

Public Document Pack



LOCAL REVIEW BODY MONDAY, 20 MARCH 2017

A MEETING of the LOCAL REVIEW BODY will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS, TD6 0SA on MONDAY, 20 MARCH 2017 at 10.00 am

J. J. WILKINSON,
Clerk to the Council,

13 March 2017

BUSINESS		
1.	Apologies for Absence.	
2.	Order of Business.	
3.	Declarations of Interest.	
4.	<p>Consider request for review of refusal of planning consent in respect of erection of dwellinghouse on land east of Keleden, Ednam. 16/01425/PPP 17/00001/RREF</p> <p>Copies of the following papers attached:-</p>	
	(a) Notice of Review (including Decision Notice on page 22)	(Pages 1 - 28)
	(b) Officer's Report	(Pages 29 - 32)
	(c) Papers referred to in report	(Pages 33 - 54)
	(d) Consultations	(Pages 55 - 56)
	(e) Objection	(Pages 57 - 58)
	(f) List of Policies	(Pages 59 - 64)
5.	<p>Consider request for review of refusal of planning consent in respect of erection of cattle building with welfare accommodation in Field No 0328, Kirkburn, Cardrona. 16/01422/FUL. 17/00004/RREF</p> <p>Copies of the following papers attached:-</p>	

	(a) Notice of Review (including Decision Notice on page 69)	(Pages 65 - 72)	
	(b) Officer's Report	(Pages 73 - 78)	
	(c) Papers referred to in report	(Pages 79 - 90)	
	(d) Consultations	(Pages 91 - 96)	
	(e) List of Policies	(Pages 97 - 100)	
6.	Consider request for review of refusal of planning consent for erection of dwellinghouse on land east of Highland Brae, Lilliesleaf. 16/01536/PPP 17/00006/RREF		
	(a) Notice of Review (including Decision Notice on page 116)	(Pages 101 - 124)	
	(b) Officer's Report	(Pages 125 - 128)	
	(c) Papers referred to in report	(Pages 129 - 142)	
	(d) Consultations	(Pages 143 - 144)	
	(e) List of Policies	(Pages 145 - 152)	
7.	Any Other Items Previously Circulated		
8.	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



Newtown St Boswells Melrose TD6 0SA Tel: 01835 825251 Fax: 01835 825071 Email: ITSystemAdmin@scotborders.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100013310-003

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Aitken Turnbull Architects		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Aitken	Building Name:	<input type="text"/>
Last Name: *	Turnbull	Building Number:	9
Telephone Number: *	01896 752760	Address 1 (Street): *	Bridge Place
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Galashiels
Fax Number:	<input type="text"/>	Country: *	Scotland
		Postcode: *	TD1 1SN
Email Address: *	admin@aitken-turnbull.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mr & Mrs"/>	Building Name:	<input type="text" value="Oaklands"/>
First Name: *	<input type="text" value="Brian"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Soar"/>	Address 1 (Street): *	<input type="text" value="Cliftonhill"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Ednam"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Kelso"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="TD5 7QE"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:	<input type="text" value="Scottish Borders Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

Nothing	<input type="text" value="637198"/>	Easting	<input type="text" value="374034"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Proposed Building Plot for erection of dwelling house

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Refer to supporting documents

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 the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

At the time of application the houses opposite (14/01220AMC; 14/0134/AMC) were not complete but one is now occupied (Hawthorn House) and the other is in its final stages of construction following which it will also be occupied. These developments result in the two settlements (Ednam & Cliftonhill) are now visibly linked from public views. Furthermore the proposed dwelling will be within the visual umbrella of the new dwellings as it is entirely contained by the massing/cluster.

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. You can attach these documents electronically later in the process: * (Max 500 characters)

Application Form, Layout Plan, Site Photographs, Appeal Statement

Application Details

Please provide details of the application and decision.

What is the application reference number? *

16/01425/PPP

What date was the application submitted to the planning authority? *

11/11/2016

What date was the decision issued by the planning authority? *

09/01/2017

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.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

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

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

A site inspection will give committee members a more informed perspective and context of the application.

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

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: 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. 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.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

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 (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Aitken Turnbull Architects Aitken Turnbull

Declaration Date: 18/01/2017



Newtown St Boswells Melrose TD6 0SA Tel: 01835 825251 Fax: 01835 825071 Email: ITSystemAdmin@scotborders.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100013310-002

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Proposed Building Plot

Is this a temporary permission? *

Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) *

Yes No

Has the work already been started and/or completed? *

No Yes -- Started Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Atken Turnbull Architects		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Atken	Building Name:	<input type="text"/>
Last Name: *	Turnbull	Building Number:	9
Telephone Number: *	01896 752760	Address 1 (Street): *	Bridge Place
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Galashiels
Fax Number:	<input type="text"/>	Country: *	Scotland
		Postcode: *	TD1 1SN
Email Address: *	admin@atken-turnbull.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Mr & Mrs	Building Name:	Oaklands
First Name: *	Brian	Building Number:	<input type="text"/>
Last Name: *	Soar	Address 1 (Street): *	<input type="text"/>
Company/Organisation:	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	Ednam
Extension Number:	<input type="text"/>	Country: *	Scotland
Mobile Number:	<input type="text"/>	Postcode: *	TD5 7QE
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:

Scottish Borders Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

637198

Easting

374034

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

Planning Officer indicated that the proposed site adjacent to Keleden would fail to comply with development plan Policy G8 and proposed Policy PMD4 in that the site is located outwith the development boundary of the village and an exceptional approval cannot be justified.

Title:

Mr

Other title:

First Name:

Barry

Last Name:

Fotheringham

Correspondence Reference Number:

15/01181/PREAPP

Date (dd/mm/yyyy):

20/01/2016

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

0.13

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Grazing / Farmland

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *

Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

Yes No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

- Yes – connecting to public drainage network
 No – proposing to make private drainage arrangements
 Not Applicable – only arrangements for water supply required

As you have indicated that you are proposing to make private drainage arrangements, please provide further details.

What private arrangements are you proposing? *

- New/Altered septic tank.
 Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).
 Other private drainage arrangement (such as chemical toilets or composting toilets).

What private arrangements are you proposing for the New/Altered septic tank? *

- Discharge to land via soakaway.
 Discharge to watercourse(s) (including partial soakaway).
 Discharge to coastal waters.

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *

Drainage from the proposed dwelling house to be taken to a new septic tank with outfall connected to a closed soakaway system and / or existing field drainage system.

Do your proposals make provision for sustainable drainage of surface water?? *
(e.g. SUDS arrangements) *

Yes No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

Yes

No, using a private water supply

No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? *

Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Altken Turnbull

On behalf of: Mr & Mrs Brian Soar

Date: 10/11/2016

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

Yes N/A

A Design Statement or Design and Access Statement. *

Yes N/A

A Flood Risk Assessment. *

Yes N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

Yes N/A

Drainage/SUDS layout. *

Yes N/A

A Transport Assessment or Travel Plan

Yes N/A

Contaminated Land Assessment. *

Yes N/A

Habitat Survey. *

Yes N/A

A Processing Agreement. *

Yes N/A

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name:

Declaration Date:



Erection of Dwellinghouse Oaklands, TD5 7QE Ednam, Scottish Borders

**Statement of Appeal - January 2017
For Mr and Mrs B Soar
Aitken Turnbull Architects**



Contents

- 1.Introduction**
- 2.Reasons for Refusal**
- 3.Grounds of Appeal**
- 4.Conclusion**

Appendices

- 1.Decision Notice**
- 2.Site Plan as submitted**
- 3.Aerial Photograph**
- 4.Public view (pre neighbouring development)**
- 5.Public view (post neighbouring development)**



1.0 Introduction

1.1 This statement of appeal has been prepared by Aitken Turnbull Architects on behalf of the applicant and owner of the site Mr and Mrs Soar, who wish to build and occupy the house themselves.

1.2 The applicants own three other properties in the village, two of which they currently run as a tourism business (let accommodation at River Cottage and The Old Smithy) and the third (Oaklands) they also intend to let as holiday let. They will need a place for them to live in order to carry on the business. As they own a piece of land which is close to the holiday accommodations, which is required for maintenance and running of the business, it was seen as the ideal place to build a dwelling for their own use.

1.3 The proposal (16/01425/PPP) for the new dwelling was lodged on 11th November 2016 with a decision, via delegated powers to refuse the application received on 9th January 2017. As such, we now seek to appeal the decision via the Council's Local Review Body.

1.4 This statement now responds to the reasons for refusal and, where appropriate, cross referring to the delegated officers report, Development Plan and material considerations. The supporting documentation to this appeal are listed



2.0 Reasons for Refusal

2.1 Within the 'Decision Notice' the main reason for refusal was:

The proposals would be contrary to Policy PMD4 of the Scottish Borders Local Development Plan 2016 in that the erection of a dwellinghouse on this site would result in development outwith the development boundary of the village as defined on the settlement profile of Ednam, leading to unjustified encroachment into the open countryside and coalescence with the Cliftonhill building group. The proposed dwelling is not a job generating development in the countryside that has economic justification under Policy ED7 or HD2; it is not an affordable housing development that can be justified in terms of Policy HD1; a shortfall in the provision of an effective 5 year land supply has not been identified and it is not a development that would offer significant community benefits that would outweigh the need to protect the development boundary.

2.2 It is considered important to highlight at this stage key points or observations on the Planning Officer's report. These being that:

Representations

2.3 The officers' report mentions that Roads Planning had no objection to the proposals.

2.4 There was only one letter of objection received. The objector lives in Keleden adjacent to the application site, and the objection related to road traffic.

2.5 There was no representations made by the CC.

2.6 A representation was made by E&LL requiring a contribution of £2718 for the new Kelso High school. The applicant confirmed they would be prepared to enter into a 569 Legal Agreement to allow payment of this contribution at the appropriate time.

Planning Considerations and Policies

2.7 SESPlan Strategic Development Plan. Scottish Borders Consolidated Local Plan and Scottish Planning Policy provide the key policies and which are then supported by the Supplementary Planning Guidance (SPG) and Planning Advice Notes (PAN).

2.8 The local plan is being seen as the primary consideration in the determination of this application.

2.9 It is noted that there is a need for the council to facilitate the delivery of sufficient new housing to meet local needs.

2.10 The plot will be located in such a way that it will be less visible than the properties consented on planning applications 14/01314/AMC and 14/01220/AMC that neighbour it.

2.11 The development will not conflict with the established land use of the area as the area is surrounded by residential dwellings and can easily form part of the overall character of the area.

2.12 The development will not be cramming or overdevelopment in the area. There is sufficient space for the dwelling and much more of the site area will be untouched by the development.

2.13 The development will not result in any significant loss of daylight, sunlight or privacy to the adjoining property such as overshadowing or overlooking.



Other considerations

2.14 It is important to bear in mind that this is an application for planning permission in principle, much more of the detailed design is reserved for a later stage in the planning process.

2.15 The development will maximise the efficient use of energy resources such as the use of Solar PV, will avail of current infrastructure and use sustainable construction techniques.

2.16 The dwelling can be accommodated on site with minimum intervention and will not require any significant engineering works.

2.17 Following consultation with the Roads Department it is agreed that a detailed application will include the requested requirements.

2.18 The dwelling will be a unique design and finished externally in materials, colours and textures which complement the highest quality of architecture.



3.0 Grounds of Appeal

Reason for Refusal

3.1 The reason for refusing the application is outlined in chapter 2. It centres on the belief that the proposal encroaches into the open countryside and that it seeks to bridge the building groups at Ednam and Cliftonhill.

3.2 Our response to the reason for refusal together with the informative leading to the decision forms the 'Grounds of Appeal' and which are now listed below.

Grounds of Appeal

3.3 The settlement boundary of East of Ednam is not set by any strong physical feature and simply follows the garden boundary of Keleden. A more logical boundary exists on the linear fence line between the two fields marked A + B on the attached site plan, and it has been proposed that this edge be planted to provide a reinforced landscaped boundary.

3.4 Both Ednam and Cliftonhill share the same postcodes and we would argue that they are not clearly defined separate settlements.

3.4 The developments created through planning applications 14/01314/AMC and 14/01220/AMC effectively creates a linkage development especially when viewed from the public road (B6461)/accessible countryside, and so we would dispute that there is encroachment into the open countryside or coalescence.

3.5 We would propose that there is a linear building group formed by (West to East) The Old Smithy, River Cottage, Oaklands and Keleden, and that a modest addition would not be out of character nor would be damaging to the open countryside. We consider that appropriate planting could contain the development and prevent any sprawl.

3.6 Whilst there has not been a case presented for economic justification under Policy ED7 or HD2 it is our clients intention to expand their business by adding Oaklands into the letting business as it offers accommodation to larger groups of people that are presently not catered for and they have had a number of enquiries for large groups of people. The business generates employment (cleaners, laundry services, garden and maintenance workers) and the monies are recycled locally.

3.7 The clients do not intend to build a mansion house but rather a modest dwelling to which they will retire. The vernacular would be entirely appropriate in terms of scale and affordability.

3.8 The Council have identified a shortfall in the effective 5 year land supply and any contribution to lessen the shortfall should be supported.



4.0 Conclusion

We believe that the subject site represents a sound location for a new dwelling. It relates well to its immediate surroundings and will avail of existing infrastructure provision and public transport services nearby.

The Community Council offer no objections to the proposal and we believe that the proposal, for reasons outlined in the 'Grounds of Appeal' and Planning Supporting Statement provide more than sufficient evidence to show that following the construction of the houses opposite the site, the reasons for refusal no longer remain valid.

We should add that our client is content to meet the Developer Contributions for the new Kelso High School.

Taking the 'Grounds of Appeal' note within chapter 3 we therefore respectfully request that the appeal be allowed.

Appendix 1



Regulatory Services

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Application for Planning Permission **Reference : 16/01425/PPP**

**To : Mr & Mrs Brian Soar per Aitken Turnbull Architects Ltd 9 Bridge Place Galashiels
 Scottish Borders TD1 1SN**

With reference to your application validated on **11th November 2016** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of dwellinghouse

at : Land East Of Keleden Ednam Scottish Borders

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

**Dated 9th January 2017
 Regulatory Services
 Council Headquarters
 Newtown St Boswells
 MELROSE
 TD6 0SA**

Signed



.....
Chief Planning Officer

APPLICATION REFERENCE : 16/01425/PPP

Schedule of Plans and Drawings Refused:

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

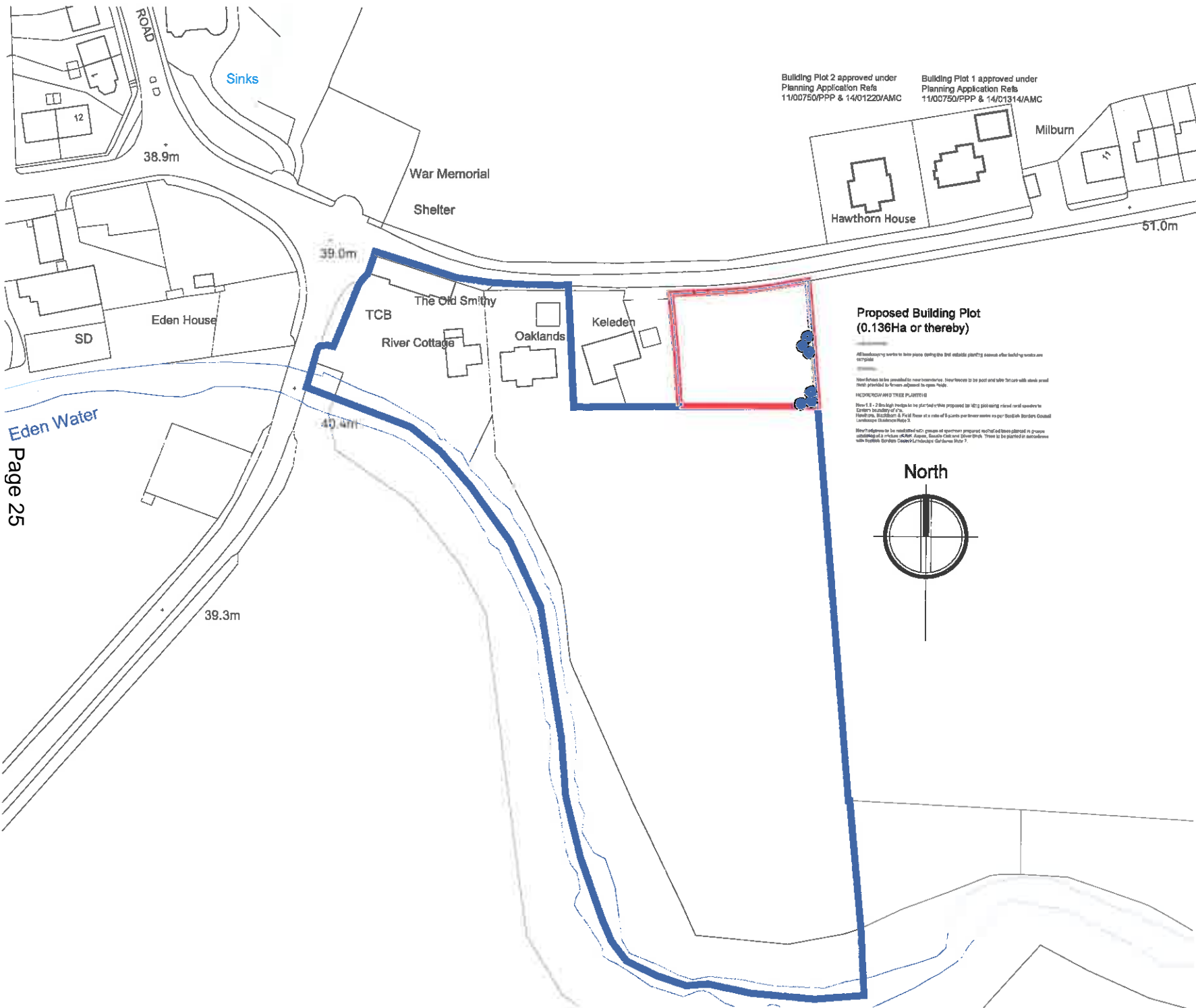
REASON FOR REFUSAL

- 1 The proposals would be contrary to Policy PMD4 of the Scottish Borders Local Development Plan 2016 in that the erection of a dwellinghouse on this site would result in development outwith the development boundary of the village as defined on the settlement profile map for Ednam, leading to unjustified encroachment into the open countryside and coalescence with the Cliftonhill building group. The proposed dwelling is not a job generating development in the countryside that has economic justification under Policy ED7 or HD2; it is not an affordable housing development that can be justified in terms of Policy HD1; a shortfall in the provision of an effective 5 year land supply has not been identified and it is not a development that would offer significant community benefits that would outweigh the need to protect the development boundary.

