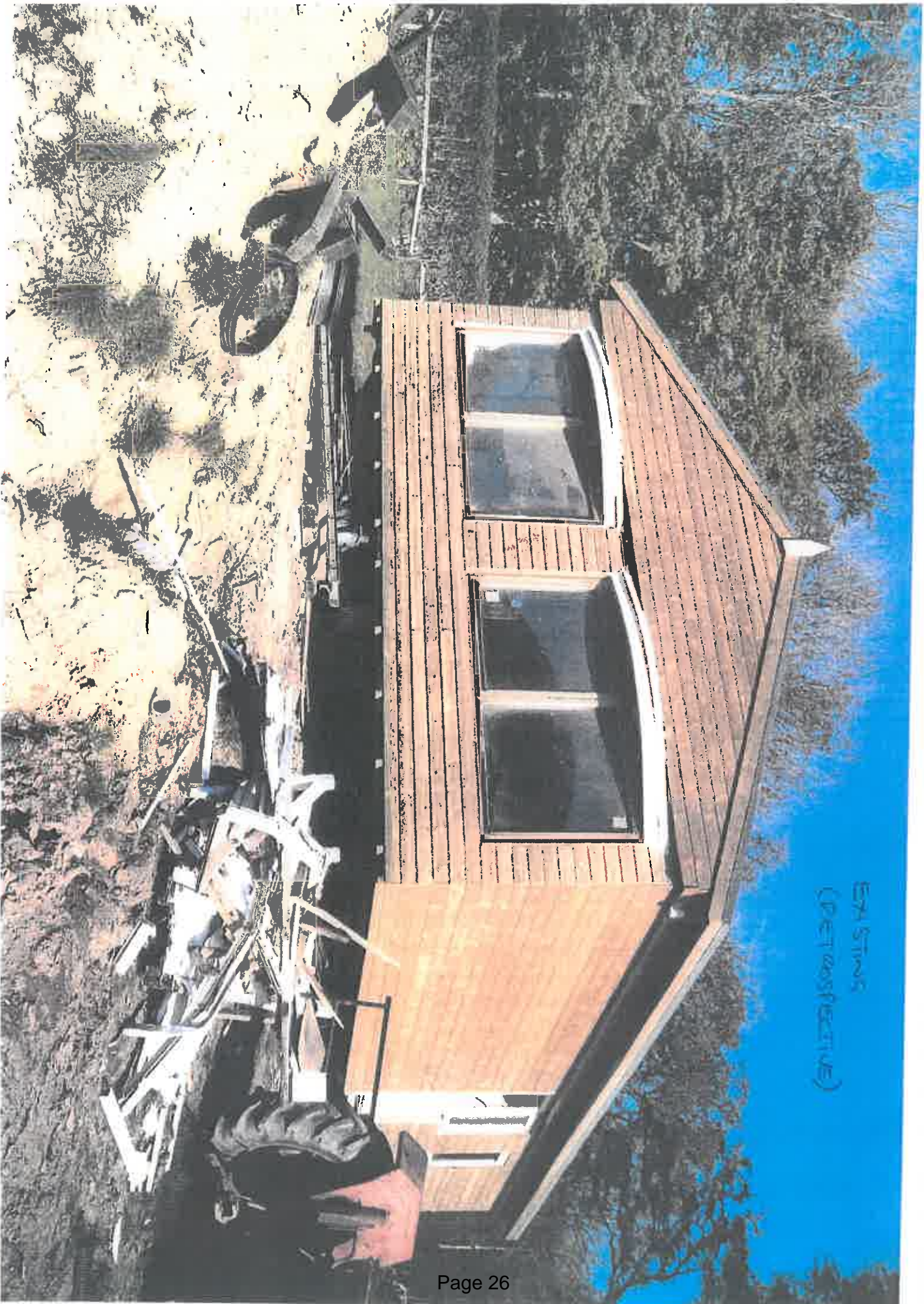
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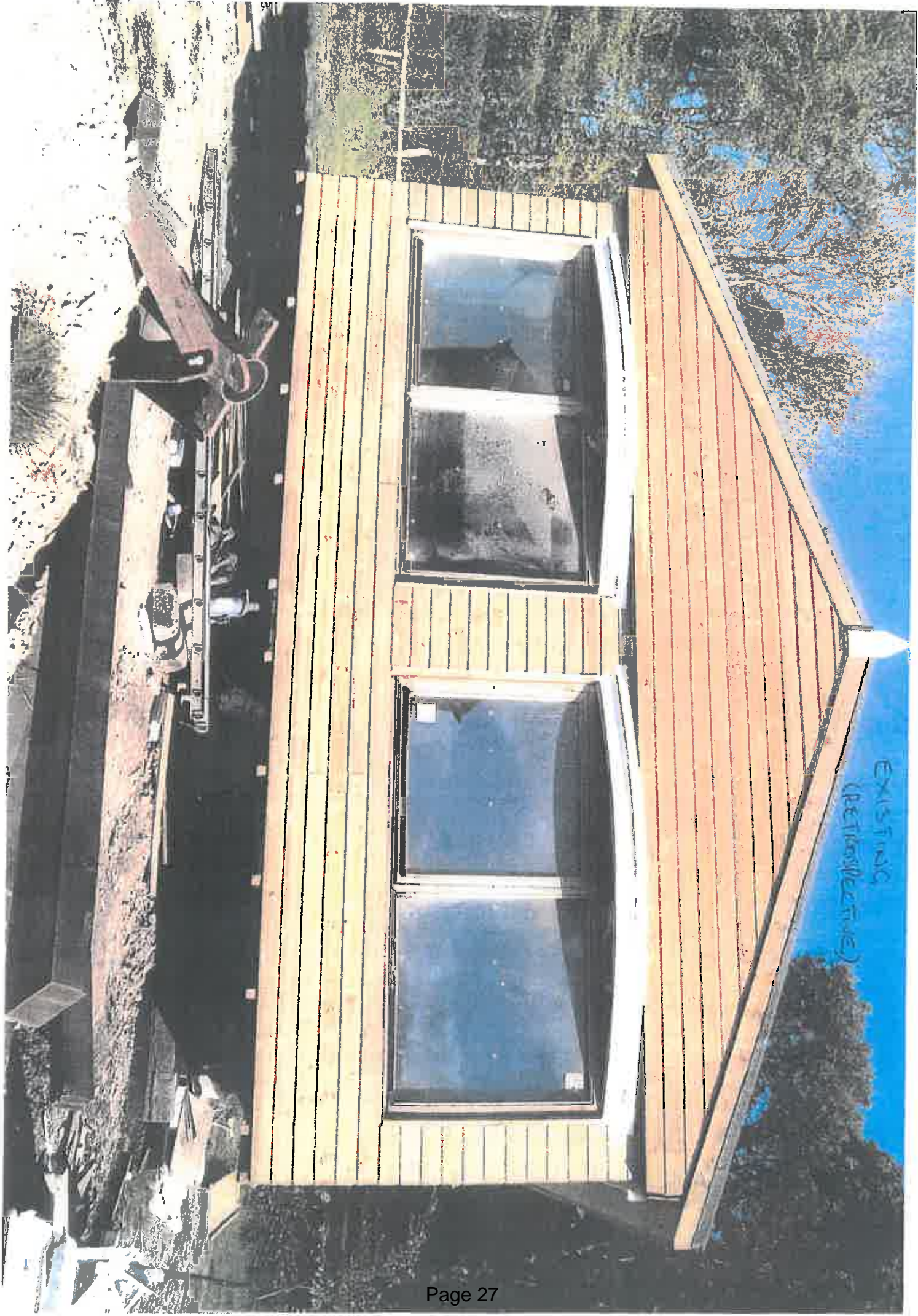
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