FOR THE INFORMATION OF THE APPLICANT

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose TD6 0SA.

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



Building Plot 2 approved under Planning Application Refs 11/00750/PPP & 14/01220/AMC

Building Plot 1 approved under Planning Application Refs 11/00750/PPP & 14/01314/AMC

Proposed Building Plot (0.136Ha or thereby)

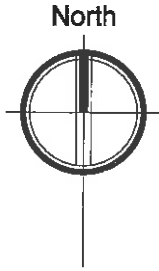
All boundary lines to be placed during the first suitable planting season after building works are complete.

Notes: New fences to be provided for rear boundaries. New fences to be post and rail with steel post and mesh provided for fences adjacent to open fields.

RECOMMENDATION THREE PLANTING

Plant 1 - 2 No. Ash trees to be planted in the proposed 10m wide river bank area to the eastern boundary of the Hawthorn & Field House at a rate of 6 plants per 100m run as per Scottish Borders Council Landscape Guidelines Part 2.

New fences to be installed in 20% of spaces prepared and to be planted in groups according to the following table. Details are on sheet 001. There to be planted in accordance with Scottish Borders Council Landscape Guidelines Part 2.



Reproduced from the Ordnance Survey 1:25000 scale map with the permission of the Controller of Her Majesty's Stationery Office. ORDNANCE SURVEY COPYRIGHT RESERVED. Licence No. 82 721807

Revision	Description	By	Cd
01	Proposed Building Plot Land East of Keledon Ednam		

Proposed Building Plot
Land East of Keledon
Ednam

Location Plan

Scale	Site	Date	Drawn	Checked
1:500	A1	MAY 2016	PG	

ATKEN TURKILL ARCHITECTS
8 Bridge Place
Glasgow
TD1 1BN

01698 752701
enquiries@atken-turkill.co.uk
www.atken-turkill.co.uk

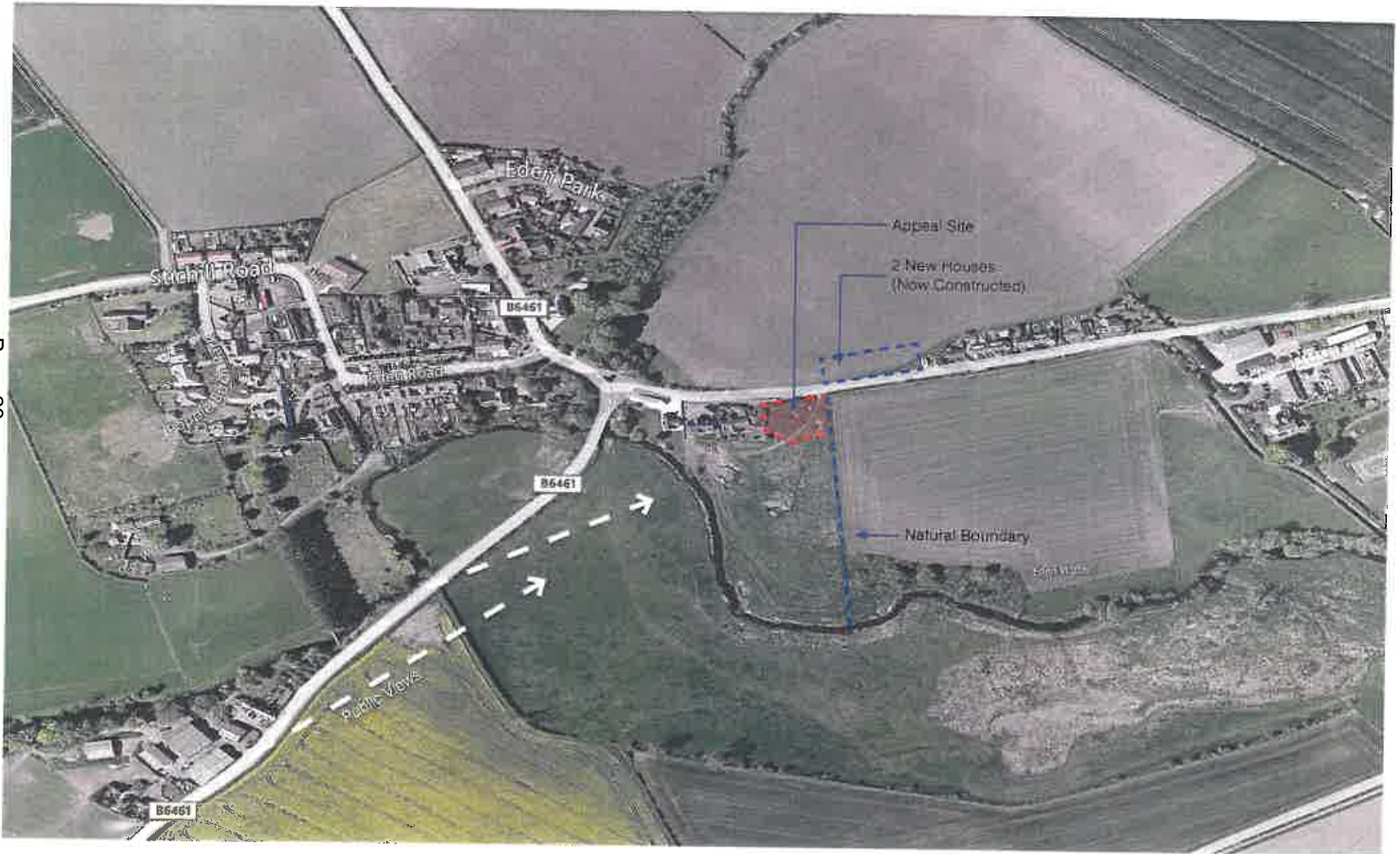
Also at Dumfries & Eberburgh



project no. **AT2748** drawing no. **PP-01**

Appendix 3

Aerial Photograph



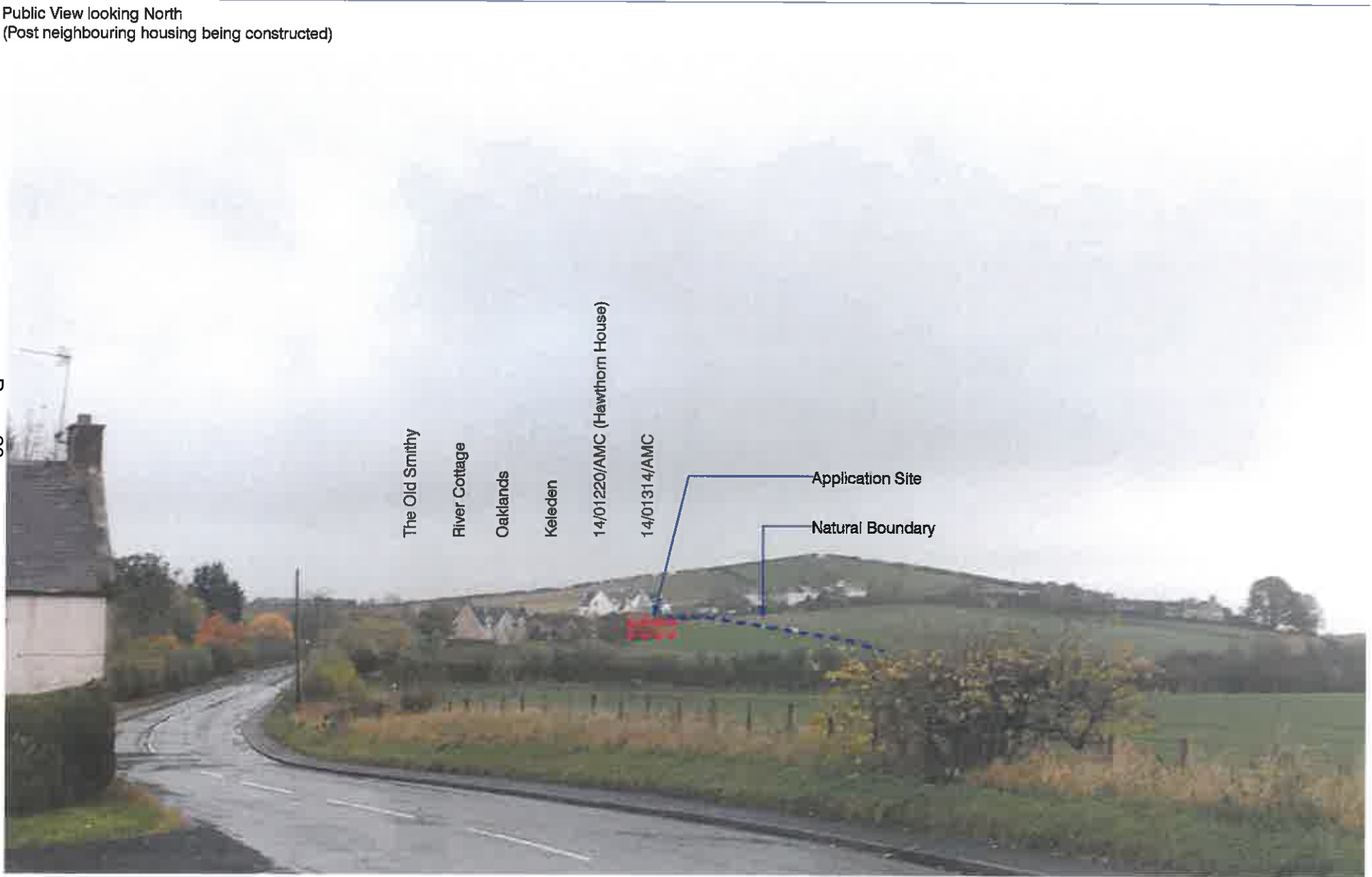
Appendix 4

Public View looking North
(Prior to neighbouring housing being constructed)



Public View looking North
(Post neighbouring housing being constructed)

Page 28



SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 16/01425/PPP
APPLICANT : Mr & Mrs Brian Soar
AGENT : Aitken Turnbull Architects Ltd
DEVELOPMENT : Erection of dwellinghouse
LOCATION: Land East Of Keleden
 Ednam
 Scottish Borders

TYPE : PPP Application

REASON FOR DELAY:

DRAWING NUMBERS:

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

NUMBER OF REPRESENTATIONS: 1
SUMMARY OF REPRESENTATIONS:

RPS: I shall have no objections to this proposal provided the following points are included in any subsequent detailed application:

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

It should be borne in mind that only contractors first approved by the Council may work within the public road boundary.

CC: No response

E&LL: A contribution of £2718 will be sought for the High School.

Third Party Representations

One letter of objection was received in connection with this application. The grounds of objection can be summarised as follows:

- Contrary to Local Plan
- Increased traffic
- Road safety

As before this development is outwith the village boundary with houses being refused permission in the past on this site. This is on a narrow unlit fairly busy road with no passing places. Indeed the last house built on this side of the road was constructed without the stipulated service lay-by contributing to traffic problems.

PLANNING CONSIDERATIONS AND POLICIES:

SBC LDP 2016

Policy PMD4
Policy ED10
Policy HD2
Policy IS5
Policy IS7

Recommendation by - Barry Fotheringham (Lead Planning Officer) on 4th January 2017

This application seeks planning permission in principle for the erection of a dwellinghouse on land to the East of the property known as Keleden, Ednam. The application site is an area of previously undeveloped land which is currently laid to grass and is used as a paddock/storage area by the applicant/landowner. The application site is located on the south side of the minor public road between Ednam and Highridgehall and extends to 0.136 ha or thereby. The nearby properties known as The Old Smithy, River Cottage and Oaklands as well as the land extending south towards the Eden Water, are within the ownership of the applicant. The site is currently defined by road side hedging to the north, a post and wire fence to the east and timber fence and coniferous hedging to the west. The south boundary is currently undefined.

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

This application follows an earlier planning application in principle for the erection of a dwelling on the same site (16/00617/PPP). This application was refused on 29.06.2016 for the following reasons:

The proposals would be contrary to Policy PMD4 of the Scottish Borders Local Development Plan 2016 in that the erection of a dwellinghouse on this site would result in development outwith the development boundary of the village as defined on the settlement profile map for Ednam, leading to unjustified encroachment into the open countryside and coalescence with the Cliftonhill building group. The proposed dwelling is not a job generating development in the countryside that has economic justification under Policy ED7 or HD2; it is not an affordable housing development that can be justified in terms of Policy HD1; a shortfall in the provision of an effective 5 year land supply has not been identified and it is not a development that would offer significant community benefits that would outweigh the need to protect the development boundary.

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

As with the earlier 2016 application, the current proposals have been submitted without additional supporting information that would justify an exceptional approval. In order to qualify as an exceptional approval the proposals must meet one of the four following criteria, provided strong reasons can be given that it is a job generating development that has an economic justification under Policy ED7 - Business, Tourism and

Leisure Development in the Countryside or HD2 - Housing in the Countryside; OR it is an affordable housing development that can be justified under Policy HD1 - Affordable and Special Needs Housing; OR the Council has identified a shortfall through the housing land audit with regards to the provision of an effective 5 year housing land supply; OR the proposed development is considered to offer significant community benefit that would outweigh the need to protect the development boundary. Policy PMD4 also requires the proposals to represent a logical extension of the built up area and to be of an appropriate scale in relation to the size of the settlement. It must not prejudice the character of the settlement and not cause a significant adverse impact on the landscape character of the settlement. Notwithstanding the fact that the proposed development does not meet any of the principal criteria contained within Policy PMD4, the erection of a dwelling on this site may represent a logical extension of the built up area. It would be acceptable in terms of its scale relative to the existing village but it is considered that it would extend the village in a linear fashion along the minor public road towards the Cliftonhill building group. This would be to the detriment of the built up edge of the settlement and would lead to a coalescence of Ednam village with the nearby Cliftonhill building group.

Although not relating specifically to this application site, the planning history associated with the land to the NE of the application site is relevant in this case. Planning permission in principle (11/00750/PPP) was granted for the erection of 2 dwellings on land to the south west of Millburn, Cliftonhill. These dwellings were approved following a successful appeal to the Local Review Body where Members expressed their concerns regarding the coalescence of the group with the village. They were satisfied that the development of two dwellings on land adjacent to Milburn would not result in coalescence with Ednam or constitute an inappropriate form of ribbon development. They agreed that due to the degree of separation from the village and the nature of the existing topography and vegetation, the development was clearly related to the Cliftonhill building group. Members accepted that the group could be added to along the roadside in a sympathetic way and allow the group to be balanced with the two detached houses to the east of the group; "The Seasons" and "Hillend". Detailed planning consent has been granted on both plots and both houses have been constructed. It is clear from the LRB decision that Members were concerned about the potential coalescence of Ednam village with the nearby Cliftonhill building group. Although not directly opposite the dwelling on Plot 2, the proposed dwelling on the current application site would extend the settlement towards Cliftonhill and would remove the degree of separation between the village and Cliftonhill. Members were keen to ensure that Cliftonhill remains detached from the village.

In terms of application consultees, the CC has not responded. Roads Planning have no objections provided a number of points relating to vehicular access and parking are included in any subsequent detailed application. The Director of E&LL advises that a development contribution towards Kelso High School would be required by this development. There is one letter of objection in relation to this application for the owner/occupier of the neighbouring dwelling. The grounds of objection are consistent with his previous objections and can be summarised as follows:

Contrary to Local Plan - outwith the village boundary with houses being refused permission in the past.
Increased traffic

Road safety - the site is on a narrow unlit fairly busy road with no passing places. The last house built on the site of the road was constructed without the stipulated service lay-by.

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

REASON FOR DECISION :

Taking into account the planning history associated with the related sites and the pre-application advice given in relation to the current application site, it is felt that the proposed erection of a dwellinghouse would be contrary to Policy PMD4 of the Local Development Plan 2016 in that it would result in development outwith the development boundary. Furthermore, strong reasons have not been given to justify an exceptional approval. The proposed dwelling is not a job generating development in the countryside, it is not an affordable housing development that can be justified in terms of Policy HD1, a shortfall in the provision of an effective 5 year land supply has not been identified and it is not a development that would offer significant community benefits that would outweigh the need to protect the development boundary.

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

Recommendation: Refused

- 1 The proposals would be contrary to Policy PMD4 of the Scottish Borders Local Development Plan 2016 in that the erection of a dwellinghouse on this site would result in development outwith the development boundary of the village as defined on the settlement profile map for Ednam, leading to unjustified encroachment into the open countryside and coalescence with the Cliftonhill building group. The proposed dwelling is not a job generating development in the countryside that has economic justification under Policy ED7 or HD2; it is not an affordable housing development that can be justified in terms of Policy HD1; a shortfall in the provision of an effective 5 year land supply has not been identified and it is not a development that would offer significant community benefits that would outweigh the need to protect the development boundary.

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

APPLICATION REFERENCE : 16/00617/PPP

Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
AT2748 PP-01	Location Plan	Refused

REASON FOR REFUSAL

- 1 The proposals would be contrary to Policy PMD4 of the Scottish Borders Local Development Plan 2016 in that the erection of a dwellinghouse on this site would result in development outwith the development boundary of the village as defined on the settlement profile map for Ednam, leading to unjustified encroachment into the open countryside and coalescence with the Cliftonhill building group. The proposed dwelling is not a job generating development in the countryside that has economic justification under Policy ED7 or HD2; it is not an affordable housing development that can be justified in terms of Policy HD1; a shortfall in the provision of an effective 5 year land supply has not been identified and it is not a development that would offer significant community benefits that would outweigh the need to protect the development boundary.

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.

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 16/00617/PPP
APPLICANT : Mr & Mrs Brian Soar
AGENT : Aitken Turnbull Architects Ltd
DEVELOPMENT : Erection of dwellinghouse
LOCATION: Land East Of Keleden
Ednam
Scottish Borders

TYPE : PPP Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
AT2748 PP-01	Location Plan	Refused

NUMBER OF REPRESENTATIONS: 1
SUMMARY OF REPRESENTATIONS:

RPS: I shall have no objections to this proposal provided the following points are included in any subsequent detailed application:

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

It should be borne in mind that only contractors first approved by the Council may work within the public road boundary.

CC: No response

E&LL: No response

Other representations

One letter of objection has been received in connection with this application. The objector, who live in Keleden adjacent to the application site, objects on the grounds that permission was previously refused on the site, and traffic is heavy on this stretch of road with few passing places.

PLANNING CONSIDERATIONS AND POLICIES:

SBC LDP 2016

Policy PMD4
Policy ED10
Policy HD2
Policy IS5
Policy IS7

Recommendation by - Barry Fotheringham (Lead Planning Officer) on 28th June 2016

This application seeks planning permission in principle for the erection of a dwellinghouse on land to the East of the property known as Keleden, Ednam. The application site is an area of previously undeveloped land which is currently laid to grass and is used as a paddock/storage area by the applicant/landowner. The application site is located on the south side of the minor public road between Ednam and Highridgehall and extends to 0.136 Ha or thereby. The nearby properties known as The Old Smithy, River Cottage and Oaklands as well as the land extending south towards the Eden Water, are within the ownership of the applicant. The site is currently defined by road side hedging to the north, a post and wire fence to the east and timber fence and coniferous hedging to the west. The south boundary is currently undefined.

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

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

The application has been submitted without additional supporting information that would justify an exceptional approval. In order to qualify as an exceptional approval the proposals must meet one of the four following criteria, provided strong reasons can be given that it is a job generating development that has an economic justification under Policy ED7 - Business, Tourism and Leisure Development in the Countryside or HD2 - Housing in the Countryside; OR it is an affordable housing development that can be justified under Policy HD1 - Affordable and Special Needs Housing; OR the Council has identified a shortfall through the housing land audit with regards to the provision of an effective 5 year housing land supply; OR the proposed development is considered to offer significant community benefit that would outweigh the need to protect the development boundary. Policy PMD4 also requires the proposals to represent a logical extension of the built up area and to be of an appropriate scale in relation to the size of the settlement. It must not prejudice the character of the settlement and not cause a significant adverse impact on the landscape character of the settlement. Notwithstanding the fact that the proposed development does not meet any of the principal criteria contained within Policy PMD4, the erection of a dwelling on this site may represent a logical extension of the built up area. It would be acceptable in terms of its scale relative to the existing village but it is considered that it would extend the village in a linear fashion along the minor public road towards the Cliftonhill building group. This would be to the detriment of the built up edge of the settlement and would lead to a coalescence of Ednam village with the nearby Cliftonhill building group.

Although not relating specifically to this application site, the planning history associated with the land to the NE of the application site is relevant in this case. Planning permission in principle (11/00750/PPP) was granted for the erection of 2 dwellings on land to the south west of Millburn, Cliftonhill. These dwellings were approved following a successful appeal to the Local Review Body where Members expressed their concerns regarding the coalescence of the group with the village. They were satisfied that the development of two dwellings on land adjacent to Millburn would not result in coalescence with Ednam or constitute an inappropriate form of ribbon development. They agreed that due to the degree of separation from the village

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

In terms of application consultees, the CC and E&LL have not responded. Roads Planning have no objections provided a number of points relating to vehicular access and parking are included in any subsequent detailed application.

REASON FOR DECISION :

Taking into account the planning history associated with the related sites and the pre-application advice given in relation to the current application site, it is felt that the proposed erection of a dwellinghouse would be contrary to Policy PMD4 of the Local Development Plan 2016 in that it would result in development outwith the development boundary. Furthermore and strong reasons have not been given to justify an exceptional approval. The proposed dwelling is not a job generating development in the countryside, it is not an affordable housing development that can be justified in terms of Policy HD1, a shortfall in the provision of an effective 5 year land supply has not been identified and it is not a development that would offer significant community benefits that would outweigh the need to protect the development boundary.

Recommendation: Refused

- 1 The proposals would be contrary to Policy PMD4 of the Scottish Borders Local Development Plan 2016 in that the erection of a dwellinghouse on this site would result in development outwith the development boundary of the village as defined on the settlement profile map for Ednam, leading to unjustified encroachment into the open countryside and coalescence with the Cliftonhill building group. The proposed dwelling is not a job generating development in the countryside that has economic justification under Policy ED7 or HD2; it is not an affordable housing development that can be justified in terms of Policy HD1; a shortfall in the provision of an effective 5 year land supply has not been identified and it is not a development that would offer significant community benefits that would outweigh the need to protect the development boundary.

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

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

**Town and Country Planning (Development Management Procedure) (Scotland) Regulations
2008**

Application for Planning Permission

Reference : 11/00750/PPP

**To : Cliftonhill Farm Partnership per AMS Associates Woodside Denholm Roxburghshire
Scottish Borders TD9 8NY**

With reference to your application validated on **26th May 2011** for planning permission under the
Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of two dwellinghouses

at : Land South West Of Cliftonhill Ednam Scottish Borders

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

**Dated 26th September 2011
Planning and Economic Development
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed


.....
Head of Planning and Regulatory Services

APPLICATION REFERENCE: 11/00750/PPP

Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
7040	Location Plan	Refused
7041	Site Plan	Refused
7042	Site Plan	Refused
7043	Site Plan	Refused
7044	Site Plan	Refused
7045	Site Plan	Refused

REASON FOR REFUSAL

- 1 The proposed development would be contrary to Consolidated Scottish Borders Structure Plan 2001 - 2011 Policy H7 (Housing in the Countryside: Buildings Groups), Scottish Borders Consolidated Local Plan Adopted 2011 Policies G8 (Development Outwith Development Boundaries) and D2 (Housing in the Countryside), and the Council's Supplementary Planning Guidance: New Housing in the Borders Countryside (December 2008) in that it would constitute inappropriate housing development in the countryside outwith a settlement boundary and inappropriate ribbon development along the public road and would constitute development outwith the area contained by the sense of place adjacent to a building group that is complete and unable to absorb further residential development, to the detriment of the character of the building group and landscape amenity 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 0SA.

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

SCOTTISH BORDERS COUNCIL

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO THE HEAD OF PLANNING
AND REGULATORY SERVICES**

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 11/00750/PPP
APPLICANT : Cliftonhill Farm Partnership
AGENT : AMS Associates
DEVELOPMENT : Erection of two dwellinghouses
LOCATION: Land South West Of Cliftonhill
Ednam
Scottish Borders

TYPE : PPP Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
7040	Location Plan	Refused
7041	Site Plan	Refused
7042	Site Plan	Refused
7043	Site Plan	Refused
7044	Site Plan	Refused
7045	Site Plan	Refused

NUMBER OF REPRESENTATIONS: 5

SUMMARY OF REPRESENTATIONS:

Five objections have been received in relation to this application.

The objections are summarised as follows:

- The development would lead to an increase in light pollution that would degrade from the character of the village;
- Infrastructure improvements would be required - in particular sewage works, improved drainage, roads improvements and traffic calming measures;
- The blind corner at the bottom of Cliftonhill is prone to flooding and the discharge of water to the road would result in increased flooding;
- Ednam does not have sufficient facilities within the village to accommodate further development;
- The land is prime agricultural land and should not be developed on - manure was dumped on this land at the beginning of 2011 at the time when the planning application claimed it was not suitable for farming. The granting of permission may result in precedence being set for residential development on prime agricultural land;
- The development would result in disturbance to local wildlife;
- Alternative sites may be more appropriate;
- Building closer to Birgham is more appropriate as there are more adequate facilities;
- The proposal should be more acceptable to the needs of the local community;

- The proposed plot 1 would enclose the property of Millburn (No 11);
- The plots would extend the size of Cliftonhill considerably;
- The applicant may submit further applications for additional houses at a later date;
- The privacy of the property at No11 would be affected. Anything higher than one storey would impact on the privacy of No11;
- The policy information listed on the supporting statement is no longer relevant and the housing shortfall mentioned by the applicant has been met through the recent alteration to the local plan;
- The land has not been identified for housing as part of the Local Plan;
- The building group is substantially complete and not suitable for further extensions;
- The proposal is linear / ribbon development;
- It is difficult to access the level of landscape and visual impact of this proposal due to the absence of detailed plans;
- The frontage of the proposed properties (combined) is in the region of 60m;
- The application for two properties on the grounds of balancing the existing two detached properties at the eastern end of the settlement is one too many.

Applicant's Supporting Information

A Supporting Statement has been submitted by the applicant. The supporting statement quotes a number of national, regional and local planning policies and raises the following planning issues:

- There are at present 11 properties occupied, two of which are separate from the terrace at the eastern edge;
- The proposed development would be formed within an existing group providing a natural extension to the group with the proposed dwellings keeping the same front elevation line. As the proposal is for two units this balances the development with the two detached properties at the eastern edge of the settlement, which has no development boundary;
- The nearest settlement is the village of Ednam, which is 250m centre to centre;
- The area of field proposed to build on is used for the storage of fertilizer due to the poor nature of the ground in this corner of the field. It also forms the access into the field;
- The existing terrace has 2 houses built on the eastern edge, which this proposal would complement by balancing the settlement and providing a balanced design;
- The proposal does not create ribbon development as the proposed development would be at an angle to the public road with soft landscaping;
- The proposal does not constitute coalescence of a group with a nearby settlement;
- The development would constitute an acceptable small scale round-off to the building group, reflects and respects the character, cohesiveness, spacing and amenity of the existing group and houses within the group;
- The development does not create an inappropriate intrusion into a previously undeveloped field or overwhelm their landscape setting due to its proposed setting;
- The development does not impact on mature trees, conflict with adjacent land uses and is serviceable by the local road network without the need for improvements and upgrades, which would be out of keeping with the character of the housing group or countryside;
- The access proposed would be by the existing field access and would service the 2 properties entailing one entry onto the public road;
- Surface and foul water drainage would be to a new on-site septic tank;
- The design and materials of the proposed houses would fit into the countryside setting with dry dash render, slate or tile roofs and timber windows. Landscaping would be carried out.

The Statement concludes that the proposal for 2 dwellings on that site is within a group of buildings all presently occupied and provides the basis to develop a number of units in keeping with the properties which presently exist, and that a balanced design is created with the 2 properties on the eastern side of the boundary.

The agent has submitted a letter in response to the Roads Planning Service comments. The letter is summarised as follows:

- The agent questions why there is a requirement widening of carriageway, constructing a footpath and the addition of street lighting.
- The visibility splay of 2.40m x 70m is achievable without the removal of existing hedging.
- All surface and foul water drainage will be contained within the site and surrounding land.

Consultations

Community Council: The Community Council regard this as infill and not ribbon development.

Roads Planning Service: I have several concerns regarding this application:

- The site is outwith the settlement boundary and is somewhat detached from it despite it being relatively close to it. If there is to be additional development on this side of the village then it should not be without proper infrastructure being put in place i.e. carriageway widening and footway provision including street lighting.
- When considering the access proposed to the site, the applicant has indicated that the new access will utilise an existing access. However, the existing access appears to be adjacent to the existing garage adjacent to plot 1, not at the south west end of the site as indicated on the submitted plans.
- To achieve the required visibility of 2.4m x 70m in either direction at the junction with the public road may require the removal of the existing mature hedging.
- With regards to the drainage of the site, the application form states that the surface water is to be taken to the existing roadside drainage. We would not be prepared to accept any drainage into our existing system which may cause the system to overload. However, when you read the supporting statement, it states that the surface drainage is to be taken to a new septic tank. This conflicts with the information on the application form.

I have to recommend against the proposal at this time.

Director of Education and Lifelong Learning: There is no requirement for an education contribution.

PLANNING CONSIDERATIONS AND POLICIES:

Consolidated Scottish Borders Structure Plan 2001- 2018

H7 - Housing in the Countryside: Building Groups

Consolidated Scottish Borders Local Plan (Adopted 2011)

G1 - Quality Standards for New Developments

G5 - Developer Contributions

D2 - Housing in the Countryside

H2 - Protection of Residential Amenity

Inf4 - Parking Provisions and Standards

Supplementary Planning Guidance New Housing in the Borders Countryside December 2008

Recommendation by - Colm McKee (Planning Officer) on 22nd September 2011

This is an application for planning permission in principle for the erection of two dwellinghouses at land south west of Cliftonhill, Ednam. As the application is for permission in principle only, detailed plans have not been submitted.

The proposed materials are brick and render for walls, slates or tiles for roofs and sash and case windows. The application states each dwelling will have parking space for 2No cars.

Site description

The site is situated on land at Cliftonhill Farm, approximately 150 m to the east of Ednam on the Ednam to Highridgehall road. The area of the site is approximately 0.49 acres.

The site is bound to the south by the roadside. There is boundary hedging along the southern boundary. There is no physical boundary to the north of the site. The site is bound to the east by the properties at Cliftonhill Cottages. There are no physical boundaries to the east and north of the site, beyond which is agricultural land.

Planning History

The site and adjacent land has been subject to a number of previous planning applications:

99/00957/OUT: Residential Development (30 Dwellings on 2.5 acre site) - Committee Decision: Refused (08.11.1999). The applicant appealed the decision and the appeal was dismissed. The Reporter stated the reason for refusal was "the proposal would be contrary to policy 5 of the Roxburgh Local Plan in that it would constitute housing development in the countryside outwith any recognised settlement or building group and the need for the houses has not been adequately substantiated."

01/00782/OUT: Residential Development (30 dwelling on 2.5 acre site) - Committee Decision: Refused (08.10.2001). The application was refused by the Committee for the following reason "the proposal would be contrary to policy 5 of the Roxburgh Local Plan in that it would constitute housing development in the countryside outwith any recognised settlement or building group and the need for the houses has not been adequately substantiated."

04/02140/OUT: Residential Development (0.85 acres site - site to the west of the existing application site.): Committee Decision: Refused (04.07.2005). The application was refused for the following reason: "The proposal would be contrary to policy 5 of the Roxburgh Local Plan in that it would constitute housing development in the countryside outwith any recognised settlement or building group and the need for the houses has not been adequately substantiated."

Planning Policies

The proposal must be assessed against the relevant Structure Plan and Local Plan policies:

The site is outwith the Ednam Development Boundary and therefore must be assessed against policy G8 of the Scottish Borders Consolidated Local Plan (Adopted 2011). Policy G8 states that where Development Boundaries are defined on Proposals Maps, they indicate the extent to which towns and villages should be allowed to expand during the Local Plan period. Development should be contained within the Development Boundary and proposals for new development outwith this boundary and not on allocated sites identified on the proposals maps will normally be refused.

This is a proposal for development outwith a settlement boundary on a non-allocated site and therefore the proposal would be contrary to policy G8. Policy G8 states that exceptional approvals may be granted provided strong reasons can be given. These are as follows:

1. it is a job-generating development in the countryside that has an economic justification under Policy D1 or D2, OR

2. it is an affordable housing development that can be justified under in terms of Policy H1, OR
3. there is a shortfall identified by Scottish Borders Council through the housing land audit with regard to the provision of an effective 5 year housing land supply, OR
4. It is a development that it is considered would offer significant community benefits that outweigh the need to protect the Development Boundary.

AND the development of the site:

5. represents a logical extension of the built-up area, and
6. is of an appropriate scale in relation to the size of the settlement, and
7. does not prejudice the character, visual cohesion or natural built up edge of the settlement, and
8. does not cause a significant adverse effect on the landscape setting of the settlement or the natural heritage of the surrounding area.

The decision on whether to grant exceptional approvals will take account of:

1. any indicators regarding restrictions on, or encouragement of, development in the longer term that may be set out in the settlement profile in Section 5;
2. the cumulative effect of any other developments outwith the Development Boundary within the current Local Plan period;
3. the infrastructure and service capacity of the settlement.

No supporting information has been submitted by the applicant or agent to demonstrate that the proposed two dwellinghouses are required in connection with any business or job-generating development and no reference has been made to an economic justification for the houses under policy D1 or D2 of the Local Plan. No information has been submitted to demonstrate that the proposed housing would be affordable housing in terms of the Council's definition of affordable housing and therefore the proposal cannot be justified under policy H1. There has been no justification detailing significant community benefits that would outweigh the need to protect the Development Boundary. It is therefore considered that there are no reasons to justify this proposal as an exception to policy G8. The proposal would not represent a logical extension to the built up area. It is considered that the proposal does not comply with policy G8.

As the development would be outwith the development boundary of Ednam the proposal has to be assessed against the Council's housing in the countryside policies.

Policy H7 Housing in the Countryside - Building Groups of the Consolidated Scottish Borders Structure Plan states that proposals for new housing in the countryside outwith settlements identified in the Local Plan but associated with existing building groups will be supported where they fit the character of the adjacent group and the surrounding area, and avoid overdevelopment.

Policy D2: Housing In the Countryside of the Scottish Borders Consolidated Local Plan Adopted 2011 states that 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.

Policy D2 (A) Building Groups states that 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.

The Council's Supplementary Planning Guidance New Housing in the Borders Countryside encourages new housing development in appropriate locations. All applications for new houses at existing building groups will be tested against an analysis of:

- a) the presence or, otherwise of a group; and
- b) the suitability of that group to absorb new development.

The Supplementary Planning Guidance states that sites should not normally break into previously undeveloped fields particularly where there exists a definable natural boundary between the existing group and field. The scale and siting of new development should reflect and respect the character and amenity of the building group and new development should be limited to an area contained by that sense of place. Any new build should be located within a reasonable distance of the existing properties within the building group, the distance between the existing properties and new build should be guided by the spacing between the existing properties and the group. Existing groups may in themselves be complete, such as terraces of farm cottages and may not be suitable for further additions. Extensions of ribbon development along public roads will not normally be permitted. There will be a presumption against development which would result in the coalescence of a group with a nearby settlement.

It is accepted that there is a building group at Cliftonhill as there are more than three existing houses. The building group is characterised by a mix of detached and terraced properties. The proposal for two dwellinghouses would not exceed two dwellings or a 30% increase in addition to the group during the Local Plan period.

The site would break into an undeveloped field, although there is only a fence between the site and neighbouring property. The site is part of a large agricultural field and so it can be argued that it is not within the area contained by the sense of place relating to the building group. The site is well related to the existing building group but it has a wide road frontage and the indicative layout plan shows that the proposal would not mirror the two detached houses at the eastern end of the building group. Instead, it would constitute ribbon development along the public road towards Ednam and the properties to the south west within the development boundary.

It is considered that given the size of the building group and its proximity to Ednam, this building group is complete and is not suitable to absorb new development and there is no scope for further additions on the western edge of it. Further encroachment along the public road would eventually result in a coalescence of the building group with the settlement. In this instance the proposal would result in an adverse cumulative impact on the character of the building group and on the landscape amenity of the area and therefore does not comply with Policy D2 (A).

The Planning Authority has resisted residential development within this field between Ednam and Cliftonhill in the past, as the planning history shows. Although approval of this application would not result in direct settlement coalescence, it must be noted that approval would bring development closer to Ednam Village; this continuation of ribbon development would increase in the potential for Ednam and Cliftonhill to be joined and this should be resisted.

The indicative site layout drawing shows that the garden of plot 1 would extend around to the rear of no.11 Cliftonhill Cottages. This is considered to be an unsatisfactory planning layout that has the potential to affect

the residential amenities of the occupants of this property and so be contrary to policy H2 of the Scottish Borders Consolidated Local Plan.

For the reasons outlined above the proposal is considered to be contrary to the Consolidated Structure Plan policy H7, the Consolidated Local Plan policy D2 and the Supplementary Planning Guidance New Housing in the Borders Countryside (2008).