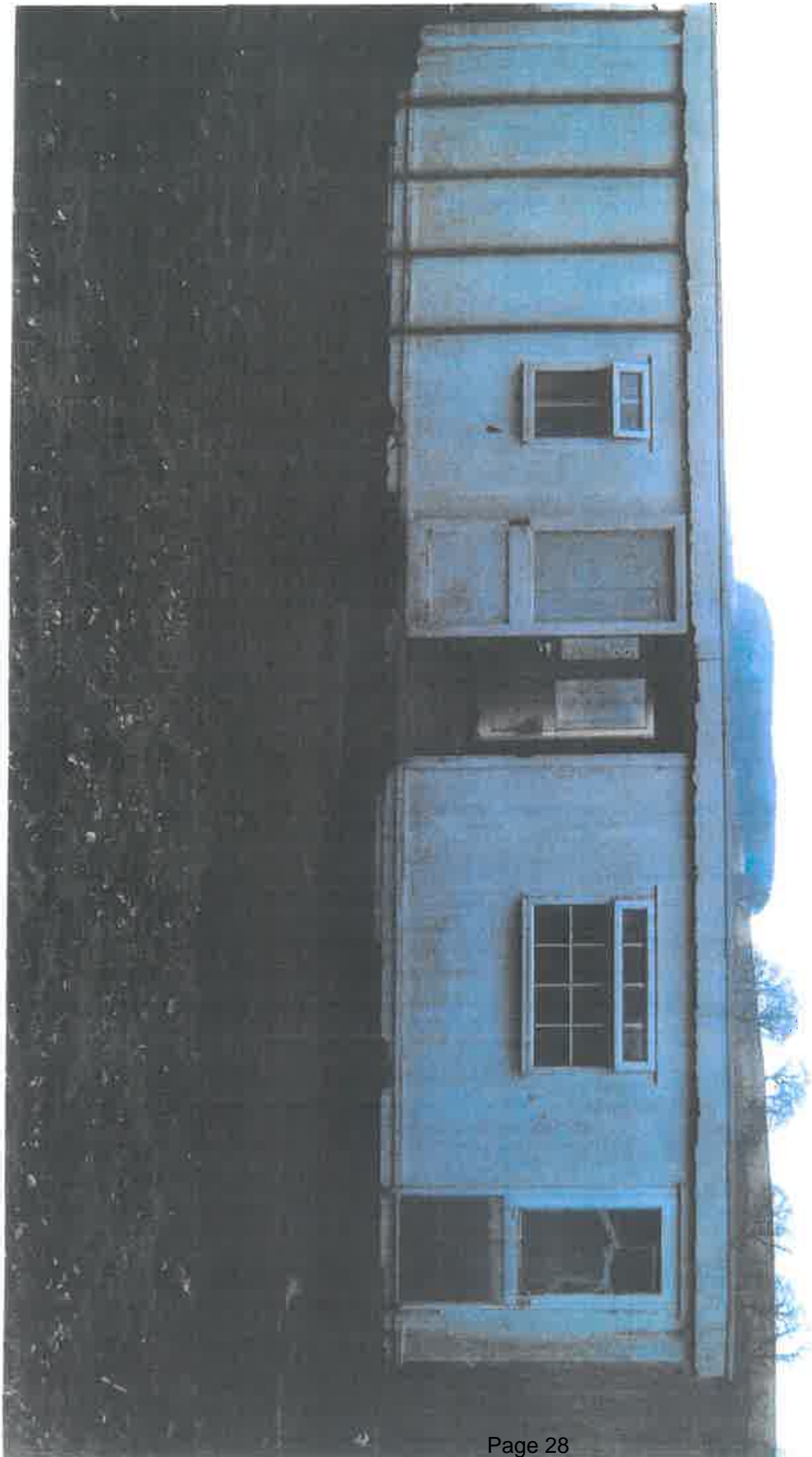
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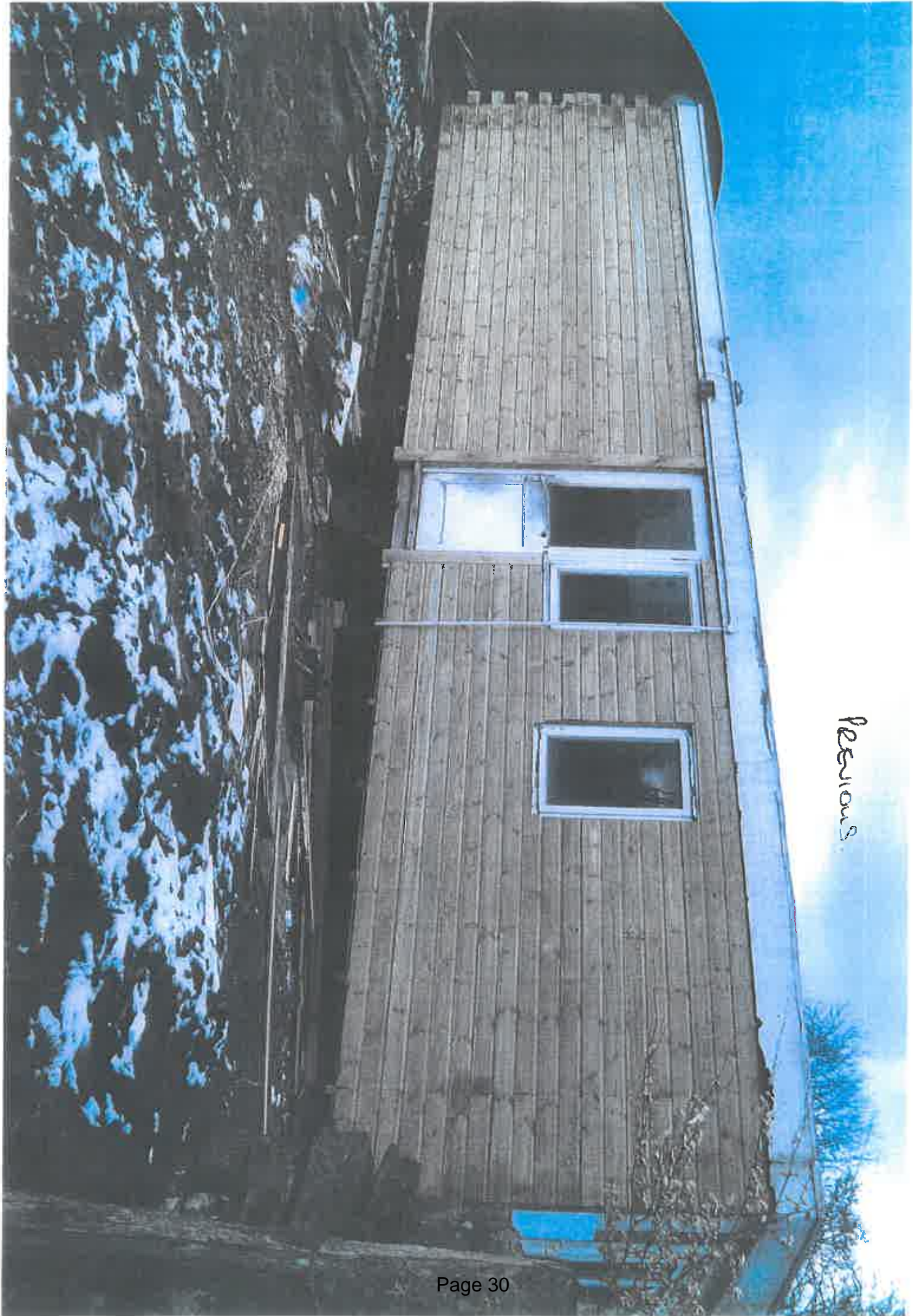
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PREVIOUS



Previous



Previous

Officer Euan Calvert
☎ 01835 826513
Our Ref : 15/00769/FUL
Date : 7th July 2015

NAME OF APPLICANT: Kerr Renwick
NATURE OF PROPOSAL: Siting of caravan for permanent residence (retrospective)
SITE: Land South Of Camphouse Farmhouse Camptown Jedburgh Scottish Borders

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

REQUEST FOR OBSERVATIONS OF: Jed Valley Community Council

No COMMENTS.

Signed:



Reply Date: *15 07 2015*

PLANNING SUB COMMITTEE JVCC.

PLEASE RETURN TO PRS@SCOTBORDERS.GOV.UK OR REGULATORY SERVICES, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS, MELROSE, TD6 OSA

REGULATORY SERVICES



To: **Development Management Service**
FAO Mr. E. Calvert, Council H. Q.

Date: **31st July 2015**

From: **Roads Planning Service**
Contact: **A. Scott**

Ext: **6640**

Ref: **15/00769/FUL**

Subject: Siting of caravan
Land at Camphouse, Camptown, Jedburgh – 15/00769/FUL

As the road serving this site is a trunk road, the comments of Transport Scotland should be sought.

AJS

Response On Development Affecting Trunk Roads and Special Roads

The Town and Country Planning (Scotland) Act 1997

**The Town and Country Planning (Development Management Procedure)
(Scotland) Regulations 2013 S.I.2013 No 155 (S.25)**

Town and Country Planning (Notification of Applications) (Scotland) Direction 2009

To Scottish Borders Council Environment and Infrastructure Newtown St Boswells Melrose TD6 0SA	Council Reference:-	15/00769/FUL
	TS TRBO Reference:-	SE/68/2015

Application made by Kerr Renwick, Donerentin Camphouse Jedburgh Scottish Borders , and received by Transport Scotland on 07 July 2015 for planning permission for siting of caravan for permanent residence located at A68 Land South Of Camphouse Farmhouse Camptown Jedburgh Scottish Borders affecting the A68 Trunk Road.

Director, Trunk Roads Network Management Advice

1. The Director does not propose to advise against the granting of permission
2. The Director advises that planning permission be refused (see overleaf for reasons).
3. The Director advises that the conditions shown overleaf be attached to any permission the council may give (see overleaf for reasons).

To obtain permission to work within the trunk road boundary, contact the Route Manager through the general contact number below. The Operating Company has responsibility for co-ordination and supervision of works and after permission has been granted it is the developer's contractor's responsibility to liaise with the Operating Company during the construction period to ensure all necessary permissions are obtained.

TS Contact:-

Route Manager (A68) 0141 272 7100 Network South, Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF

Operating Company:-

SOUTH EAST

Address:-

6a Dryden Road, Bilston Glen Industrial Estate, Loanhead, Edinburgh, EH20 9LZ

Telephone Number:-

0800 0420188

e-mail address:-

OCCR.SESCOTLAND@amey.co.uk

CONDITIONS to be attached to any permission the council may give:-

1	Access to the site from the trunk road will be via the existing access. No new access will be permitted.
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REASON(S) for Conditions (numbered as above):-

1	To minimise interference with the safety and free flow of the traffic on the trunk road.
---	--

Transport Scotland Response Date:- 16-Jul-2015
Transport Scotland Contact:- Fred Abercrombie

Transport Scotland Contact Details:-
Trunk Road and Bus Operations, Network Operations - Development Management
Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF
Telephone Number: 0141 272 7382
e-mail: development_management@transportscotland.gsi.gov.uk

NB - Planning etc. (Scotland) Act 2006

Planning Authorities are requested to provide Transport Scotland, Trunk Road and Bus Operations, Network Operations - Development Management with a copy of the decision notice, and notify Transport Scotland, Trunk Roads Network Management Directorate if the recommended advice is not accepted.

Walling, Fiona

From: Andy.Donaldson@transport.gov.scot
Sent: 04 February 2016 10:30
To: localreview
Subject: Appeal 16/00003/RREF

Dear Sir / Madam

**SITING OF CARAVAN FOR PERMANENT RESIDENCE.
LAND SOUTH OF CAMPHOUSE FARMHOUSE, CAMPTOWN, JEDBURGH**

We reference to the your letter dated 1st February 2016 advising that a Notice of Review was received by Scottish Borders Council in respect to the application 15/00769/FUL I would advise the following

At the time Transport Scotland were consulted the following condition was recommended:

1. Access to the site from the trunk road will be via the existing access. No new access will be permitted.

For the reason, to minimise interference with the safety and free flow of the traffic on the trunk road.

If the Local Review Body is minded to grant this appeal then Transport Scotland would respectfully request that the above condition is applied.

Your Faithfully

a

Andrew Donaldson
Trunk Road and Bus Operations.
T: 0141 272 7388
F: 0141 272 7350

Transport Scotland
Buchanan House
58 Port Dundas Road
Glasgow
G4 0HF

For agency and travel information visit our [website](#)

Transport Scotland, the national transport agency

PLANNING CONSULTATION

To: Economic Development Section

From: Development Management

Date: 5th October 2015

Contact: Euan Calvert ☎ 01835 826513

Ref: 15/00769/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 26th October 2015, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 26th October 2015, it will be assumed that you have no observations and a decision may be taken on the application.

Please remember to e-mail the DCConsultees Mailbox when you have inserted your reply into Idox.

Name of Applicant: Kerr Renwick

Agent: N/A

Nature of Proposal: Siting of caravan for permanent residence (retrospective)

Site: Land South Of Camphouse Farmhouse Camptown Jedburgh Scottish Borders

OBSERVATIONS OF: Economic Development Section

CONSULTATION REPLY

This application provides a rough outline of a sheep based livestock unit; given that the farm is circa 140 acres it should be sufficient to support a worker based on the 'standard man day' system of evaluation. However there is a lack of information to demonstrate that it is either the intention or there is scope to attain a unit of sufficient agricultural activity to demonstrate an effective 'standard man day' level.

Unfortunately the Economic Development Section cannot make a sufficiently informed opinion because of the lack of information with this application. If the applicant can provide more information in the form of a detailed business plan containing information as to how he intends to develop the business to an appropriate level within the SMD criteria, then the Economic Development Section can give this application due consideration..