At present the Roads Planning Service objects to the proposal. A number of amendments have been outlined in order to support the proposal. As the Planning Authority are minded to refuse this proposal, at this stage the authority have not requested amended details identified by the Roads Planning Service. The agent has responded to some of the issues raised by the Roads Planning Service, however all the issues raised have not been addressed in full. The Roads Planning Service has advised that street lighting would be required in relation to this proposal. As the building group at Cliftonhill is outwith the development boundary of Ednam the introduction of street lighting in this rural area would be resisted due to the impact this would have on the rural nature of the area.

In terms of developer contributions, there is no requirement for education provision. There is a requirement for affordable housing however as the application is being recommended for refusal, the contribution is not requested. Had the application been recommended for approval, the contribution requirement would have been £3875.

REASON FOR DECISION :

The proposed development would be contrary to Consolidated Scottish Borders Structure Plan 2001 - 2011 Policy H7 (Housing in the Countryside: Buildings Groups), Scottish Borders Consolidated Local Plan Adopted 2011 Policies G8 (Development Outwith Development Boundaries) and D2 (Housing in the Countryside), and the Council's Supplementary Planning Guidance: New Housing in the Borders Countryside (December 2008) in that it would constitute inappropriate housing development in the countryside outwith a settlement boundary and inappropriate ribbon development along the public road and would constitute development outwith the area contained by the sense of place adjacent to a building group that is complete and unable to absorb further residential development, to the detriment of the character of the building group and landscape amenity of the area.

Recommendation: Refused

- 0 The proposed development would be contrary to Consolidated Scottish Borders Structure Plan 2001 - 2011 Policy H7 (Housing in the Countryside: Buildings Groups), Scottish Borders Consolidated Local Plan Adopted 2011 Policies G8 (Development Outwith Development Boundaries) and D2 (Housing in the Countryside), and the Council's Supplementary Planning Guidance: New Housing in the Borders Countryside (December 2008) in that it would constitute inappropriate housing development in the countryside outwith a settlement boundary and inappropriate ribbon development along the public road and would constitute development outwith the area contained by the sense of place adjacent to a building group that is complete and unable to absorb further residential development, to the detriment of the character of the building group and landscape amenity of the area.

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

**SCOTTISH BORDERS COUNCIL
LOCAL REVIEW BODY DECISION NOTICE**

**APPEAL UNDER SECTION 43A (8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND)
ACT 1997**

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

Local Review Reference: 11/00044/RREF

Planning Application Reference: 11/00750/PPP

Development Proposal: Erection of two dwellinghouses

Location: Land South West of Cliftonhill, Ednam

Applicant: Cliftonhill Farm Partnership

Date Review Received: 21/12/11

DECISION

The Local Review Body stated in its Intentions Notice of 29 March 2012 it was minded to reverse the decision of the appointed officer and grant planning permission subject to conditions and a legal agreement, as specified in this notice.

The necessary legal agreement has now been concluded and the decision can now be issued.

DEVELOPMENT PROPOSAL

The application is for the erection of two dwellinghouses on land south west of Cliftonhill, Ednam. The application drawings consisted of the following drawings:

Plan Type	Plan Reference No.
Location Plan	7040
Site Plan	7041
Site Plan	7042
Site Plan	7043
Site Plan	7044
Site Plan	7045

PRELIMINARY MATTERS

The application was presented to the Local Review Body at its meeting on 20th February 2012. After examining the review documentation, which included: (a) Decision Notice, (b) Notice of Review and supporting papers, (c) Report of Handling, (d) Correspondence from Objectors, (e) Correspondence from Consultees and (f) List of Policies, Members considered that they had sufficient information to conclude the review and that further procedure was not required. In coming

to this conclusion, members considered the applicant's request for further procedure in the form of a site visit and written representations.

The Review Body noted that new evidence in the form of Drawings No. Fig 1 & Fig 2 had been lodged by the applicant but had not been before the appointed officer when the application was determined. There was also reference in the Notice of Review to additional information on housing figures and the purpose of the proposal as an enabling development for Cliftonhill Farm Partnership.

The Review Body considered the terms of Section 43 B of the Act. They concluded that the appellant had not demonstrated that the new material could not have been raised before that time, nor, that its not being raised before that time was as a consequence of exceptional circumstances. The material was therefore not properly submitted and was not considered by the Review Body in their determining of the review.

The Local Review Body considered the Review competently made under section 43A (8) of the Town & Country Planning (Scotland) Act 1997.

REASONING

The determining issues in this review were:

- (1) whether the proposal would be in keeping with the Development Plan, and
- (2) whether there were any material considerations which would justify departure from the Development Plan.

The Development Plan comprises: consolidated Scottish Borders Structure Plan 2001-2018 and consolidated Scottish Border's Local Plan 2011. The Review Body considered that the most relevant of the listed policies were:

- Structure Plan Policies: H7 & E1
- Local Plan Policies: G1, G5, G8, H2, R1, D2 & INF4

Other material key consideration the Local Review Body took into account related to:

- Supplementary Planning Guidance on Placemaking & Design 2010
- Supplementary Planning Guidance on Developer Contributions 2011
- Supplementary Planning Guidance on New Housing in the Borders Countryside 2008

The Local Review Body noted that the site lay approximately 125m from the eastern extent of the settlement boundary of Ednam. Members considered that whilst the appointed officer had referred to Policy G8 – Development Outwith Development Boundaries in the Report of Handling, as the site was some distance from the settlement, the housing in the countryside policies H7 and D2 were more relevant to their consideration of the case. In this respect, the Review Body was content that a building group existed at Cliftonhill, consisting of 11 properties along the northern side of the minor public road from Hillend in the west, to Milburn in the east.

The Review Body accepted that the addition of a further two houses would not exceed the 30% rule identified in Policy D2 and that no evidence had been presented to determine that the group had been declared complete. In their view, the group had the potential for further housing development. Members' deliberations, thereafter, focussed on whether the development was a suitable addition to the group and whether there was sufficient justification to break into the undeveloped field adjoining the site.

After considering the later at length, the Review Body concluded that the field adjoining Cliftonhill was contained within its sense of place and that a detailed landscaping plan could be developed to ensure that the new housing integrated into the surrounding landscape, maintained a visual separation from the village and provided definition to the edge of the group. Indeed, Members felt

that there was an opportunity to enhance the western edge of the group through the development and associated landscaping.

Members were satisfied that the development would not result in coalescence with Ednam or constitute inappropriate ribbon form of development. They agreed that due to the degree of separation from the village and the nature of the existing topography and vegetation, the development was clearly related to the Cliftonhall building group. Members accepted that the group could be added to along the roadside in a sympathetic way and that the development would allow a balancing of the form of the group with the two detached houses to the east of the group; known as "The Seasons" and "Hillend".

However, with the addition of the two new houses, it was also the Review Body's opinion that the group would be complete and that further development should be resisted.

Members noted that the site was classified as prime quality land and that Policies E1 and R1 were relevant to their deliberations. On reflection, they felt that in its current condition the land was of limited agricultural value and that the loss of such a small area of land was not sufficient justification to refuse the application.

The Review Body acknowledged the concerns expressed by the Roads Planning Officer regarding the need to provide a pedestrian route back to the village from the development site. However, they did not consider that it was appropriate or reasonable that this be an adoptable footpath along the public road side or that it have street lighting. They considered that an access route within the boundary of the field adjoining the site, with gated access at each end should be made available. There was no requirement that this footpath be surfaced in any way. Members noted that this land was in the control of the applicant.

The Review Body was satisfied that a suitable access could be provided to serve the development and that this would not involve the removal of the hedgerow, which formed the roadside boundary to the land and which was an attractive feature that should be retained.

CONDITIONS

1. No development shall commence until the details of the layout, siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site have been submitted to and approved in writing by the Planning Authority.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. Application for approval of matters specified in the conditions set out in this decision shall be made to the Planning Authority before whichever is the latest of the following:
(a) the expiration of three years from the date of this permission, or
(b) the expiration of six months from the date on which an earlier application for approval of matters specified in the conditions set out in this decision notice was refused or dismissed following an appeal.
Only one application may be submitted under paragraph (b) of this condition, where such an application is made later than three years after the date of this consent.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
3. No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the Planning Authority. Thereafter the development shall only take place except in strict accordance with the details so approved.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

4. Prior to the commencement of the development, a details of the proposed site access to be submitted to and approved by the Planning Authority. The proposed access to the site to incorporate measures to prevent the free flow of water onto the public road. Provision to be made off-street parking and vehicular access to the adjoining properties at Cliftonhill. Parking and turning for two vehicles, excluding garages, must be provided within the each plot before the dwellinghouse on that plot is occupied and retained in perpetuity.
Reason: In the interests of road safety.

5. The means of water supply and of both surface water and foul drainage to be submitted for the approval of the Local Planning Authority.
Reason: To ensure that the site is adequately serviced.

6. No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the planning authority. Details of the scheme shall include (as appropriate):
 - i. Details of a planted zone along the western boundary of the site and to the boundary with the settlement of Ednam
 - ii. existing and finished ground levels in relation to a fixed datum preferably ordnance
 - iii. existing landscaping features and vegetation to be retained and, in the case of damage, restored
 - iv. location and design, including materials, of walls, fences and gates
 - v. soft and hard landscaping works
 - vi. existing and proposed services such as cables, pipelines, sub-stations
 - vii. other artefacts and structures such as street furniture, play equipment
 - viii. A programme for completion and subsequent maintenance.
 Reason: To ensure the satisfactory form, layout and assimilation of the development into the countryside and provide an appropriate landscaped framework to define the western edge of the building group.

7. Prior to the commencement of the development, a scheme for the provision of a pedestrian access route from the application site to Ednam, which runs through the field to the west of the application site and incorporates suitable field gates at each end, to be submitted to and approved planning authority. Thereafter the access route shall be provided and retained for use thereafter.
Reason: to ensure that a safe pedestrian route is available for residents between Cliftonhill and Ednam village.

INFORMATIVE

The Local Review Body in considering the case has come to the conclusion that the building group at Cliftonhill is now complete and that further expansion of the group, beyond that now approved, would not be appropriate or consistent with Council's policies and guidance on housing in the countryside.

SECTION 75 AGREEMENT

The Local Review Body required that a Section 75 Agreement or other suitable legal agreement be entered into regarding payment of financial contribution towards the provision of affordable housing.

CONCLUSION

After considering all relevant information, the Local Review Body concluded that the development was consistent with the Development Plan and that there were no other material considerations that would justify departure from the Development Plan.

Notice Under Section 21 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2008.

1. If the applicant is aggrieved by the decision of the planning authority to refuse 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 question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.

2. If permission to develop land is refused or granted subject to conditions 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 of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

Signed.....
Chairman of the Local Review Body

Date: 5 June 2012

REGULATORY SERVICES



To: **Development Management Service**
FAO Barry Fotheringham

Date: 6 Dec 2016

From: **Roads Planning Service**
Contact: **Keith Patterson**

Ext: 6637

Ref: 16/01425/PPP

Subject: Erection of Dwellinghouse, Land East of Keleden, Ednam.

I shall have no objections to this proposal provided the following points are included in any subsequent detailed application:

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

It should be borne in mind that only contractors first approved by the Council may work within the public road boundary.

KJP

PLANNING CONSULTATION

On behalf of: Director of Education & Lifelong Learning

From: Head of Property & Facilities Management
Contact: Marc Bedwell, ext 5242

To: Head of Planning & Building Standards
Contact: Barry Fotheringham ☎ 01835 826745

Date: 19 January 2017
Ref: 16/01425/PPP

PLANNING CONSULTATION

Name of Applicant: Mr & Mrs Brian Soar

Agent: Aitken Turnbull Architects Ltd

Nature of Proposal: Erection of dwellinghouse
Site: Land East Of Keleden, Ednam Scottish Borders

OBSERVATIONS ON BEHALF OF: Director of Education & Lifelong Learning

CONSULTATION REPLY

I refer to your request for Education's view on the impact of this proposed development, which is located within the catchment area for Ednam Primary School and Kelso High School.

A contribution of £2718 will be sought for the High School.

Kelso High School

We are in the process of constructing the New Kelso High school on an identified site on the edge of the town. Construction is planned to start in 2016.

Consequently, contributions towards the capital costs of construction will be sought in every instance from residential planning applications. A 10 year spend deadline is required to enable the identification, programming and implementation of optimal solutions. If not dispersed within this timeframe for the purpose collected, relevant contributions will be returned with the addition of stipulated interest.

This contribution should be paid upon receipt of detailed planning consent but may be phased subject to an agreed schedule.

Please note that the level of contributions for all developments will be reviewed at the end of March each year and may be changed to reflect changes in the BCIS index – therefore we reserve the right to vary the level of the contribution if the contribution detailed above is not paid before 1 April 2017.

If you require any further information, please do not hesitate to contact me.

Comments for Planning Application 16/01425/PPP

Application Summary

Application Number: 16/01425/PPP

Address: Land East Of Keleden Ednam Scottish Borders

Proposal: Erection of dwellinghouse

Case Officer: Barry Fotheringham

Customer Details

Name: Mr Bill Bathgate

Address: Keleden C46 B6461 In Ednam To A698 At Edenhall, Scottish Borders, Kelso, Scottish Borders TD5 7QL

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Increased traffic
- Road safety

Comment:As before this development is outwith the village boundary with houses being refused permission in the past on this site. This is on a narrow unlit fairly busy road with no passing places. Indeed the last house built on this side of the road was constructed without the stipulated service lay-bye contributing to traffic problems.

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LIST OF POLICIES

Local Review Reference: 17/00001/RREF

Planning Application Reference: 16/01425/PPP

Development Proposal: Erection of dwellinghouse,

Location: Land East of Keleden, Ednam

Applicant: Mr & Mrs Brian Soar

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 PMD4: DEVELOPMENT OUTWITH DEVELOPMENT BOUNDARIES

Where Development Boundaries are defined on Proposals Maps, they indicate the extent to which towns and villages should be allowed to expand during the Local Plan period. Development should be contained within the Development Boundary and proposals for new development outwith this boundary, and not on allocated sites identified on the proposals maps, will normally be refused.

Exceptional approvals may be granted provided strong reasons can be given that:

- a) it is a job-generating development in the countryside that has an economic justification under Policy ED7 or HD2, OR
 - b) it is an affordable housing development that can be justified under in terms of Policy HD1,
- OR
- c) there is a shortfall identified by Scottish Borders Council through the housing land audit with regard to the provision of an effective 5 year housing land supply, OR
 - d) it is a development that it is considered would offer significant community benefits that outweigh the need to protect the Development Boundary.

AND the development of the site:

- a) represents a logical extension of the built-up area, and
- b) is of an appropriate scale in relation to the size of the settlement, and
- c) does not prejudice the character, visual cohesion or natural built up edge of the settlement, and
- d) does not cause a significant adverse effect on the landscape setting of the settlement or the natural heritage of the surrounding area.

The decision on whether to grant exceptional approvals will take account of:

- a) any indicators regarding restrictions on, or encouragement of, development in the longer term that may be set out in the settlement profile;
- b) the cumulative effect of any other developments outwith the Development Boundary within the current Local Plan period;
- c) the infrastructure and service capacity of the settlement.

POLICY ED10: PROTECTION OF PRIME QUALITY AGRICULTURAL LAND AND CARBON RICH SOILS

Development, except proposals for renewable energy development, which results in the permanent loss of prime quality agricultural land or significant carbon rich soil reserves, particularly peat, will not be permitted unless:

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

Proposals for renewable energy development, including proposals for wind energy development, will be permitted if they accord with the objectives and requirements of policy ED9 on renewable energy development.

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 scale, 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 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 IS5: PROTECTION OF ACCESS ROUTES

Development that would have an adverse impact upon an access route available to the public will not be permitted unless a suitable diversion or appropriate alternative route, as agreed by the Council, can be provided by the developer.

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.

OTHER MATERIAL CONSIDERATIONS

- Scottish Planning Policy
- SBC Supplementary Planning Guidance on Development Contributions 2015
- SBC Supplementary Planning Guidance on New Housing in the Borders Countryside 2008
- SBC Supplementary Planning Guidance on Placemaking & Design 2010
- SBC Supplementary Planning Guidance on Householder Development 2006

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Rec'd. 9/2/17
(by hand)



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: Failure to supply all the relevant information could invalidate your notice of review.

Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)

Agent (if any)

Name

Name

Address

Address

Postcode

Postcode

Contact Telephone 1

Contact Telephone 1

Contact Telephone 2

Contact Telephone 2

Fax No

Fax No

E-mail*

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 type="checkbox"/> | <input checked="" 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:

The site is part of a smallholding and there are animals present.

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.

The application follows a series of unsuccessful applications for similar buildings. The current request for a local review is for a building that is sited much lower down the site than the previous proposals, enabling the building to have a lesser impact in its rural setting.

The applicant manages the small-holding at Kirkburn and also controls some of the neighbouring ground. The building is to provide a safe and settled environment for 'bringing-on' pedigree and store cattle. The building is designed to maximise the ability to produce food within the small-holding. The building is also sited where it is possible to service the building at the least expense.

A professional business plan has been prepared and this is attached. It is felt that the local authority have not taken this into account previously and that the business plan proves that the project can be a viable and sustainable business, supporting its key-worker on an annual basis.

A small welfare units is also proposed which is a mandatory requirement by the HSE for workers within a farm or small-holding.

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.

Although the business plan was not submitted with the application currently under review, it was submitted with an application made in 2016, namely 16/00114/FUL. The plan was professionally prepared, but the planning officer has chosen to disregard the content of the business plan despite the proposed use being entirely appropriate and symbiotic for a small-holding.

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.

Fattening Cows Business Plan Copy of Refusal Notice Copy of Drawings 196 70 & 196 71
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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

--	--

Date

7/2/17

The Completed form should be returned to the Head of Corporate Administration, Scottish Borders Council, Council Headquarters, Newtown St. Boswells TD6 0SA.

[XPCU - name this one]



Regulatory Services

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Application for Planning Permission Reference : 16/01422/FUL

To : Cleek Poultry Ltd The Tractor Shed Scottish Borders Kirkburn Cardrona Peebles


With reference to your application validated on 10th November 2016 for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of cattle building with welfare accommodation

at : Field No 0328 Kirkburn Cardrona Scottish Borders

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

Dated 10th January 2017
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA

Signed 
.....
Chief Planning Officer

APPLICATION REFERENCE : 16/01422/FUL**Schedule of Plans and Drawings Refused:**

Plan Ref	Plan Type	Plan Status
19670	Site Plan	Refused
19671	Elevations	Refused

REASON FOR REFUSAL

- 1 The application is contrary to Policies PMD2, EP5 and ED7 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape.
- 2 The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that there is an overriding justification for the proposed building that would justify an exceptional permission for it in this rural location and, therefore, the development would appear as unwarranted development in the open countryside. The proposed building is not of a design or scale that appears suited either to the proposed use for which it is intended or the size of the holding on which it would be situated, which further undermines the case for justification in this location.
- 3 The application is contrary to Policy EP8 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that the building would not have an adverse impact on the setting of the archaeological site of Our Lady's Church and Churchyard adjoining the application site.
- 4 The application is contrary to Policy ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety.