Scottish Borders Council

Regulatory Services – Consultation reply

Planning Ref	15/00769/FUL
Uniform Ref	15/01241/PLANCO
Proposal	Planning Consultation - Siting of caravan for permanent residence (retrospective)
Address	Land South Of Camphouse Farmhouse Jedburgh Scottish Borders
Date	27th July 2015
Amenity and Pollution Officer	Mary Rose Fitzgerald
Contaminated Land Officer	Reviewed no comment

Amenity and Pollution

Assessment of Application

The applicant has indicated that the proposed development is on a private water supply. In order to assess this application the following information is required.

1. The type of supply ie borehole, spring, well etc
2. The location of the source by way of an 8 digit reference number.
3. Details of other properties on the supply (if the supply is an existing one)
4. Estimated volume of water that the supply will provide (details of flow test)
5. Evidence that this supply will not have a detrimental effect on supplies in the area
6. Details of any emergency tanks
7. Details of treatment to be installed on the system.
8. Details of any laboratory tests carried out to ensure the water is wholesome.

For information, the minimum daily volume of water that requires to be supplied by a private water supply must be equivalent to one cubic metre (or 1000 litres) of water per day for every five persons who will be using the supply. It is the provision of this quantity that must be ensured and, as such, water storage facilities may be necessary for this purpose. In addition, when designing storage facilities, the minimum recommended capacity is three day's worth of supply, in order to allow for supply interruption/failure.

Recommendation

Further Information Required Before Application is Determined

Scottish Borders Council

Regulatory Services – Consultation reply

Planning Ref	15/00769/FUL
Uniform Ref	15/01241/PLANCO
Proposal	Planning Consultation - Siting of caravan for permanent residence (retrospective)
Address	Land South Of Camphouse Farmhouse Jedburgh Scottish Borders
Date	06 th October 2015
Amenity and Pollution Officer	Mary Rose Fitzgerald

Amenity and Pollution

Assessment of Application

The applicant has provided updated information and the water supply has been risk assessed.

Water will be provided to the development from the Edgerston Water Supply

The supply is suitable for provision of water to the proposed development

Recommendation

Agree with application in principle

Scottish Borders Council

Regulatory Services – Consultation reply

Planning Ref	15/00769/FUL
Uniform Ref	15/01241/PLANCO
Proposal	Siting of caravan for permanent residence (retrospective)
Address	Land South Of Camphouse Farmhouse, Camptown Jedburgh
Date	27th July 2015
Amenity and Pollution Officer	
Contaminated Land Officer	Gareth Stewart

Contaminated land

Assessment of Application

There is an indication within the application that the site has had agricultural use.

I therefore recommend that the Applicant complete and return the attached questionnaire providing information relating to the previous use of the site. The applicant has been sent the questionnaire directly with instruction to return it to Environmental Health

Once the questionnaire has been returned it will be put on the IDOX system and I will advise you on whether further assessment of potential contamination issues at the site is necessary.

If the Applicant does not return the questionnaire, it is important that the potential for contamination is considered when issuing the Planning Permission. I recommend that if the questionnaire is not returned, the following condition is attached to the Planning Permission in order to ensure that the development is suitable for its proposed use.

Recommendation

<p>Delete as appropriate – Agree with application in principle, subject to conditions / Further Information Required Before Application is Determined / Information to be Provided Before Work Commences (see conditions) / No Comment / Object / Informative Note</p>

Conditions

*Unless otherwise agreed in writing and in advance by the Planning Authority, prior to any development commencing on site, a scheme will be submitted by the Developer (at their expense) to identify and assess potential contamination on site. **No construction work shall commence until the scheme has been submitted to, and approved, by the Council, and is thereafter implemented in accordance with the scheme so approved.***

The scheme shall be undertaken by a competent person or persons in accordance with the advice of relevant authoritative guidance including PAN 33 (2000) and BS10175:2011 or, in the event of these being superseded or supplemented, the most up-to-date version(s) of any subsequent revision(s) of, and/or supplement(s) to, these documents. This scheme should contain details of proposals to investigate and remediate potential contamination and must include:-

- a) *A desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of recommended further*

investigations shall be agreed with the Council **prior to** addressing parts b, c, d, and, e of this condition.

and thereafter

- b) Where required by the desk study, undertaking a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents.
- c) Remedial Strategy (if required) to treat/remove contamination to ensure that the site is fit for its proposed use (this shall include a method statement, programme of works, and proposed validation plan).
- d) Submission of a Validation Report (should remedial action be required) by the developer which will validate and verify the completion of works to a satisfaction of the Council.
- e) Submission, if necessary, of monitoring statements at periods to be agreed with the Council for such time period as is considered appropriate by the Council.

Written confirmation from the Council, that the scheme has been implemented completed and (if appropriate), monitoring measures are satisfactorily in place, **shall be required by the Developer before any development hereby approved commences**. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Council.

Reason: To ensure that the potential risks to human health, the water environment, property, and, ecological systems arising from any identified land contamination have been adequately addressed.

Scottish Borders Council

Regulatory Services – Consultation reply

Planning Ref	15/00769/FUL
Uniform Ref	15/01241/PLANCO
Proposal	Siting of caravan for permanent residence (retrospective)
Address	Land South Of Camphouse Farmhouse, Camptown Jedburgh
Date	24th August 2015
Amenity and Pollution Officer	
Contaminated Land Officer	Gareth Stewart

With reference to my Planning Response dated 28 July 2015, the Applicant has now returned the Agricultural Buildings Questionnaire (below).

Having regard to the information supplied by the Applicant there is no indication of any land contamination issues on this site.

Accordingly I have no objections or further comments to make on this application.

**Scottish Borders Council
Redevelopment of Agricultural & Other Buildings Questionnaire**

Planning Application Number: 15/00769/FUL	Yes/No
Is asbestos known or suspected to be present in the fabric of any buildings present?	NO
Has any part of the site been used for the storage of liquid fuel, such as petrol, diesel, DERV, kerosene?	NO
Has any part of the site been used for the storage or use of agricultural chemicals, such as preservatives or pesticides?	NO
Has any part of the site been used for sheep dipping, storage or disposal of sheep dip chemicals?	NO
Has any part of the site been used for disposal of solid farm waste?	NO
Has any part of the site been used for the disposal of liquid wastes or washings other than to an approved drainage system?	NO
Has the site been used to store/maintain vehicles?	NO
Has there been any building fires or bonfires onsite?	NO

Please give the source of all available information used to answer these questions and an indication of the time period which it covers (continue on separate sheet/reverse side if required):	
Source e.g. Previous farmer/operator	Time Period Covered e.g. 1975-1990
Farmer ^{Fourth} Fifth Generation	Pre 1930s — 2015

If you have answered yes to any of the above questions please give details below (continue overleaf if necessary):

PLEASE NOTE - YOUR RESPONSE WILL BE PLACED IN THE PUBLIC DOMAIN

Signed 

Date 11-8-15

Name
(Block Capitals) KERR RENWICK

Thank you for completing this questionnaire, please return it to :-

Gareth Stewart, Contaminated Land Officer, at the address below.

Council Headquarters, Newtown St Boswells, MELROSE, Scottish Borders, TD6 0SA
Customer Services 0300 100 1800 www.scotborders.gov.uk

PLANNING CONSULTATION

To: Archaeology Officer

From: Development Management

Date: 7th July 2015

Contact: Euan Calvert ☎ 01835 826513

Ref: 15/00769/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 28th July 2015, if further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 28th July 2015, it will be assumed that you have no observations and a decision may be taken on the application.

Name of Applicant: Kerr Renwick

Agent: N/A

Nature of Proposal: Siting of caravan for permanent residence (retrospective)

Site: Land South Of Camphouse Farmhouse Camptown Jedburgh Scottish Borders

OBSERVATIONS OF: Archaeology Officer

CONSULTATION REPLY

There are no known archaeological implications. While there is some potential in the wider area for prehistoric archaeology associated with a former burial cairn in particular, given the retrospective nature of the application any impacts have already occurred. However, any further development of this site may require archaeological mitigation.

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List of Policies

Local Review Reference: 16/0000//RREF

Planning Application Reference: 15/00769/FUL

Development Proposal: Siting of caravan for permanent residence

Location: Land south of Camphouse Farmhouse, Campton, Jedburgh

Applicant: Kerr Renwick

SESplan Strategic Development Plan 2013

None

Consolidated Scottish Borders Local Plan 2011:

POLICY G1 - QUALITY STANDARDS FOR NEW DEVELOPMENT

All new development will be expected to be of high quality in accordance with sustainability principles, designed to fit with Scottish Borders townscapes and to integrate with its landscape surroundings. The standards which will apply to all development are that:

1. It is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form,
2. it can be satisfactorily accommodated within the site,
3. it retains physical or natural features or habitats which are important to the amenity or biodiversity of the area or makes provision for adequate mitigation or replacements,
4. it creates developments with a sense of place, designed in sympathy with Scottish Borders architectural styles; this need not exclude appropriate contemporary and/or innovative design,
5. in terms of layout, orientation, construction and energy supply, the developer has demonstrated that appropriate measures have been taken to maximise the efficient use of energy and resources, including the use of renewable energy and resources and the incorporation of sustainable construction techniques in accordance with supplementary planning guidance referred to in Appendix D,
6. it incorporates appropriate hard and soft landscape works, including structural or screen planting where necessary, to help integration with its surroundings and the wider environment and to meet open space requirements. In some cases agreements will be required to ensure that landscape works are undertaken at an early stage of development and that appropriate arrangements are put in place for long term landscape/open space maintenance,
7. it provides open space that wherever possible, links to existing open spaces and that is in accordance with current Council standards pending preparation of an up-to-date open space strategy and local standards. In some cases a developer contribution to wider neighbourhood or settlement provision may be appropriate, supported by appropriate arrangements for maintenance,
8. it provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings,
9. it provides for linkages with adjoining built up areas including public transport

- connections and provision for bus laybys, and new paths and cycleways, linking where possible to the existing path network; Green Travel Plans will be encouraged to support more sustainable travel patterns,
10. it provides for Sustainable Urban Drainage Systems where appropriate and their after-care and maintenance,
 11. it provides for recycling, re-using and composting waste where appropriate,
 12. it is of a scale, massing, height and density appropriate to its surroundings and, where an extension or alteration, appropriate to the existing building,
 13. it is finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality and, where an extension or alteration, the existing building,
 14. it incorporates, where required, access for those with mobility difficulties,
 15. it incorporates, where appropriate, adequate safety and security measures, in accordance with current guidance on 'designing out crime'.

POLICY D2 – HOUSING IN THE COUNTRYSIDE

The Council wishes to promote appropriate rural housing development:

1. in village locations in preference to the open countryside,
2. associated with existing building groups where this does not adversely affect their character or that of the surrounding area, and
3. in dispersed communities in the Southern Borders housing market area.

These general principles will be the starting point for the consideration of applications for housing in the countryside which will be supplemented by Supplementary Planning Policy Guidance on siting, design and interpretation.

POLICY D2 (A) BUILDING GROUPS

Housing of up to a total of 2 additional dwellings or a 30% increase of the building group, whichever is the greater, associated with existing building groups may be approved provided that:

1. The Council is satisfied that the site is well related to an existing group of at least three houses or building(s) currently in residential use or capable of conversion to residential use. Where conversion is required to establish a cohesive group of at least three houses, no additional housing will be approved until such conversion has been implemented,
2. Any consents for new build granted under this part of this policy should not exceed two housing dwellings or a 30% increase in addition to the group during the Plan period. No further development above this threshold will be permitted,
3. 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 new applications. Additional development within a building group will be refused if, in conjunction with other developments in the area, it will cause unacceptable adverse impacts.

The calculations on building group size are based on the existing number of housing units within the group as at the start of the Local Plan period. This will include those units under construction or nearing completion at that point.

POLICY D2 (B) DISPERSED BUILDING GROUPS

In the Southern Housing Market area there are few building groups comprising 3 houses or more, and a more dispersed pattern is the norm. In this area a lower threshold may be appropriate, particularly where this would result in tangible community, economic or environmental benefits. In these cases the existence of a sense of place will be the primary consideration.

Housing of up to 2 additional dwellings associated with dispersed building groups acting as anchor points may be approved provided that:

1. The Council is satisfied that the site lies within a recognised dispersed community that functions effectively as an anchor point in the Southern Borders housing market area,
2. Any consents for new build granted under this part of this policy should not exceed two housing dwellings in addition to the group during the Plan period. No further development above this threshold will be permitted,
3. The design of housing will be subject to the same considerations as other types of housing in the countryside proposals.

POLICY D2 (C) CONVERSIONS

Development that is a change of use of a building to a house may be acceptable provided that:

1. the Council is satisfied that the building has architectural or historic merit or is physically suited for residential use,
2. the building stands substantially intact (normally at least to wallhead height) and the existing structure requires no significant demolition. A structural survey will be required where in the opinion of the Council it appears that the building may not be capable of conversion, and
3. the conversion and any proposed extension or alteration is in keeping with the scale and architectural character of the existing building.

POLICY D2 (D) REBUILDING

The proposed rebuilding or restoration of a house may be acceptable provided that either:

1. the existing building makes a positive contribution to the landscape,
2. the walls of the former residential property stand substantially intact (normally at least to wallhead height),
3. no significant demolition is required (a structural survey will be required where it is proposed to fully demolish the building, showing that it is incapable of being restored),
4. the restoration/rebuilding and any proposed extension or alteration is in keeping with the scale, form and architectural character of the existing or original building,

5. significant alterations to the original character will only be considered where it can be demonstrated that these provide environmental benefits such as a more sustainable and energy efficient design, or
6. there is evidence of the existence of the building in terms of criteria (a)-(c) immediately above, or, alternatively, sufficient documentary evidence exists relating to the siting and form of the previous house and this evidence is provided to the satisfaction of the Council, and
7. the siting and design of new buildings reflects and respects the historical building pattern and the character of the landscape setting, and
8. the extent of new building does not exceed what is to be replaced.