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/>

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

REFUSED

subject to the
requirements of the
associated Decision
Notice

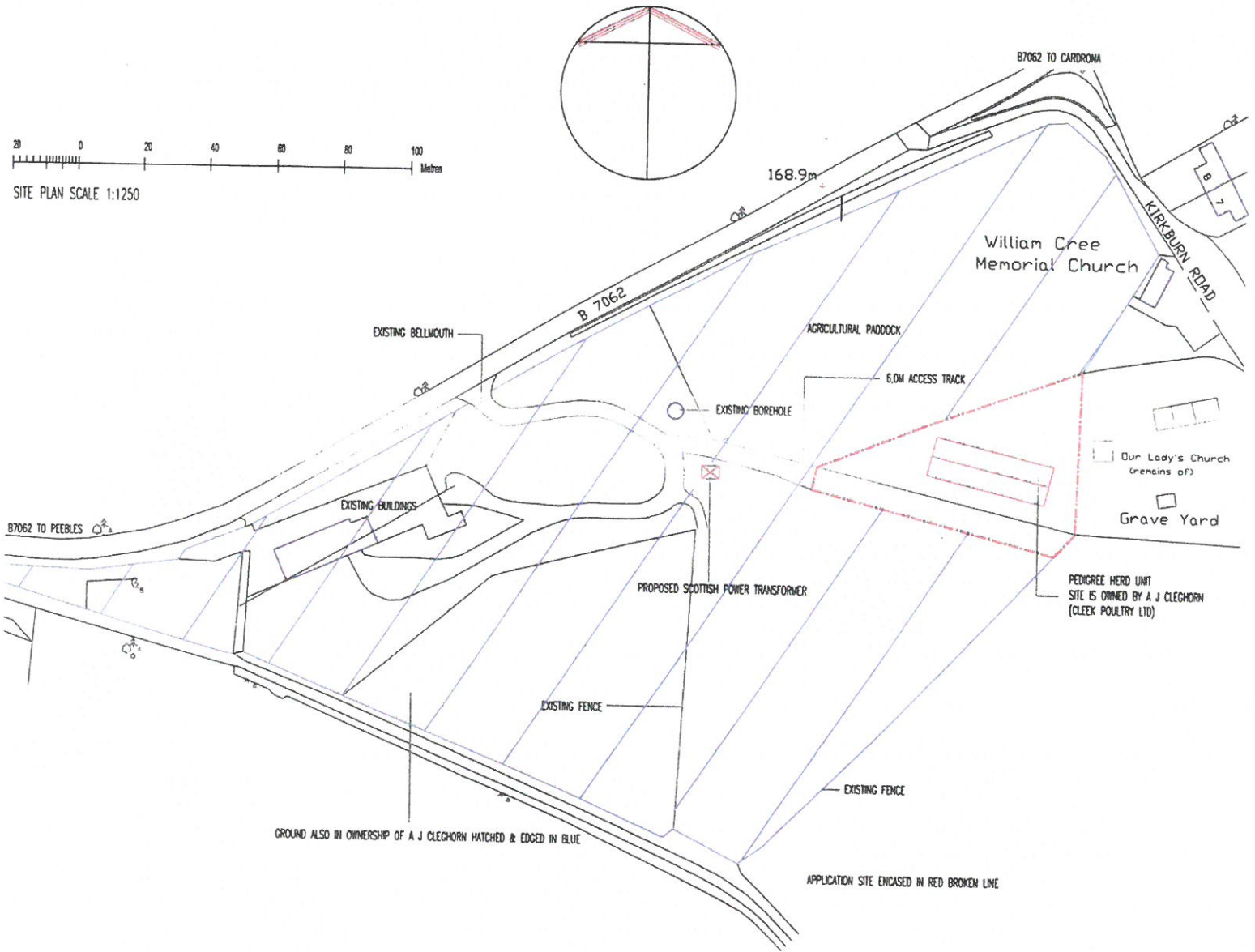
AMENDMENTS	
A	
B	
C	
D	
E	
F	

SCALE 1:1250 NOV 2016

dra 196 70	SITE PLAN
REVISION --	

PROPOSED PEDIGREE CATTLE UNIT FOR STORE
CATTLE WITH WELFARE ACCOMMODATION
KIRK BURN, CARDRONA, PEEBLES, EH45 9HU
Cleek Poultry Ltd

Page 71



GROUND ALSO IN OWNERSHIP OF A J CLEGHORN HATCHED & EDGED IN BLUE

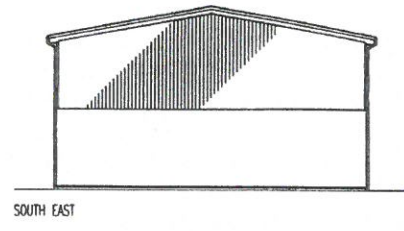
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1 0 2 4 5 Metres ALL DRAWINGS ON THIS SHEET AT 1:200

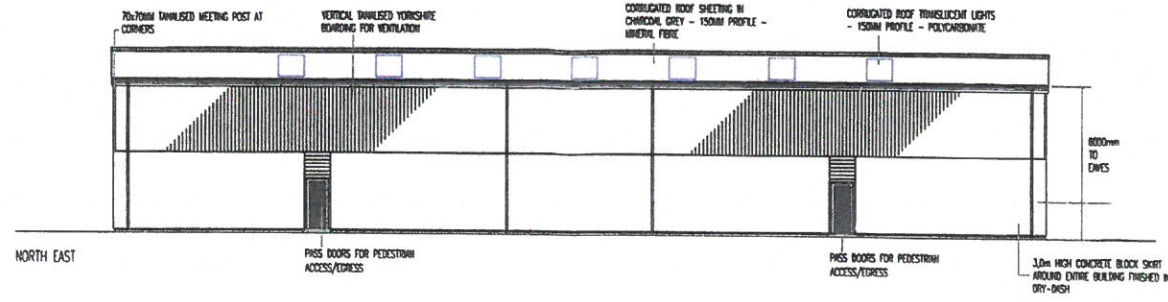
Scottish Borders Council
Town And Country
Planning (Scotland) Act
1987

REFUSED

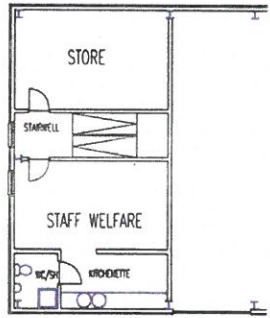
subject to the
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associated Decision
Notice



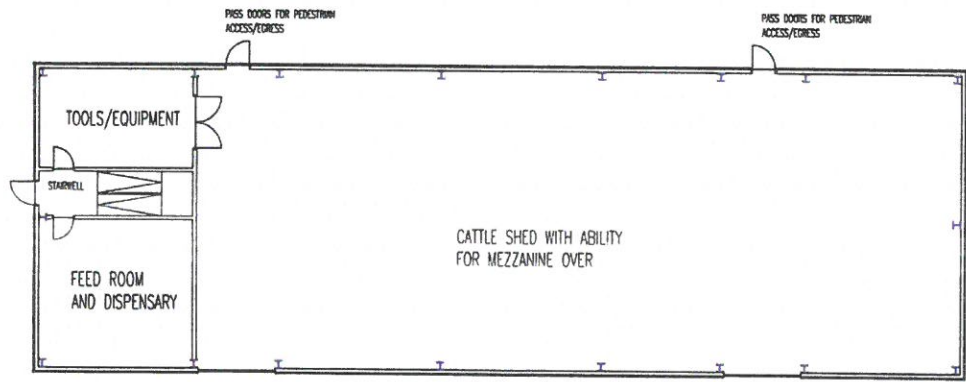
SOUTH EAST



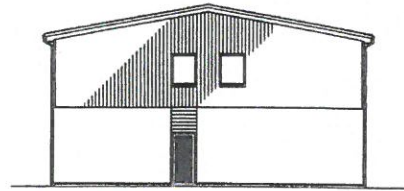
NORTH EAST



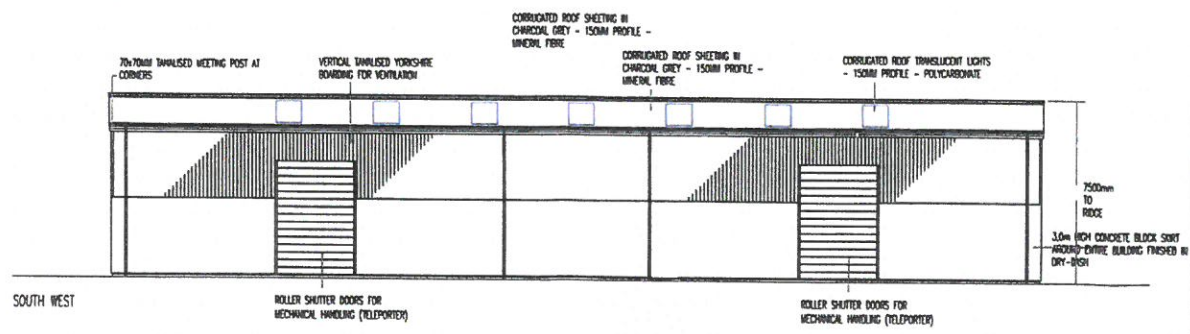
GENERAL ARRANGEMENT
mezzanine level



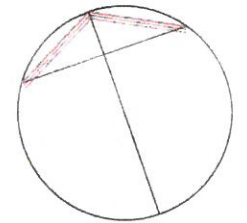
GENERAL ARRANGEMENT
ground floor



NORTH WEST



SOUTH WEST



REVISIONS		
A		
B		
C		
D		
E		
F		

SCALE 1:200 NOV 2016

drg 196 71
REVISION -- GENERAL ARRANGEMENT

PROPOSED PEDIGREE CATTLE UNIT FOR STORE
CATTLE WITH WELFARE ACCOMMODATION
KIRKBURN, CARDRONA, PEEBLES, EH45 9HU
Cleek Poultry Ltd

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 16/01422/FUL

APPLICANT : Cleek Poultry Ltd

AGENT :

DEVELOPMENT : Erection of cattle building with welfare accommodation

LOCATION: Field No 0328 Kirkburn
Cardrona
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
19670	Site Plan	Refused
19671	Elevations	Refused

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

Roads Planning:

Planning applications have been lodged and determined for a similar proposal opposite this site. The first application (15/00947/FUL) was refused in part due to lack of information on transport movements. The subsequent application for the same site (16/00114/FUL), whilst also refused, did include a transport statement detailing traffic movements associated with the business.

No Transport Statement has been submitted for the current application and whilst it is for a similar type of development, the business model may differ. As a result of this and in line with previous applications, I will require a Transport Statement to be submitted in order for me to make an informed decision on this application.

Until I receive this additional information, I am unable to support this application.

Environmental Health:

Amenity and Pollution

Assessment of Application

Air Quality
Noise
Nuisance

This is an Application to erect a cattle building.
These have the potential to impact on adjacent occupiers.

Recommendation
No Objection subject to Condition.

A plan for the management and control of potential nuisances (including noise, odour, air quality, flies and other pests) that would be liable to arise at the site as a consequence of and/or in relation to the operation, individually and/or cumulatively, requires to be submitted to and approved in writing by the Planning Authority. Thereafter the approved nuisance control management plan shall be implemented as part of the development.

Reason :To ensure that the operation of the buildings has no unacceptable impacts upon the amenity of the surrounding area or upon the amenity of any neighbouring residential properties.

Landscape Architect:

Description of the Site

The site is a part of a larger north facing field on the southern side of the Tweed valley. The site lies wholly within the Tweed Valley Special Landscape Area (SPA) and the designation recognises the special character of the valley landscape in the Designation statement as follows: 'The broad Tweed Valley is typical of the Borders, and is the most familiar of the Borders valleys. Accordingly it has a strong sense of place, with certain views being instantly recognisable. The varied mix of landscape elements is highly representative, with forestry, woodland, open hillsides and pastoral farmland all juxtaposed. Added to this mix is a range of settlement types, with the valley providing the setting to several settlements. The landscape unfolds as the viewer follows the river through the valley, presenting new vistas alternately dominated by forestry, as around Walkerburn, or by the steep rocky slopes above Innerleithen. The contrast between the well settled valley and the bare heather and grass moors and landmark hills is striking. Well-designed forestry actively contributes to this visual experience in places.'

The Inventory Designed Landscape of Kailzie lies immediately across the minor road to the north. The field slopes

Nature of the Proposal

The proposal is for the erection a 36 x 12 x 7.5m high shed with staff facilities.

Implications of the Proposal for the Landscape including any Mitigation

There is precedent for development in this location - 4 holiday sheds and a laundry building having been approved in this location previously.

Due to the sloping nature of the field the 7.5m tall shed has the potential to be visible from the north side of the valley and more locally from the B7062 immediately to the north of the field.

I have tried to calculate from previous submissions, given the lack of information supplied in support of this application, what the ridge height of the building will be above ordinance datum (AOD) and suggest that as access will be off the existing track which is approximately 103.00 AOD, the ridge height of the 7.5m tall building, will be in the region of 110.5 AOD. The site plan and sections submitted in support of 15/00965/FUL shows 5no (the five highest) tree heights ranging from 105.30 - 110.43 AOD so I am not satisfied that the shed, seen from the A72 across the valley, will be adequately screened. (Please note my calculations are based on rather limited information gleaned from previous applications that has not been rigorously tested on site)

The intervening slope may help limit views into the site from the local B7062 road.

Conclusion

The submitted information was very limited nonetheless my calculations suggest the apex height of the building will overtop the existing trees to the north and so will be visible from surrounding areas. Therefore on landscape and visual grounds, I do not support this proposal.

Should consent be granted we would want to see a robust planting scheme to be a condition of the approval to help set the development into the local landscape.

Archaeology Officer:

Thank you for requesting an archaeology consultation. I refer you to comments I have made in respect of applications for both the proposed development site and the refused application sites to the south of this. I am concerned that this proposal will have a detrimental impact to the setting of the unscheduled, regionally significant, site of Our Lady's Church and churchyard. The application does not include a screening proposal as consented in previous applications that could mitigate this impact. As currently proposed I do not feel I can support this application.

If, however, the application is ultimately consented I recommend that conditions attached to previous consents for this application site be carried forward.

Economic Development:

Economic Development cannot support the application for the erection of cattle building and welfare accommodation in field no 0328, Kirkburn, Cardrona:

This is due to the close proximity of the proposed location of the cattle building and welfare accommodation to the existing approved application for holiday lodges and laundry building 15/00831/FUL (superseded by 16/00892/FUL). It is the opinion of Economic Development that housing cattle and agricultural buildings so close to holiday lodges would detract from a quality visitor experience.

Peebles and District Community Council:

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Local Development Plan 2016

Policy PMD2 Quality Standards

Policy EP8 Archaeology

Policy EP5 Special Landscape Areas

Policy ED7 Business, Tourism and Leisure Development in the Countryside

"Special Landscape Area 2 - Tweed Valley" - Supplementary Planning Policies

Recommendation by - Craig Miller (Lead Planning Officer) on 5th January 2017

There have been three previous applications for cattle buildings on this landholding, only one of which (16/00114/FUL) was submitted with a Business Plan. For the reasons fully explained in that application and the previous ones without a Business Plan (15/00493/FUL and 15/00947/FUL), there is no adequate justification or demonstrated business need for a building of this scale and purpose on the small holding. The similar design of it to that refused previously also led to doubts being expressed by Business Gateway over the suitability of the building for the purposes intended, being largely enclosed with few doors and staff accommodation. None of the previous reasons for refusal relating to compliance with the justification requirement of the relevant LDP Policy have been met by this proposal and it continues to remain in breach of the Policy.

The landscape impact reasons for refusal of previous applications at this landholding have also been thoroughly rehearsed, connected with the need for development to be sympathetic to the landscape designation which the Tweed Valley now lies within. All decisions have taken cognisance of the potential screening effects of the trees to the south of the landholding, on both sides of the road, recognising that the holiday developments (being on lower land) would be satisfactorily screened, augmented by new planting. None of the other applications have respected the issues of landscape impact both from the A72 above the general tree line and from the B road itself next to the site. Two of the applications (15/00468/AGN and 15/00671/FUL) were potentially on excavated land and had ridge heights that were closer to being of limited impact above the tree line but these were ultimately still rejected as the requested amendments to ridge and ground heights were not agreed to.

What sets this application apart from the other non-holiday proposals is that it is proposed to occupy part of the site previously granted for holiday sheds (15/00831/FUL and 16/00892/FUL). These applications still demonstrated, through excavation, taking access from the lower land to the north and lower ridge heights, that any projection of the buildings above the general tree top heights was highly unlikely. The highest ridge height expected with 16/00892/FUL was 106.65AOD. As the Landscape Architect has noted, this proposal now accesses from the higher track to the south-west along the 103m contour line. There has been no cross section, floor level information or photomontage to demonstrate the impacts of the proposal but, given the 7.5m ridge line, the Landscape Architect has reasonably assumed a ridge height of around 110.5m AOD.

Whilst there is one noted roadside tree of 110.43m AOD tree top height, the others vary from around the 105 - 108 m AOD height with one further west at 109m. There is no doubt that the average tree top height of screening afforded by the trees is nearer the 107m height and that the general impact of the proposal will result in 3-4m building walls and roof visible above the tree canopy. For these reasons, it is felt that the proposal continues to cause the same issues of detrimental landscape impact caused by other proposals, despite it utilising part of the holiday sheds site.

A number of the previous applications have been refused partly on road access grounds as the proposals have not demonstrated what level of traffic is likely to be generated by the floorspace and descriptions proposed. This application is no different and the Roads Planning Service have noted that, without a new Business Plan being submitted, they cannot be satisfied that the proposal can be safely accommodated by the road leading to the site or the junction, even if improved as per the approved design.

In terms of archaeology, similar developments proposed on the site above and to the south of the current site have been opposed by the Archaeology Officer due to the hemming in of Our Ladys Church and graveyard adjoining, a cumulative impression of overdominance and reduction of setting due to the proposed developments. The holiday sheds were not opposed for this reason as there was still buffer space to the south and the impact of the sheds was seen as being of much lesser impact than large agricultural buildings of greater scale, height and bulk. The Archaeology Officer cannot accept this application for a much bigger building without illustrative information showing how the impacts on the setting could be mitigated or shown to be acceptable. Such information has been sought before but never submitted. It is, therefore, considered that the impacts on archaeological interests are likely to be significantly detrimental and have not been demonstrated to be otherwise.