POLICY D2 (E) ECONOMIC REQUIREMENT

Housing with a location essential for business needs may be acceptable if the Council is satisfied that:

1. the housing development is a direct operational requirement of an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and it is for a worker predominantly employed in the enterprise and the presence of that worker on-site is essential to the efficient operation of the enterprise. Such development could include businesses that would cause disturbance or loss of amenity if located within an existing settlement, or
2. it is for use of a person last employed in an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and also employed on the unit that is the subject of the application, and the development will release another house for continued use by an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and
3. the housing development would help support a business that results in a clear social or environmental benefit to the area, including the retention or provision of employment or the provision of affordable or local needs housing, and
4. no appropriate site exists within a building group, and
5. there is no suitable existing house or other building capable of conversion for the required residential use.

The applicant and, where different, the landowner, may be required to enter into a Section 75 agreement with the planning authority to tie the proposed house or any existing house to the business for which it is justified and to restrict the occupancy of the house to a person solely or mainly employed, or last employed, in that specific business, and their dependants. A Business Plan, supported by referees or independent business adjudication, may be required in some cases.

In **ALL** instances in considering proposals relative to each of the policy sections above, there shall be compliance with the Council's Supplementary Planning Policy Guidance where it meets the terms of this policy and development must not negatively impact on landscape and existing communities. The cumulative effect of applications under this policy will be taken into account when determining impact.

POLICY G5 – DEVELOPER CONTRIBUTIONS

Where a site is otherwise acceptable but cannot proceed due to deficiencies in infrastructure and services or to environmental impacts, any or all of which will be created or exacerbated as a result of the development, the Council will require developers to make a full or part contribution through S.75 or alternative Legal Agreements towards the cost of addressing such deficiencies.

Each application will be assessed to determine the appropriate level of contribution guided by: the requirements identified in the Council's Supplementary Planning Guidance on developer contributions; planning or development briefs; outputs from community or agency liaison; information in settlement profiles; other research and studies such as Transport Assessments; the cumulative impact of development in a locality; provisions of Circular 12/96 in respect of the relationship of the contribution in scale and kind to the development. Contributions will be required at the time that they become necessary to ensure timely provision of the improvement in question. The Council will pursue a pragmatic approach, taking account of the importance in securing necessary developments, and exceptional development costs that may arise. Contributions are intended to address matters resulting from new proposals, not existing deficiencies. In general, the Council does not intend to require contributions arising from the needs of affordable housing. Contributions towards maintenance will generally be commuted payments covering a 10 year period.

Contributions may be required for one or more of the following:

1. Treatment of surface or foul waste water in accordance with the Plan's policies on preferred methods (including SUDS maintenance);
2. Provision of schools, school extensions or associated facilities, all in accordance with current educational capacity estimates and schedule of contributions;
3. Off-site transport infrastructure including new roads or road improvements, Safer Routes to School, road safety measures, public car parking, cycle-ways and other access routes, subsidy to public transport operators; all in accordance with the Council's standards and the provisions of any Green Travel Plan;
4. Leisure, sport, recreation, play areas and community facilities, either on-site or off-site;
5. Landscape, open space, trees and woodlands, including costs of future management and maintenance;
6. Protection, enhancement and promotion of environmental assets either on-site or off-site, having regard to the Local Biodiversity Action Plan and the Council's Supplementary Planning Guidance on Biodiversity, including compensation for any losses and/or alternative provision;
7. Provision of other facilities and equipment for the satisfactory completion of the development that may include: measures to minimise the risk of crime; provision for the storage, collection and recycling of waste, including communal facilities; and provision of street furniture.

POLICY H2 – PROTECTION OF RESIDENTIAL AMENITY

Development that is judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted. To protect the amenity and character of these areas, any developments will be assessed against:

1. The principle of the development, including where relevant, any open space that would be lost; and

2. The details of the development itself particularly in terms of:
- (i) the scale, form and type of development in terms of its fit within a residential area,
 - (ii) the impact of the proposed development on the existing and surrounding properties particularly in terms of overlooking and loss of privacy. These considerations apply especially in relation to garden ground or 'backland' development,
 - (iii) the generation of traffic or noise,
 - (iv) the level of visual impact.

POLICY BE2 - ARCHAEOLOGICAL SITES and ANCIENT MONUMENTS

Where development proposals impact on a Scheduled Ancient Monument, other nationally important sites not yet scheduled, or any other archaeological or historical site, developers will be required to carry out detailed investigations to ensure compliance with Structure Plan policies N14, N15 and N16.

Structure Plan Policy N14

Development proposals, which would destroy or adversely affect the appearance, fabric or setting of Scheduled Ancient Monuments or other nationally important sites not yet scheduled will not be permitted unless:

- (i) the development offers substantial benefits, including those of a social or economic nature, that clearly outweigh the national value of the site,*
- (ii) there are no reasonable alternative means of meeting that development need, and*
- (iii) the proposal includes a mitigation strategy acceptable to the Council.*

Structure Plan Policy N15

Development proposals which will adversely affect an archaeological site of regional or local significance will only be permitted if it can be demonstrated that the benefits of the proposal will clearly outweigh the archaeological value of the site or feature.

Structure Plan Policy N16

Where there is reasonable evidence of the existence of archaeological remains, but their nature and extent are unknown, the Council may require an Archaeological Evaluation to provide clarification of the potential impact of a development before a planning decision is reached. Where development is approved which would damage an archaeological site or feature, the Council will require that such development is carried out in accordance with a strategy designed to minimise the impact of development upon the archaeology and to ensure that a complete record is made of any remains which would otherwise be damaged by the development. Such a strategy might include some or all of the following:

- (i) the preservation of remains in situ and in an appropriate setting,*
- (ii) surface or geophysical survey,*
- (iii) archaeological excavation,*
- (iv) study of the excavated evidence and publication of the results.*

The preferred solution will be influenced by the value of the site in national, regional or local terms.

POLICY INF4 – PARKING PROVISIONS AND STANDARDS

Development proposals should provide for car and cycle parking in accordance with the Council's published adopted standards, or any subsequent standards which may subsequently be adopted by the Council (see Appendix D).

Relaxation of standards will be considered where the Council determines that a relaxation is required owing to the nature of the development and/or positive amenity gains can be demonstrated that do not compromise road safety.

In town centres where there appear to be parking difficulties, the Council will consider the desirability of additional public parking provision, in the context of policies to promote the use of sustainable travel modes.

POLICY INF5 – WASTE WATER TREATMENT STANDARDS

The Council's preferred method of dealing with waste water associated with new development will be, in order of priority:

1. direct connection to the public sewerage system, including pumping if necessary, or failing that:
2. negotiating developer contributions with Scottish Water to upgrade the existing sewerage network and/or increasing capacity at the waste water treatment works, or failing that:
3. agreement with Scottish Water to provide permanent or temporary alternatives to sewer connection including the possibility of stand alone treatment plants until sewer capacity becomes available, or, failing that:
4. for development in the countryside i.e. not within or immediately adjacent to publicly sewered areas, the use of private sewerage providing it can be demonstrated that this can be delivered without any negative impacts to public health, the environment or the quality of watercourses or groundwater.

In settlements served by the public foul sewer, permission for an individual private septic tank will normally be refused unless exceptional circumstances prevail and the conditions in criterion 4 can be satisfied,

Development will be refused if:

5. it will result in a proliferation of individual septic tanks or other private water treatment infrastructure within settlements,
6. it will overload existing mains infrastructure or it is impractical for the developer to provide for new infrastructure.

Proposed Local Development Plan 2015 (incorporating changes accepted by Scottish Borders Council)

Policy PMD2: Quality Standards

All new development will be expected to be of high quality in accordance with sustainability principles, designed to fit with Scottish Borders townscapes and to integrate with its landscape surroundings. The standards which will apply to all development are that:

Sustainability

- a) In terms of layout, orientation, construction and energy supply, the developer has demonstrated that appropriate measures have been taken to maximise the efficient use of energy and resources, including the use of renewable energy and resources such as District Heating Schemes and the incorporation of sustainable construction techniques in accordance with supplementary planning guidance. Planning applications must demonstrate that the current carbon dioxide emissions reduction target has been met, with at least half of this target met through the use of low or zero carbon technology,
- b) it provides digital connectivity and associated infrastructure,
- c) it provides for Sustainable Urban Drainage Systems in the context of overall provision of Green Infrastructure where appropriate and their after-care and maintenance,
- d) it encourages minimal water usage for new developments,
- e) it provides for appropriate internal and external provision for waste storage and presentation with, in all instances, separate provision for waste and recycling and, depending on the location, separate provision for composting facilities,
- f) it incorporates appropriate hard and soft landscape works, including structural or screen planting where necessary, to help integration with its surroundings and the wider environment and to meet open space requirements. In some cases agreements will be required to ensure that landscape works are undertaken at an early stage of development and that appropriate arrangements are put in place for long term landscape/open space maintenance,
- g) it considers, where appropriate, the long term adaptability of buildings and spaces.

Placemaking & Design

- h) It creates developments with a sense of place, based on a clear understanding of the context, designed in sympathy with Scottish Borders architectural styles; this need not exclude appropriate contemporary and/or innovative design,
- i) it is of a scale, massing, height and density appropriate to its surroundings and, where an extension or alteration, appropriate to the existing building,
- j) it is finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality and, where an extension or alteration, the existing building,
- k) it is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form,
- l) it can be satisfactorily accommodated within the site,
- m) it provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings,
- n) it incorporates, where appropriate, adequate safety and security measures, in accordance with current guidance on 'designing out crime'.

Accessibility

- o) Street layouts must be designed to properly connect and integrate with existing street patterns and be able to be easily extended in the future where appropriate in order to minimise the need for turning heads and isolated footpaths,
- p) it incorporates, where required, access for those with mobility difficulties,
- q) it ensures there is no adverse impact on road safety, including but not limited to the site access,
- r) it provides for linkages with adjoining built up areas including public transport connections and provision for buses, and new paths and cycleways, linking where possible to the existing path network; Travel Plans will be encouraged to support more sustainable travel patterns,
- s) it incorporates adequate access and turning space for vehicles including those used for waste collection purposes.

Greenspace, Open Space & Biodiversity

- t) It provides meaningful open space that wherever possible, links to existing open spaces and that is in accordance with current Council standards pending preparation of an up-to-date open space strategy and local standards. In some cases a developer contribution to wider neighbourhood or settlement provision may be appropriate, supported by appropriate arrangements for maintenance,
- u) it retains physical or natural features or habitats which are important to the amenity or biodiversity of the area or makes provision for adequate mitigation or replacements.

Developers are required to provide design and access statements, design briefs and landscape plans as appropriate.

Policy HD2: Housing in the Countryside

The Council wishes to promote appropriate rural housing development:

- a) in village locations in preference to the open countryside where permission will only be granted in special circumstances on appropriate sites,
- b) associated with existing building groups where this does not adversely affect their character or that of the surrounding area, and
- c) in dispersed communities in the Southern Borders housing market area.

These general principles in addition to the requirement for suitable roads access will be the starting point for the consideration of applications for housing in the countryside, which will be supplemented by Supplementary Planning Guidance / Supplementary Guidance on New Housing in the Borders Countryside and on Placemaking and Design.

(A) Building Groups

Housing of up to a total of 2 additional dwellings or a 30% increase of the building group, whichever is the greater, associated with existing building groups may be approved provided that:

- a) the Council is satisfied that the site is well related to an existing group of at least three houses or building(s) currently in residential use or capable of conversion to residential use. Where conversion is required to establish a cohesive group of at least three houses, no additional housing will be approved until such conversion has been implemented,
- b) 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 new applications. Additional development within a building group will be refused if, in conjunction with other developments in the area, it will cause unacceptable adverse impacts,
- c) any consents for new build granted under this part of this policy should not exceed two housing dwellings or a 30% increase in addition to the group during the Plan period. No further development above this threshold will be permitted.

In addition, where a proposal for new development is to be supported, the proposal should be appropriate in scale, siting, design, access, and materials, and should be sympathetic to the character of the group.

The calculations on building group size are based on the existing number of housing units within the group as at the start of the Local Development Plan period. This will include those units under construction or nearing completion at that point.

(B) Dispersed Buildings Groups

In the Southern Housing Market area there are few building groups comprising 3 houses or more, and a more dispersed pattern is the norm. In this area a lower threshold may be

appropriate, particularly where this would result in tangible community, economic or environmental benefits. In these cases the existence of a sense of place will be the primary consideration.

Housing of up to 2 additional dwellings associated with dispersed building groups that meet the above criteria may be approved provided that:

- a) the Council is satisfied that the site lies within a recognised dispersed community in the Southern Borders housing market area,
- b) any consents for new build granted under this part of this policy should not exceed two housing dwellings in addition to the group during the Plan period. No further development above this threshold will be permitted,
- c) the design of housing will be subject to the same considerations as other types of housing in the countryside proposals.

(C) Conversions of Buildings to a House

Development that is a change of use of a building to a house may be acceptable provided that:

- a) the Council is satisfied that the building has architectural or historic merit, is capable of conversion and is physically suited for residential use,
- b) the building stands substantially intact (normally at least to wallhead height) and the existing structure requires no significant demolition. A structural survey will be required where in the opinion of the Council it appears that the building may not be capable of conversion, and
- c) the conversion and any proposed extension or alteration is in keeping with the scale and architectural character of the existing building.

(D) Restoration of Houses

The restoration of a house may also be acceptable provided that the walls of the former residential property stand substantially intact (normally at least to wallhead height). In addition:

- a) the siting and design reflects and respects the historical building pattern and the character of the landscape setting,
- b) any proposed extension or alteration should be in keeping with the scale, form and architectural character of the existing or original building, and
- c) significant alterations to the original character will only be considered where it can be demonstrated that these provide environmental benefits such as a positive contribution to the landscape and/or a more sustainable and energy efficient design.

(E) Replacement Dwellings

The proposed replacement of an existing house may be acceptable provided that:

- a) the siting and design of the new building reflects and respects the historical building pattern and the character of the landscape setting,
- b) the proposal is in keeping with the existing/original building in terms of its scales, extent, form and architectural character,
- c) significant alterations to the original character of the house will only be considered where it can be demonstrated that these provide environmental benefits such as a positive contribution to the landscape and /or a more sustainable and energy efficient design.