The Local Review Body had previously commented that there was a conflict in relationship between the consented holiday developments and the scale and proximity of the agricultural and other proposals on land adjoining. This application increases the potential for conflict due to it occupying part of the holiday sheds site. If approved and implemented, the cattle building would sit alongside a couple of the sheds in very close proximity and overlook the hub house which was part of another holiday consent. This point is also raised by Economic Development in their response to the current application. I do not consider that this is a valid reason to oppose the planning application as the holiday consents have not been commenced. However, I do believe that the conflict would have needed to have been reconciled if this application was being approved, by means of a condition effectively preventing the development of the holiday sheds consent until a revised "masterplan" was submitted to show how the proposed development could be accommodated and comfortably co-exist with the remaining part of the holiday sheds proposal and the larger scheme for the chalets/hub house. The fact that the matter could be handled by an appropriate planning condition determines that it is not grounds for refusal of the scheme for this particular reason.

Likewise, the matters raised by Environmental Health could have been addressed by a planning condition.

REASON FOR DECISION :

The application is contrary to Policies PMD2, EP5 and ED7 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape.

The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that there is an overriding justification for the proposed

building that would justify an exceptional permission for it in this rural location and, therefore, the development would appear as unwarranted development in the open countryside. The proposed building is not of a design or scale that appears suited either to the proposed use for which it is intended or the size of the holding on which it would be situated, which further undermines the case for justification in this location.

The application is contrary to Policy EP8 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that the building would not have an adverse impact on the setting of the archaeological site of Our Lady's Church and Churchyard adjoining the application site.

The application is contrary to Policy ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety.

Recommendation: Refused

- 1 The application is contrary to Policies PMD2, EP5 and ED7 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape.
- 2 The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that there is an overriding justification for the proposed building that would justify an exceptional permission for it in this rural location and, therefore, the development would appear as unwarranted development in the open countryside. The proposed building is not of a design or scale that appears suited either to the proposed use for which it is intended or the size of the holding on which it would be situated, which further undermines the case for justification in this location.
- 3 The application is contrary to Policy EP8 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that the building would not have an adverse impact on the setting of the archaeological site of Our Lady's Church and Churchyard adjoining the application site.
- 4 The application is contrary to Policy ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety.

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



Regulatory Services

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference : 16/00114/FUL

To : Cleek Poultry Ltd The Tractor Shed Kirkburn Cardrona Peebles

With reference to your application validated on **2nd February 2016** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of cattle court incorporating storage areas and staff facilities and erection of animal feed silo

at: Field No 0328 Kirkburn Cardrona Scottish Borders

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

**Dated 28th March 2016
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed

A solid black rectangular box used to redact the signature of the Chief Planning Officer.

.....
Chief Planning Officer

APPLICATION REFERENCE : 16/00114/FUL

Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
196 02 B	Planning Layout	Refused

REASON FOR REFUSAL

- 1 The application is contrary to Policies G1, EP2 and D1 of the Scottish Borders Consolidated Local Plan 2011 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building and silo will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape.

- 2 The application is contrary to Policies G1 and D1 of the Scottish Borders Consolidated Local Plan 2011 in that the submitted Business Plan does not adequately demonstrate that there is an overriding justification for the building and silo of the scale and design proposed that would justify an exceptional permission for them in this rural location and the building does not appear to be designed for the purpose intended. The development would appear, therefore, as unwarranted development in the open countryside.

- 3 The application is contrary to Policy BE2 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that the building and silo would not have an adverse impact on the setting of the archaeological site of Our Lady's Church and Churchyard adjoining the application site.

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.

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 16/00114/FUL

APPLICANT : Cleek Poultry Ltd

AGENT :

DEVELOPMENT : Erection of cattle court incorporating storage areas and staff facilities and
erection of animal feed silo

LOCATION: Field No 0328 Kirkburn
Cardrona
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
196 02 B	Planning Layout	Refused

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

Roads Planning:

The previous application (15/00947/FUL) was lacking information relating to vehicle movements that this proposal would generate.

The current application includes a business plan which details the operations of the proposed business. Whilst the proposal is unlikely to generate significant increase, the access to the site requires to be upgraded.

Should this application be supported, then I must insist that the access is upgraded as per my comments below prior to work commencing on the development. A detailed plan should be submitted for approval prior to works commencing on the development showing the following upgrading works;

- o The first 6m of the access to be at a gradient of no steeper than 1 in 15, with the access track no steeper than 1 in 8 thereafter.
- o The access road must be a minimum of 6m wide for a minimum 10m length, with 6m radii at the bellmouth.
- o The first 6m of the access to be surfaced to my specification i.e. 40mm of 14mm size close graded bituminous surface course to BS 4987 laid on 60mm of 20mm size dense binder course (basecourse) to the same BS laid on 350mm of 100mm broken stone bottoming blinded with sub-base, type 1.
- o Measures to be put in place to prevent the flow of water onto the public road.
- o Visibility splays of 2.4 metres by 120 metres in either direction onto the public road. These splays must be retained in perpetuity thereafter.

It should be noted that access requirements were conditioned as part of a previous application for holiday lodges, 12/00902/FUL, by the same applicant, which has yet to be implemented. A detailed drawing of the junction upgrades was submitted to the Council and subsequently approved. A separate planning application for the access upgrade was also approved (15/01206/FUL). Should either of these applications be implemented and the access is upgraded, then there would be no requirement for further upgrades required as a result of this proposal.

Environmental Health:

Amenity and Pollution

Assessment of Application

Noise

This is an Application to erect a cattle court and animal feed silo.

Feed silos have the potential to cause noise nuisance.

Cattle courts can cause pollution, insect and odour problems

Recommendation

Delete as appropriate - Agree with application in principle, subject to conditions

Conditions

Any noise emitted by plant and machinery used on the premises will not exceed Noise Rating Curve NR20 between the hours of 2300 - 0700 and NR 30 at all other times when measured within the nearest noise sensitive dwelling (windows can be open for ventilation). The noise emanating from any plant and machinery used on the premises should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2

Reason To protect the residential amenity of nearby properties.

All plant and machinery shall be maintained and serviced in accordance with the manufacturer's instructions so as to stay in compliance with the aforementioned noise limits.

Reason To protect the residential amenity of nearby properties.

Waste and contaminated water arising from the use of the cattle court shall be stored, handled and disposed of in such a manner as not to cause Statutory Nuisance or pollution.

Reason To protect the residential amenity of nearby properties and to protect the environment.

Archaeology Officer:

Thank you for requesting an archaeology consultation. I have previously provided consultations on earlier proposals for this site. I have raised concerns that the setting of the formerly Scheduled, and still regionally significant, Our Lady's Church and churchyard, will be compromised by development in this location. I requested that the applicants demonstrate that the setting of the church and churchyard will not be compromised per Policy BE2 and the replacement policy EP8. I note that the previous applications were refused in part because of a lack of information provided by the applicants to allow a determination that development would not adversely impact the setting of the churchyard. I also note that this information has not been supplied in this application and I am similarly unable to make a judgement. As such I recommend refusal of the application as currently submitted, but I would refer you to my earlier comments and recommendations. If further information is supplied I would be happy to revisit this application.

Landscape Architect:

Implications of the Proposal for the Landscape including any Mitigation

Due to the sloping nature of the field I am concerned that the cattle shed and silo will be highly visible from the north side of the valley and more locally from the B7062 immediately to the north of the field. No attempt has been made to cut the building into the slope.

The attractive juxtaposition of valley side pastoral farmland with mixed and coniferous forestry and woodland could potentially be undermined by the introduction of an industrial scale shed that will require substantial earth moving to achieve the required amount of level ground. I suggest that the existing trees along the north boundary may not provide adequate screening for the buildings that will be located well up the hillside and I am concerned they will be seen from much of the surrounding elevated land to the north west, north and north east.

As part of an extensive development of the field we would normally expect a Landscape and Visual Impact Assessment (LVIA) with visualisations to be undertaken to test the scheme.

Local Plan Policy EP2 requires developers to comply with Structure Plan policy N11 which states that 'In assessing proposals for development in AGLVs (replaced by SLAs in 2012), the Council will seek to safeguard landscape quality and will have particular regard to the landscape impact of the proposed development.'

Conclusion

The submitted information was limited, however I have a concern that this proposal will have a serious negative visual impact on this part of the Tweed valley and would be visually intrusive from much of the surrounding area

I therefore, on landscape and visual grounds, cannot support this application.

Economic Development:

I have reviewed the above application in respect of the business plan for a cattle store unit. I believe there are a number of fundamental issues with the business plan and a number of operational issues with the design of the unit.

1. The proposed building is more akin to an industrial unit as opposed to a cattle shed; 2 points in this respect are the lack of appropriate ventilation which may create a welfare situation for the stock and secondly the roller shutter door into the cattle area would in probability become inoperable due to the cattle manure in the building.
2. The size of the building appears to be excessive for the stock numbers proposed, looking at the stock numbers and the recommended stocking rates for cattle buildings then the cattle shed could probably hold almost twice as many cattle as the proposed number. The submitted plan indicates that a number of cattle would be sold off grass and only 25 would be housed, indicating an excess capacity within the cattle shed. The silage and probably the straw could be housed outside and thereby reduce the size of building.
3. The feed silo has a capacity of circa 600 cubic metres; the business plan indicates a feed usage of 20.8 tonnes which would require approx. 30 m³ and in respect of good practise this wouldn't be bought in as one lot but probably every 1 to 2 months and in effect a only a fraction of the silo would be required for feed storage. The silo is considerably bigger than it needs to be.
4. The 40 acres of grassland are a key element to the model, however there is no copy of the lease or for how long. The business plan puts this proposal forward as a 20 year project, so the lease would have to reflect this to some degree.
5. The business plan contains details for marketing of the end product, however this aspect is not particularly robust (restaurants are unlikely to buy whole carcasses they will buy specific cuts). A local food van attending regional events such as agricultural shows is unlikely to have an even demand of 2 beasts per month throughout the year (typically they are seasonal). Is there a letter of intent from the food van owner that they will take 2 beasts a month throughout the year?
6. A number of the financial and production assumptions are optimistic and in practice would be different to those submitted e.g. straw usage of 17.5 tonnes would probably be higher particularly feeding silage to the cattle.

Peebles and District Community Council: Response awaited.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Consolidated Local Plan 2011

Policy G1 Quality Standards for New Development
Policy BE2 Archaeological Sites and Ancient Monuments
Policy EP2 Areas of Great Landscape Value
Policy D1 Business, Tourism and Leisure Development in the Countryside

"Special Landscape Area 2 - Tweed Valley" - Supplementary Planning Policies

Recommendation by - Craig Miller (Lead Planning Officer) on 28th March 2016

This application is the third to seek permission for a cattle court and feed silo on this part of the agricultural holding at Kirkburn, Cardrona. As many issues remain the same and the proposal is little changed in respect of impacts on landscape or archaeology, I would refer you to the full report prepared for Application Reference 15/00947/FUL and the reasons given for refusal with regard to landscape and archaeological impacts. The Landscape and Archaeology Officers have reaffirmed their opposition to this latest proposal which does not effect any reductions in height, scale or location of the shed and silo from those previously refused, nor provides any of the previously requested information to enable further landscape or archaeological assessments to be undertaken. Cladding of the silo to create a traditional "tower" appearance does nothing to limit the impact of this excessive 12m high structure on the designated landscape quality of the area. Given the continued opposition from the consultees, the decision on this application should be no different from the previous two in relation to landscape and archaeology.

The main change with the application is that it has been submitted with a Business Plan in support, identifying the purpose of the building and silo, based upon leasing 40 acres of land from Laverlaw to the south, rearing and fattening 32 cattle per year and providing meat for a local burger van and local restaurants. The building is meant for wintering cattle, storing hay and silage. The silo will contain cereal and water.

Compared to the last two decisions, it is useful to have received a justification for the silo and building this time based upon a cattle business using 40 acres of leased land. Previously, it was not considered that the building could have been justified on the basis of the very limited size of the owned landholding. Nevertheless, the Business Plan has been carefully assessed by Business Gateway who conclude that the building and silo are excessive for their purpose and the building not suited due to lack of appropriate ventilation and the operability of the single roller shutter door. They describe it as "akin to an industrial unit". Despite ventilated Yorkshire boarding being shown at upper level on the building, Business Gateway are of the opinion that this is insufficient. They also question some of the marketing and productivity assumptions. On the basis of the submitted Business Plan and the concerns of Business Gateway, the revised application cannot overcome the previous reasons for refusal based upon lack of adequate justification or suitability of the building and silo for the intended purposes.

The Business Plan has, however, allowed the Roads Planning Service to accept the proposals provided the access is improved either, in itself as a condition on any consent granted, or as per the implementation of earlier consents relating to the holiday chalet development or access itself.

For the reasons mentioned above, the revised proposals do not address the landscape and archaeological reasons for refusal on previous decisions and the Business Plan does not adequately demonstrate just why the building and silo have to be of the scale and design intended. For these reasons, the proposal continues to be in breach of the relevant Local Plan Policies G1, BE2, EP2 and D1.

REASON FOR DECISION :

The application is contrary to Policies G1, EP2 and D1 of the Scottish Borders Consolidated Local Plan 2011 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building and silo will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape.

The application is contrary to Policies G1 and D1 of the Scottish Borders Consolidated Local Plan 2011 in that the submitted Business Plan does not adequately demonstrate that there is an overriding justification

for the building and silo of the scale and design proposed that would justify an exceptional permission for them in this rural location and the building does not appear to be designed for the purpose intended. The development would appear, therefore, as unwarranted development in the open countryside.

The application is contrary to Policy BE2 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that the building and silo would not have an adverse impact on the setting of the archaeological site of Our Lady's Church and Churchyard adjoining the application site.

Recommendation: Refused

- 1 The application is contrary to Policies G1, EP2 and D1 of the Scottish Borders Consolidated Local Plan 2011 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building and silo will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape.
- 2 The application is contrary to Policies G1 and D1 of the Scottish Borders Consolidated Local Plan 2011 in that the submitted Business Plan does not adequately demonstrate that there is an overriding justification for the building and silo of the scale and design proposed that would justify an exceptional permission for them in this rural location and the building does not appear to be designed for the purpose intended. The development would appear, therefore, as unwarranted development in the open countryside.
- 3 The application is contrary to Policy BE2 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that the building and silo would not have an adverse impact on the setting of the archaeological site of Our Lady's Church and Churchyard adjoining the application site.

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

APPENDIX II

**SCOTTISH BORDERS COUNCIL
LOCAL REVIEW BODY DECISION NOTICE**

**APPEAL UNDER SECTION 43A (8) OF THE TOWN AND COUNTRY PLANNING
(SCOTLAND) ACT 1997**

**THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND
LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013**

Local Review Reference: 16/00017/RREF

Planning Application Reference: 16/00114/FUL

**Development Proposal: Erection of cattle court incorporating storage areas and
staff facilities and erection of animal feed silo**

Location: Field No 0328 Kirkburn Cardrona

Applicant: Cleek Poultry Ltd

DECISION

The Local Review Body (LRB) upholds the decision of the appointed officer and agrees to refuse planning permission for the reasons set out in this decision notice on the following grounds:

1. The application is contrary to Policies PMD2, EP5 and ED7 of the Scottish Borders Local Development Plan and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building and silo will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape.
2. The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan in that the submitted Business Plan does not adequately demonstrate that there is an overriding justification for the building and silo of the scale and design proposed that would justify an exceptional permission for them in this rural location and the building does not appear to be designed for the purpose intended. The development would appear, therefore, as unwarranted development in the open countryside.
3. The application is contrary to Policy EP8 of the Scottish Borders Local Development Plan in that it has not been adequately demonstrated that the building and silo would not have an adverse impact on the setting of the

archaeological site of Our Lady's Church and Churchyard adjoining the application site.

DEVELOPMENT PROPOSAL

The application relates to a proposal for full Planning Permission for the erection of a cattle court incorporating storage areas and staff facilities and erection of an animal feed silo. The application drawings consisted of the following drawings:

Plan Type	Plan Reference No.
Elevations	196 02 B

PRELIMINARY MATTERS

The Local Review Body considered at its meeting on 15th August 2016 that the Review had been competently made under section 43A (8) of the Town & Country Planning (Scotland) Act 1997.

After examining the review documentation at that meeting, which included: a) Notice of Review; b) Decision Notice; c) Officer's Report; d) Previous Application referred to in report; e) Consultations; and f) List of policies, the LRB concluded that it had sufficient information to determine the review and proceeded to consider the case.

REASONING

The determining issues in this Review were:

- (1) whether the proposal would be in keeping with the Development Plan, and
- (2) whether there were any material considerations which would justify departure from the Development Plan.

The Development Plan comprises: SESplan 2013 and the adopted Scottish Borders Local Development Plan (LDP) 2016. The LRB considered that the most relevant of the listed policies of the LDP 2016 were:

Local Development Plan policies:

- Policy PMD2 Quality Standards
- Policy EP5 Special Landscape Areas
- Policy ED7 Business, Tourism, and Leisure Developments in the Countryside
- Policy EP8 Archaeology

Other material policy and guidance included

- SPG Special Landscape Areas
- SPG Archaeology

The Local Review Body noted that the applicant seeks full Planning Permission for a site that forms part of an 8 acre smallholding at Kirkburn, Cardrona, on the back road to Peebles. This cattle court/hay shed application occupies a triangular area of land which rises to the south and above the holiday chalets site, stretching to the public road to Laverlaw to the rear.

The building amalgamates previous hay shed and cattle court proposals into one building, it being erected adjoining a new 6m access road to the south of the chalet site and adjoining the corner of Our Lady's Church and graveyard remains.

The Local Review Body further noted that the site lies within the Tweed Valley Special Landscape Area.

Members noted that the cattle court was meant to accommodate 32 cattle and provide employment for 1 man. They considered that this was not adequately justified by the business plan, and considered that this size of cattle court would provide a larger number of animals. Members also discussed the lack of evidence in relation to the proposal's provision of meat to a burger van as the end use of the enterprise.

Members were further concerned that there was no evidence in relation to the leasing of additional grazing land for the cattle or the business relationship with the burger van.

Members concluded that the business plan overall was lacking in necessary detail and therefore could not be justified under policy.

Members discussed the importance of the Special Landscape Area of the Tweed Valley, and were concerned that there would be a negative impact on it from the scale of the proposals of both the silo and the cattle court. They concluded that the scale and mass of the proposals would have a negative impact on the character and quality of both the landscape and the adjacent archaeological areas.

Members further expressed concern regarding the relationship of this proposal to the approved proposal for chalets in an adjacent part of the field.

Members expressed concern on the lack of an overall business/masterplan plan for the area which would allow consideration of proposals in a meaningful context.

CONCLUSION

After considering all relevant information, the Local Review Body concluded that the development was contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan.

Notice Under Section 21 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2008.

1. If the applicant is aggrieved by the decision of the planning authority to refuse 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 question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions 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 of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

Signed.....Councillor R Smith
Chairman of the Local Review Body

Date ...22 August 2016

PLANNING CONSULTATION

To: Economic Development Section

From: Development Management

Date: 15th November 2016

Contact: Craig Miller ☎ 01835 825029

Ref: 16/01422/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 6th December 2016, 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 6th December 2016, 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: Cleek Poultry Ltd

Agent: N/A

Nature of Proposal: Erection of cattle building with welfare accommodation
Site: Field No 0328 Kirkburn Cardrona Scottish Borders

OBSERVATIONS OF: Economic Development Section

CONSULTATION REPLY

Economic Development cannot support the application for the erection of cattle building and welfare accommodation in field no 0328, Kirkburn, Cardrona:

This is due to the close proximity of the proposed location of the cattle building and welfare accommodation to the existing approved application for holiday lodges and laundry building 15/00831/FUL (superseded by 16/00892/FUL). It is the opinion of Economic Development that housing cattle and agricultural buildings so close to holiday lodges would detract from a quality visitor experience.

REGULATORY SERVICES



To: **Development Management Service**
FAO Craig Miller

Date: **21 Nov 2016**

From: **Roads Planning Service**
Contact: **Paul Grigor**

Ext: **6663**

Ref: **16/01422/FUL**

Subject: Erection of cattle building and welfare accommodation
Field No. 0328, Kirkburn, Cardrona, Scottish Borders

Planning applications have been lodged and determined for a similar proposal opposite this site. The first application (15/00947/FUL) was refused in part due to lack of information on transport movements. The subsequent application for the same site (16/00114/FUL), whilst also refused, did include a transport statement detailing traffic movements associated with the business.

No Transport Statement has been submitted for the current application and whilst it is for a similar type of development, the business model may differ. As a result of this and in line with previous applications, I will require a Transport Statement to be submitted in order for me to make an informed decision on this application.

Until I receive this additional information, I am unable to support this application.

AJS

Scottish Borders Council

Regulatory Services – Consultation reply

Planning Ref	16/01422/FUL
Uniform Ref	16/02256/PLANCO
Proposal	Erection of cattle building with welfare accommodation
Address	Field No 0328 Kirkburn Cardrona Scottish Borders
Date	30/11/16
Amenity and Pollution Officer	David A. Brown
Contaminated Land Officer	Reviewed – no comments.

Amenity and Pollution

Assessment of Application

*Air Quality
Noise
Nuisance*

This is an Application to erect a cattle building.
These have the potential to impact on adjacent occupiers.

Recommendation

No Objection subject to Condition.

A plan for the management and control of potential nuisances (including noise, odour, air quality, flies and other pests) that would be liable to arise at the site as a consequence of and/or in relation to the operation, individually and/or cumulatively, requires to be submitted to and approved in writing by the Planning Authority. Thereafter the approved nuisance control management plan shall be implemented as part of the development.

Reason :To ensure that the operation of the buildings has no unacceptable impacts upon the amenity of the surrounding area or upon the amenity of any neighbouring residential properties.

PLANNING CONSULTATION

To: Archaeology Officer

From: Development Management

Date: 15th November 2016

Contact: Craig Miller ☎ 01835 825029

Ref: 16/01422/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 6th December 2016, 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 6th December 2016, 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: Cleek Poultry Ltd

Agent: N/A

Nature of Proposal: Erection of cattle building with welfare accommodation
Site: Field No 0328 Kirkburn Cardrona Scottish Borders

OBSERVATIONS OF: Archaeology Officer

CONSULTATION REPLY

Thank you for requesting an archaeology consultation. I refer you to comments I have made in respect of applications for both the proposed development site and the refused application sites to the south of this. I am concerned that this proposal will have a detrimental impact to the setting of the unscheduled, regionally significant, site of Our Lady's Church and churchyard. The application does not include a screening proposal as consented in previous applications that could mitigate this impact. As currently proposed I do not feel I can support this application.

If, however, the application is ultimately consented I recommend that conditions attached to previous consents for this application site be carried forward.

PLANNING CONSULTATION

To: Landscape Architect

From: Development Management

Date: 15th November 2016

Contact: Craig Miller ☎ 01835 825029

Ref: 16/01422/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 6th December 2016, 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 6th December 2016, 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: Cleek Poultry Ltd

Agent: N/A

Nature of Proposal: Erection of cattle building with welfare accommodation
Site: Field No 0328 Kirkburn Cardrona Scottish Borders

OBSERVATIONS OF: Landscape Architect

CONSULTATION REPLY

Description of the Site

The site is a part of a larger north facing field on the southern side of the Tweed valley.

The site lies wholly within the Tweed Valley Special Landscape Area (SPA) and the designation recognises the special character of the valley landscape in the Designation statement as follows:

'The broad Tweed Valley is typical of the Borders, and is the most familiar of the Borders valleys.

Accordingly it has a strong sense of place, with certain views being instantly recognisable. The varied mix of landscape elements is highly representative, with forestry, woodland, open hillsides and pastoral farmland all juxtaposed. Added to this mix is a range of settlement types, with the valley providing the setting to several settlements. The landscape unfolds as the viewer follows the river through the valley, presenting new vistas alternately dominated by forestry, as around Walkerburn, or by the steep rocky slopes above Innerleithen. The contrast between the well settled valley and the bare heather and grass moors and landmark hills is striking. Well-designed forestry actively contributes to this visual experience in places.'

The Inventory Designed Landscape of Kailzie lies immediately across the minor road to the north. The field slopes

Nature of the Proposal

The proposal is for the erection a 36 x 12 x 7.5m high shed with staff facilities.

Implications of the Proposal for the Landscape including any Mitigation

There is precedent for development in this location – 4 holiday sheds and a laundry building having been approved in this location previously.

Due to the sloping nature of the field the 7.5m tall shed has the potential to be visible from the north side of the valley and more locally from the B7062 immediately to the north of the field.

I have tried to calculate from previous submissions, given the lack of information supplied in support of this application, what the ridge height of the building will be above ordinance datum (AOD) and suggest that as

access will be off the existing track which is approximately 103.00 AOD, the ridge height of the 7.5m tall building, will be in the region of 110.5 AOD. The site plan and sections submitted in support of 15/00965/FUL shows 5no (the five highest) tree heights ranging from 105.30 – 110.43 AOD so I am not satisfied that the shed, seen from the A72 across the valley, will be adequately screened. (Please note my calculations are based on rather limited information gleaned from previous applications that has not been rigorously tested on site)

The intervening slope may help limit views into the site from the local B7062 road.

Conclusion

The submitted information was very limited nonetheless my calculations suggest the apex height of the building will overtop the existing trees to the north and so will be visible from surrounding areas. Therefore on landscape and visual grounds, I do not support this proposal.

Should consent be granted we would want to see a robust planting scheme to be a condition of the approval to help set the development into the local landscape.

Siobhan McDermott
LANDSCAPE ARCHITECT

LIST OF POLICIES

Local Review Reference: 17/00004/RREF

Planning Application Reference: 16/01422/FUL

Development Proposal: Erection of cattle building with welfare accommodation

Location: Field No 0328 Kirkburn, Cardrona

Applicant: Cleek Poultry Ltd

Scottish Borders Local Development Plan 2016

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 ED7: BUSINESS, TOURISM AND LEISURE IN THE COUNTRYSIDE

Proposals for business, tourism or leisure development in the countryside will be approved and rural diversification initiatives will be encouraged provided that:

- a) the development is to be used directly for agricultural, horticultural or forestry operations, or for uses which by their nature are appropriate to the rural character of the area; or
- b) the development is to be used directly for leisure, recreation or tourism appropriate to a countryside location and, where relevant, it is in accordance with the Scottish Borders Tourism Strategy and Action Plan;
- c) the development is to be used for other business or employment generating uses, provided that the Council is satisfied that there is an economic and/or operational need for the particular countryside location, and that it cannot be reasonably be accommodated within the Development Boundary of a settlement.

In addition the following criteria will also be considered:

- a) the development must respect the amenity and character of the surrounding area,
- b) the development must have no significant adverse impact on nearby uses, particularly housing,
- c) where a new building is proposed, the developer will be required to provide evidence that no appropriate existing building or brownfield site is available, and where conversion of an existing building of architectural merit is proposed, evidence that the building is capable of conversion without substantial demolition and rebuilding,
- d) the impact of the expansion or intensification of uses, where the use and scale of development are appropriate to the rural character of the area,
- e) the development meets all other siting, and design criteria in accordance with Policy PMD2, and

- f) the development must take account of accessibility considerations in accordance with Policy IS4.

Where a proposal comes forward for the creation of a new business including that of a tourism proposal, a business case that supports the proposal will be required to be submitted as part of the application process.

POLICY EP5: SPECIAL LANDSCAPE AREAS

In assessing proposals for development that may affect Special Landscape Areas, the Council will seek to safeguard landscape quality and will have particular regard to the landscape impact of the proposed development, including the visual impact. Proposals that have a significant adverse impact will only be permitted where the landscape impact is clearly outweighed by social or economic benefits of national or local importance.

EP8: ARCHAEOLOGY

(A) National Archaeological Sites

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

the development offers substantial benefits, including those of a social or economic nature, that clearly outweigh the national value of the site, and 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 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.

OTHER MATERIAL CONSIDERATIONS

- Scottish Planning Policy
- SBC Supplementary Planning Guidance on Local Landscape Designations 2012

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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: Failure to supply all the relevant information could invalidate your notice of review.

Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)

Name

Address

Postcode

Contact Telephone

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:

Yes No

* Do you agree to correspondence regarding your review being sent by e-mail?

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:

N/A

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.

PLEASE SEE ATTACHED LETTER FOR THE ATTENTION OF THE LOCAL REVIEW BODY.

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.

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.

ORIGINAL COVERING LETTER SUBMITTED WITH APPLICATION
 PLANNING APPLICATION FORM
 SITE PLAN
 CONTEXT PLAN
 DECISION NOTICE - REFUSAL 12 DECEMBER 2016
 LOCAL REVIEW BODY APPEAL LETTER (INCLUDING PHOTOGRAPHS)

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

Date 03 | 03 | 2017

The Completed form should be returned to the Head of Corporate Administration, Scottish Borders Council, Council Headquarters, Newtown St. Boswells TD6 0SA.

Planning Department
Scottish Borders Council
Council Headquarters
Newtown St Boswells
TD6 OSA

Miss K Johnston
47 Curror Street
Selkirk
TD7 4HG

9th December 2016

Dear Sir / Madam

**ERECTION OF DWELLINGHOUSE (PLANNING PERMISSION IN PRINCIPLE)
LAND EAST OF HIGHLAND BRAE, LILLIESLEAF, MELROSE, TD6 9JN**

Please find enclosed a completed planning application form in respect of the above along with the requisite fee.

My partner and I are both first time buyers and have been actively looking to buy our first property in or around Lilliesleaf for a number of years. Unfortunately our search has been unsuccessful, primarily as the properties which have come on the market have simply been out of our reach financially.

The principle reason for wishing to locate to Lilliesleaf is in order for me to be close to my Mother. She resides at Highland Brae (to the immediate west of the application site) with my Father and has suffered from Parkinson's Disease for a number of years. My Mother now increasingly requires assistance at home and will in the future rely on our care. In order for us to prepare for the years ahead, I would like to be able to live close to her in order to provide the care she needs. I am a nurse by profession.

In exploring our options, this site has become available to us as it is owned by my Grandfather. Being at this location would not only enable me to be close to my Mother, it would also give us the opportunity to reside in an area we are so desperately keen to live.

Having researched recent planning decisions in the area we note that there has been a similar proposal which is not dissimilar by way of circumstance at Easter Lilliesleaf (13/00104/PPP) where a dwellinghouse has been permitted outside the settlement boundary in order to allow for care to be provided.

The planning application site would have access from the existing access to the south. Landscaping would also be provided to provide a screen so the property would not be prominent from the roadside.

Please do not hesitate to contact me should require any further information. I look forward to hearing from you in due course.

Yours faithfully

Kerrie Johnston



Newtown St Boswells Melrose TD6 0SA Tel: 01835 825251 Fax: 01835 825071 Email: ITSystemAdmin@scofborders.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100033889-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Erection of dwellinghouse

Is this a temporary permission? *

Yes No

If a change of use is to be included in the proposal has it already taken place?

Yes No

(Answer 'No' if there is no change of use.) *

Has the work already been started and/or completed? *

No Yes - Started Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Miss"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Kerrie"/>	Building Number:	<input type="text" value="47"/>
Last Name: *	<input type="text" value="Johnston"/>	Address 1 (Street): *	<input type="text" value="Curror Street"/>
Company/Organisation:	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number:	<input type="text"/>	Town/City: *	<input type="text" value="Selkirk"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="TD7 4HG"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:	<input type="text" value="Scottish Borders Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

Northing

Easting

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

0.20

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Grazing land

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *

Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

Yes No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

- Yes – connecting to public drainage network
 No – proposing to make private drainage arrangements
 Not Applicable – only arrangements for water supply required

As you have indicated that you are proposing to make private drainage arrangements, please provide further details.

What private arrangements are you proposing? *

- New/Altered septic tank.
 Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).
 Other private drainage arrangement (such as chemical toilets or composting toilets)

What private arrangements are you proposing for the New/Altered septic tank? *

- Discharge to land via soakaway.
 Discharge to watercourse(s) (including partial soakaway).
 Discharge to coastal waters.

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *

Septic tank and soakaway.

Do your proposals make provision for sustainable drainage of surface water?? *
(e.g. SUDS arrangements) *

Yes No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

Yes

No, using a private water supply

No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? *

Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013? *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? * Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? * Yes No

Is any of the land part of an agricultural holding? * Yes No

Do you have any agricultural tenants? * Yes No

Are you able to identify and give appropriate notice to ALL the agricultural tenants? Yes No

Are you able to identify and give appropriate notice to ALL the other owners? * Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate B

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application;

or --

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Mr Walter Inglis

Address:

St Dunstan Farm, Lillesleaf, Melrose, UK, TD6 9JA

Date of Service of Notice: *

18/11/2016

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding;

or -

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: *

Signed: Miss Kerrie Johnston

On behalf of:

Date: 09/12/2016

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

- | | |
|--|--|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

Proposed access arrangements are included within the supporting letter as well as information relating to proposed landscaping.