(F) Economic Requirement

Housing with a location essential for business needs may be acceptable if the Council is satisfied that:

- a) the housing development is a direct operational requirement of an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and it is for a worker predominantly employed in the enterprise and the presence of that worker on-site is essential to the efficient operation of the enterprise. Such development could include businesses that would cause disturbance or loss of amenity if located within an existing settlement, or
- b) it is for use of a person last employed in an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and also employed on the unit that is the subject of the application, and the development will release another house for continued use by an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and
- c) the housing development would help support a business that results in a clear social or environmental benefit to the area, including the retention or provision of employment or the provision of affordable or local needs housing, and
- d) no appropriate site exists within a building group, and
- e) there is no suitable existing house or other building capable of conversion for the required residential use.

In ALL instances in considering proposals relative to each of the policy sections above, there shall be compliance with the Council's Supplementary Planning Guidance where it meets the terms of this policy and development must not negatively impact on landscape and existing communities. The cumulative effect of applications under this policy will be taken into account when determining impact.

Policy HD3 – Protection of Residential Amenity

Development that is judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted. To protect the amenity and character of these areas, any developments will be assessed against:

- a) the principle of the development, including where relevant, any open space that would be lost; and
- b) the details of the development itself particularly in terms of:
 - (i) the scale, form and type of development in terms of its fit within a residential area,
 - (ii) the impact of the proposed development on the existing and surrounding properties particularly in terms of overlooking, loss of privacy and sunlighting provisions. These considerations apply especially in relation to garden ground or 'backland' development,
 - (iii) the generation of traffic or noise,
 - (iv) the level of visual impact.

Policy EP8: Archaeology

(A) National Archaeological Sites

Development proposals which would destroy or adversely affect the appearance, fabric or setting of Scheduled Ancient Monuments or other nationally important sites will not be permitted unless:

- a) the development offers substantial benefits, including those of a social or economic nature, that clearly outweigh the national value of the site, and
- b) there are no reasonable alternative means of meeting the development need.

(B) Battlefields

The Council may support development proposals within a battlefield on the Inventory of Historic Battlefields Register, or a regionally significant site, that seek to protect, conserve,

and/or enhance the landscape characteristics or important features of the battlefield. Proposals will be assessed according to their sensitivity to the battlefield.

(C) Regional or Local Archaeological Assets

Development proposals which will adversely affect an archaeological asset of regional or local significance will only be permitted if it can be demonstrated that the benefits of the proposal will clearly outweigh the heritage value of the asset.

In all of the above cases, where development proposals impact on a Scheduled Ancient Monument, other nationally important sites, or any other archaeological or historical asset, developers may be required to carry out detailed investigations.

Any proposal that will adversely affect a historic environment asset or its appropriate setting must include a mitigation strategy acceptable to the Council.

Policy IS2: Developer Contributions

Where a site is otherwise acceptable in terms of planning policy, but cannot proceed due to deficiencies in infrastructure and services or to environmental impacts, any or all of which will be created or exacerbated as a result of the development, the Council will require developers to make a full or partial contribution towards the cost of addressing such deficiencies.

Contributions may be required for one or more of the following:

- a) treatment of surface or foul waste water in accordance with the Plan's policies on preferred methods (including SUDS maintenance);
- b) provision of schools, school extensions or associated facilities, all in accordance with current educational capacity estimates and schedule of contributions;
- c) off-site transport infrastructure including new roads or road improvements, Safer Routes to School, road safety measures, public car parking, cycle-ways, bridges and associated studies and other access routes, subsidy to public transport operators; all in accordance with the relevant standards and the provisions of any Travel Plan;
- d) leisure, sport, recreation, play areas and community facilities, either on-site or off-site;
- e) landscape, open space, allotment provision, trees and woodlands, including costs of future management and maintenance;
- f) protection, enhancement and promotion of environmental assets either on-site or off-site, having regard to the Local Biodiversity Action Plan and the Council's Supplementary Planning Guidance on Biodiversity, including compensation for any losses and/or alternative provision;
- g) provision of other facilities and equipment for the satisfactory completion of the development that may include: measures to minimise the risk of crime; provision for the storage, collection and recycling of waste, including communal facilities; provision of street furniture and digital connectivity with associated infrastructure.

Wherever possible, any requirement to provide developer contributions will be secured by planning condition. Where a legal agreement is necessary, the preference for using an agreement under other legislation, for example the 1973 Local Government (Scotland) Act and the 1984 Roads (Scotland) Act will be considered. A planning obligation will only be necessary where successors in title need to be bound by its terms. Where appropriate, the council will consider the economic viability of a proposed development, including possible payment options, such as staged or phased payments.

Policy IS7 – Parking Provision and Standards

Development proposals should provide for car and cycle parking in accordance with approved standards.

Relaxation of technical standards will be considered where appropriate due to the nature of the development and/or if positive amenity gains can be demonstrated that do not compromise road safety.

In town centres where there appear to be parking difficulties, the Council will consider the desirability of seeking additional public parking provision, in the context of policies to promote the use of sustainable travel modes.

Policy IS9 - Waste Water Treatment Standards and Sustainable Urban Drainage

Waste Water Treatment Standards

The Council's preferred method of dealing with waste water associated with new development will be, in order of priority:

- a) direct connection to the public sewerage system, including pumping if necessary, or failing that:
- b) negotiating developer contributions with Scottish Water to upgrade the existing sewerage network and/or increasing capacity at the waste water treatment works, or failing that:
- c). agreement with Scottish Water and SEPA where required to provide permanent or temporary alternatives to sewer connection including the possibility of stand alone treatment plants until sewer capacity becomes available, or, failing that:
- d) for development in the countryside i.e. not within or immediately adjacent to publicly seweraged areas, the use of private sewerage treatment may be acceptable, providing it can be demonstrated that this can be delivered without any negative impacts to public health, the environment or the quality of watercourses or groundwater.

In settlements served by the public foul sewer, permission for an individual private sewage treatment system will normally be refused unless exceptional circumstances prevail and the conditions in criteria d above can be satisfied,

Development will be refused if:

- a) it will result in a proliferation of individual septic tanks or other private water treatment infrastructure within settlements,
- b) it will overload existing mains infrastructure or it is impractical for the developer to provide for new infrastructure.

Sustainable Urban Drainage

Surface water management for new development, for both greenfield and brownfield sites, must comply with current best practice on sustainable urban drainage systems to the satisfaction of the council, Scottish Environment Protection Agency (where required), Scottish Natural Heritage and other interested parties where required. Development will be refused unless surface water treatment is dealt with in a sustainable manner that avoids flooding, pollution, extensive canalisation and culverting of watercourses. A drainage strategy should be submitted with planning applications to include treatment and flood attenuation measures and details for the long term maintenance of any necessary features.

Other Material Considerations

SBC Supplementary Planning Guidance – Placemaking and Design 2010

SBC Supplementary Planning Guidance – Development Contributions (updated and revised 2015)

SBC Supplementary Planning Guidance - New Housing in the Borders Countryside 2008

SBC Supplementary Planning Guidance on Privacy and Sunlight (Householder Developments) 2006

SBC Supplementary Planning Guidance - Use of Timber in Sustainable Construction 2009

Circular 4/1998 – Use of Conditions in Planning Permissions