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Miss Kerrie Johnston

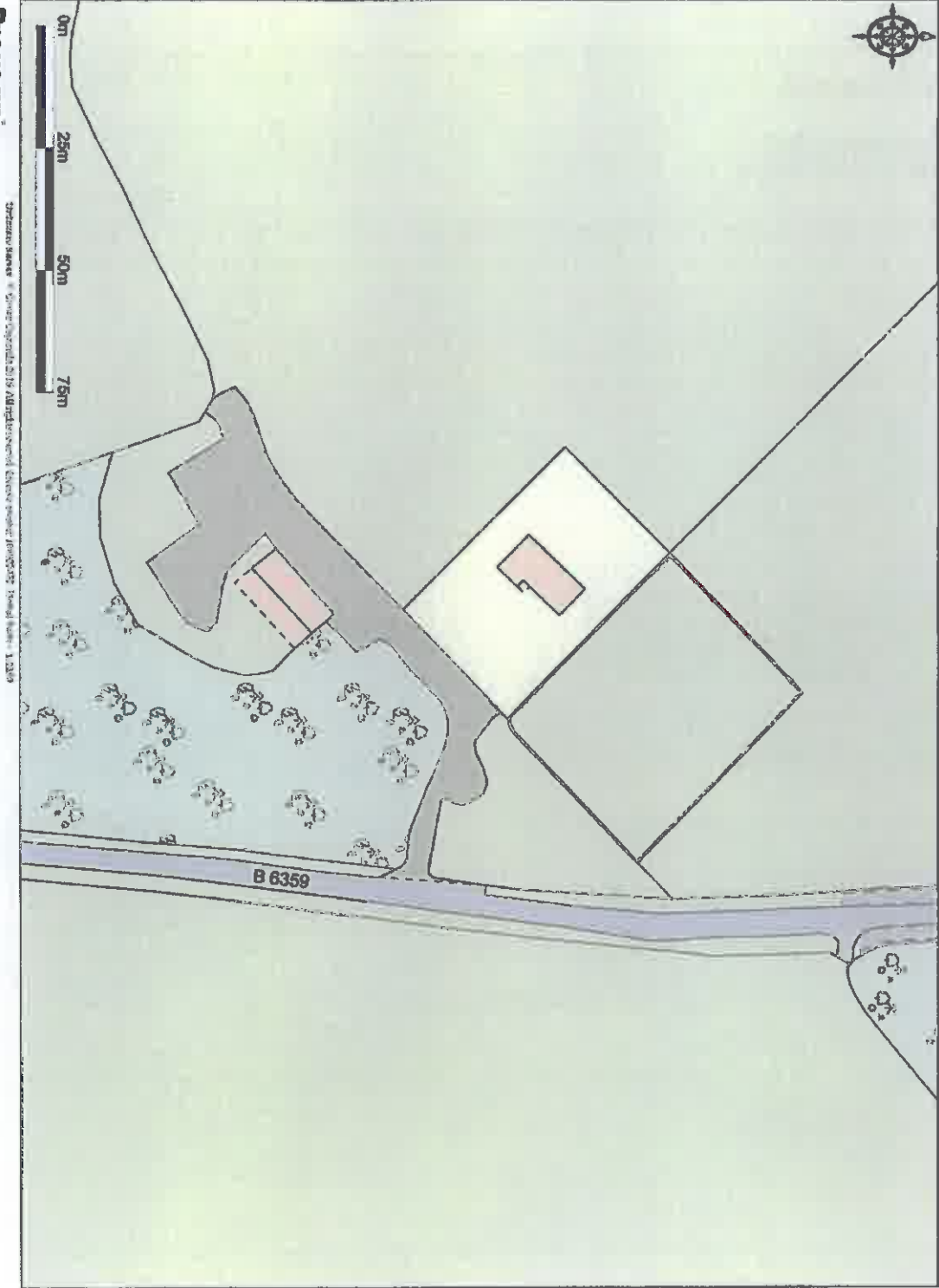
Declaration Date: 09/12/2016

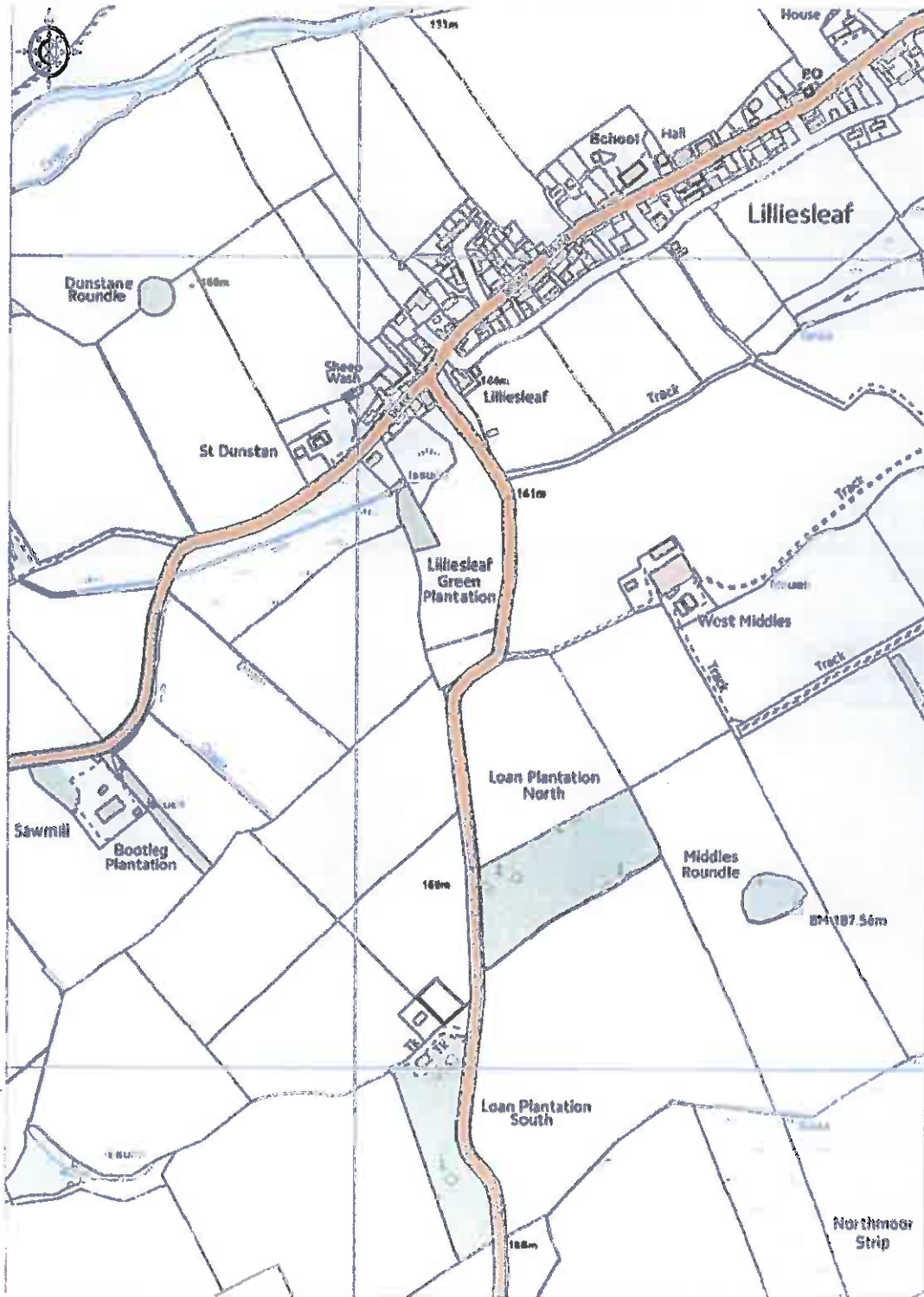
Payment Details

Online payment: XM0100000983

Payment date: 09/12/2016 20:41:00

Created: 09/12/2016 20:41





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TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference : 16/01536/PPP

To : Miss Kerrie Johnston 47 Curror Street Selkirk United Kingdom TD7 4HG

With reference to your application validated on **12th December 2016** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of dwellinghouse

at : Land East Of Highland Brae Lillesleaf Melrose Scottish Borders

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

**Dated 25th January 2017
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



.....
Chief Planning Officer

APPLICATION REFERENCE : 16/01536/PPP

Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
OS EXTRACT	Location Plan	Refused

REASON FOR REFUSAL

- 1 The proposed development would be contrary to policy HD2 of the Scottish Borders Local Development Plan (2016), and contrary to the guidance within the adopted New Housing in the Borders Countryside Guidance Note (2008), in that the proposed development would not relate sympathetically to an existing building group and the supporting letter accompanying the application is not considered sufficient justification for what would be a development in open countryside.

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.

Planning Application Reference: 16/01536/PPP

Proposal: Proposed erection of dwellinghouse

Site: Land east of Highland Brae, Lilliesleaf, Melrose

Applicant: Miss Kerrie Johnston

3rd March 2017

APPEAL LETTER TO LOCAL REVIEW BODY

Dear Local Review Body

I write in respect of my recent planning application for the erection of a dwellinghouse on land to the east of my parent's property at Highland Brae near Lilliesleaf and request a review of the reasons for refusal which read as follows:

The proposed development would be contrary to policy HD2 of the Scottish Borders Local Development Plan (2016), and contrary to the guidance within the adopted New Housing in the Borders Countryside Guidance Note (2008), in that the proposed development would not relate sympathetically to an existing building group and the supporting letter accompanying the application is not considered sufficient justification for what would be a development in open countryside.

The dwellinghouse would not be highly visible or prominent at the proposed site and would relate well to the existing property, Highland Brae. This is illustrated in the photos overleaf. As the photographs show, the site is well screened from the road by existing hedging.

No objections were submitted during the process of the planning application and the Roads Officer is content that an acceptable vehicular access can be achieved.

I am desperate to be able to live in or near Lilliesleaf in order that I can be close to my Mum who was diagnosed with Parkinsons Disease eighteen years ago. As you'll be aware this is a long-term degenerative disease and whilst my Mum was diagnosed a number of years ago, her condition continues to become more challenging. As a nurse I would like to be able to provide as much care for her as possible. It is her wish to remain at home in the countryside for as long as possible and me being there would enable me to provide the care she needs for as long as possible.

The Planning Officer suggests that it might be possible for me to consider extending my parent's property in order that I can reside with them. Whilst this is feasible in practise, I would not wish to invest money in such an extension as this would be fruitless in assisting me to find my first home as an investment for my future.

As well as wishing to provide care for my Mum, I would also like to live in a rural location but this has not been possible. Affordable rural properties are extremely hard to find. My search for a dwellinghouse within my budget as a first time buyer in or near Lilliesleaf has been unsuccessful. Scottish Borders Council's Affordable Housing Supplementary Guidance highlights the restricted availability of affordable housing within the Scottish Borders. It also mentions the need for the provision of sites for self-build affordable units. Young persons are not encouraged to stay in the Scottish Borders with the general lack of affordable properties on relatively low wages.

I do not consider that a house at this location would have a detrimental impact upon the beautiful area we live. I would be most grateful if you could consider these points in coming to a decision on my appeal.

Yours faithfully,

Kerrie Johnston

PHOTOGRAPHS



SOUTH VIEW



SOUTH EAST VIEW FROM ROADSIDE



SOUTH VIEW



SOUTH EAST VIEW

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 16/01536/PPP
APPLICANT : Miss Kerrie Johnston
AGENT :
DEVELOPMENT : Erection of dwellinghouse
LOCATION: Land East Of
 Highland Brae
 Lilliesleaf
 Melrose
 Scottish Borders

TYPE : PPP Application
REASON FOR DELAY: No Reason

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
OS EXTRACT	Location Plan	Refused

NUMBER OF REPRESENTATIONS: 0
SUMMARY OF REPRESENTATIONS:

ROADS PLANNING SERVICE: Should the planning department be minded to support this proposal, I would have no objections to the application. The existing access is acceptable in terms of geometry and sightlines for the traffic associated with an additional dwelling. Any detailed application should include parking and turning for a minimum of two vehicles, excluding any garages, per property. This parking and turning should be available prior to the occupation of the new dwelling and be retained in perpetuity thereafter.

COMMUNITY COUNCIL: No response received. Consultation expired 11.01.2017.

EDUCATION AND LIFELONG LEARNING: Confirm the site is located within the catchment area for Lilliesleaf Primary School and Selkirk High School. There are no contributions sought for this application.

PUBLICITY AND REPRESENTATIONS

This application was publicised by means of the direct postal notification of one neighbouring premise. Further publicity was carried out in the form of an advert in the Southern Reporter, and an advert on the national public notices website "Tell Me Scotland". No objections or representations were received.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Local Development Plan (Adopted 2016)

PMD1 Sustainability
PMD2 Quality Standards
HD2 Housing in the Countryside
HD3 Protection of Residential Amenity
EP13 Trees Woodlands and Hedgerows
IS2 Development Contributions
IS3 Development Contributions related to the Borders Railway
IS7 Parking Provisions and Standards
IS9 Waste Water Treatment Standards and Sustainable Urban Drainage

Other
Supplementary Planning Guidance
- Developer Contributions
- Guidance on Householder Developments
- Placemaking and Design
- Landscape and Development
- Trees and Development
- New Housing in the Borders Countryside
- Waste

Recommendation by - Andrew Evans (Planning Officer) on 25th January 2017

SITE

This application relates to the erection of a single detached dwelling on a site in the countryside to the south of Lilliesleaf. The plot is to the east of the existing dwelling "Highland Brae", a modern bungalow. The site is located in the southern corner of an existing agricultural field. The site is bound to the south east and south west by existing hedgerow, with the access track serving the site and the existing dwelling beyond. Further to the south west is located an existing agricultural shed, used for storing a caravan at the time of my visit to the site. The northern and western boundaries of the site are undefined, with the agricultural land initially rising across the site, and then falling away to the north towards Lilliesleaf.

PROPOSED DEVELOPMENT

Planning permission in principle is sought for the erection of a single detached dwelling. The submitted site plans shows a site of the same depth as the existing house at Highland Brae (just under 50m). The proposed site would be slightly broader, at around 40m, compared to the existing plot, which is roughly 30m in width. No indicative plans or elevations have been lodged with the application, so matters of design would be for subsequent consideration in the event of the principle being accepted here.

POLICY PRINCIPLE

The application required to be considered principally in terms of Policy HD2 of the Scottish Borders Local Development Plan (2016), and in terms of the current SPG on New Housing in the Borders Countryside. Policy HD2 of the Scottish Borders Local Development Plan 2016 sets out the Council position in terms of housing in the countryside. Policies PMD2 and HD3 of the Scottish Borders Local Development Plan 2016 are relevant to this proposal. Also relevant is the adopted Supplementary Planning Guidance on Householder Development, New Housing in the Borders Countryside, and development contributions.

BUILDING GROUP

Part A of policy HD2 sets out those additions to existing groups of dwellings can be possible where the criteria of the policy are met. The site must however be well related to a building group. The SPG sets out that the existence of a group will be identifiable by a sense of place which will be contributed to by:

- o natural boundaries such as water courses, trees or enclosing landform, or
- o man-made boundaries such as existing buildings, roads, plantations or means of enclosure.

In terms of assessment against the adopted policies and guidance, the proposed plot for this house is completely separated from any group. No building group is present at this location. There is a single

existing dwelling. There is no justification for a dwelling under part A of policy HD2. The application would involve development in an otherwise undeveloped field. There is no amendment possible to the siting which would make this application acceptable in policy terms. The application site is clearly only related to the existing single neighbouring dwelling.

SUBMITTED JUSTIFICATION

In terms of justification for the application, it is accompanied by a letter setting out that the applicants search for a suitable dwelling nearby has been unsuccessful, primarily as the properties which have come on the market have been out of reach financially. The justification letter sets out that the principal reason for wishing to locate to Lilliesleaf is in order provide care to parents who are resident at Highland Brae (to the immediate west of the application site). The applicant is a nurse by profession. This site has become available to the applicants as it is owned by their Grandfather.

The applicants set out that having researched recent planning decisions in the area they note that there has been a similar proposal which is described as being "not dissimilar by way of circumstance" at Easter Lilliesleaf (13/00104/PPP) where a dwellinghouse was permitted by the Local Review Body, in a location outside the settlement boundary in order to allow for care to be provided (The care needs of the applicant's parents are set out in the accompanying letter).

It should be noted that the planning department did not support the principle of a dwelling in the case cited by the applicants. Medical and care needs do not form part of policy HD2, and do not provide justification for an approval under policy HD2. The care requirements can only be considered in terms of whether they would provide a suitable justification, overriding the need for policy compliance. I do not consider that on the basis of the submission made, a justification exists to permit a further dwelling at this location. It may be possible for consideration to be given to an extension or modest annexe within the grounds of the existing garden of the existing house, to permit a family member or a carer to be present. However that is not the proposal before the planning authority. I note the applicant is currently renting, and has not been able to find a plot, or suitable dwelling. That does not however render the current site as being policy compliant in terms of policy HD3 of the LDP, or the adopted SPG on new Housing in the Borders Countryside. In essence, what is being asked is that the Planning Authority set aside its adopted policies and guidance. It is however not considered that there is justification for this to happen.

ROAD SAFETY

Road Safety is a material planning consideration. The Roads Planning Service was consulted on the application, and advises of no significant concerns to the principle - detailed requirements for safety are set out in the Consultation reply and could be addressed via planning conditions. Subject to conditions to address the RPS requirements then it would be possible for the proposals to be considered acceptable in terms of impacts on road safety.

ADJOINING TREES AND BOUNDARIES

The site is located in the corner of an existing field, bound by mature beech hedge, and a post and wire fence. Policy EP13 of the LDP on Trees, Woodland and Hedgerows sets out that existing trees and hedgerows will be protected. A dwelling in the site proposed would require removal of hedging to permit access. There are no significant trees which would be affected by the proposed development.

AMENITY

Policy HD3 of the Scottish Borders Local Development Plan sets out that residential amenity will be afforded protection. The Council has adopted supplementary planning guidance on Householder Development which sets out standards for privacy and amenity. In the case of these current proposals, the site is located sufficiently distant from the nearest residential dwellings that I am satisfied that the proposed development of a house could be possible in a manner not resulting in an adverse impact on neighbouring amenity. The position of the house is such that acceptable privacy relationships could be achieved, and compliance with policy HD3 and the SPG standards on privacy and amenity could be achieved.

WATER SUPPLY AND DRAINAGE

The site is located in a rural area. Policy IS9 of the Local Development Plan on Waste Water Treatment Standards and Sustainable Urban Drainage is relevant to this application. Water and drainage services would require confirmation in due course, and this could be ensured via standard planning condition, were the application otherwise acceptable.

DEVELOPMENT CONTRIBUTIONS

Policy IS2 Developer Contributions of the LDP is relevant to this application. The policy is further set out in the adopted SPG on development contributions. The site would attract development contributions in terms of the Borders Railway. A legal agreement would have been necessary to collect these contributions were the proposed development otherwise acceptable. The applicant has indicated acceptance of meeting the identified contribution requirements.

REASON FOR DECISION :

The proposed development would be contrary to policy HD2 of the Scottish Borders Local Development Plan (2016), and contrary to the guidance within the adopted New Housing in the Borders Countryside Guidance Note (2008), in that the proposed development would not relate sympathetically to an existing building group and the supporting letter accompanying the application is not considered sufficient justification for what would be a development in open countryside.

Recommendation: Refused

- 1 The proposed development would be contrary to policy HD2 of the Scottish Borders Local Development Plan (2016), and contrary to the guidance within the adopted New Housing in the Borders Countryside Guidance Note (2008), in that the proposed development would not relate sympathetically to an existing building group and the supporting letter accompanying the application is not considered sufficient justification for what would be a development in open countryside.

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



*Planning and
Regulatory Services*

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

Application for Planning Permission

Reference: 13/00104/PPP

To: Mrs Carole Andrew Easter Lilliesleaf House Lilliesleaf Scottish Borders TD6 9JD

With reference to your application validated on **29th January 2013** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal: Erection of dwellinghouse

At: Land South Of Easter Lilliesleaf House Back Road Lilliesleaf Scottish Borders

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

**Dated 28th March 2013
Planning and Economic Development
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed
Head of Planning and Regulatory Services

APPLICATION REFERENCE: 13/00104/PPP

Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
	Site Plan	Refused
OS EXTRACT	Location Plan	Refused

REASON FOR REFUSAL

- 1 The proposed development is contrary to Policy G8 of the Scottish Borders Local Plan 2011 in that the site lies outwith the Development Boundary at Lilliesleaf, with no suitable exceptional justification for development in this location.
- 2 The proposed housing development is contrary to Approved Structure Plan Policies H7 and H8; Adopted Local Plan Policy D2; and the advice of Supplementary Planning Guidance - New Housing in the Borders Countryside (December 2008), in that the site lies outwith the Development Boundary, and the need for new dwellinghouses on this site has not been adequately substantiated in terms of the requirements of this policy and guidance.
- 3 The proposed development would have a detrimental impact upon road safety on Back Road, Lilliesleaf.

FOR THE INFORMATION OF THE APPLICANT

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA.

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

SCOTTISH BORDERS COUNCIL

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO THE HEAD OF PLANNING
AND REGULATORY SERVICES**

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 13/00104/PPP

APPLICANT : Mrs Carole Andrew

AGENT :

DEVELOPMENT : Erection of dwellinghouse

LOCATION: Land South Of Easter Lilliesleaf House
Back Road
Lilliesleaf
Scottish Borders

TYPE : PPP Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
	Site Plan	Refused
OS EXTRACT	Location Plan	Refused

NUMBER OF REPRESENTATIONS: 3
SUMMARY OF REPRESENTATIONS:

EDUCATION AND LIFELONG LEARNING: This site is located within the catchment area for Lilliesleaf Primary School and Selkirk High School. Education has no observations to make on this proposed development at this time and will not be seeking a developer contribution towards the provision of infrastructure for the schools in the catchment area.

LOCAL PLANS SECTION: For full text see Public Access website. In summary, Plans and Research have discussed this proposal with the applicant on previous occasions and wish to re-iterate the following points. Understandably there is much sympathy with Mrs Andrews regarding her daughter's condition and needs, although in processing this application reference must also be made to all other material planning considerations and policy. The Local Plan for Lilliesleaf has a development boundary which seeks to contain development within that area. If this boundary was not in place, then development would continue into the countryside in a piecemeal and unplanned manner. In instances such as this where a proposal is located out with a development boundary policy G8 of the Scottish Borders Local Plan 2011 should be applied. Any development proposals out with the boundary must comply with the rigorous exceptions criteria within the policy. It is contended that the proposal does not satisfy any of the main points 1 to 4 of policy G8's criteria considerations. This is a sensitive proposal and the applicant's circumstances are appreciated and fully sympathised with. However, on balance and taking into consideration all material considerations, the proposal cannot be supported as it does not comply with policy G8 of the Local Plan and would set a precedent for other developments out with the development boundary including instances where property owners have not as yet found alternative housing needs on the open market. It is also considered there is an appropriate plot of land available within the applicant's garden ground for a house which would be supported by the Department under infill policy G7.

ROADS PLANNING SERVICE: I must recommend this application be refused in the interests of road safety. The accesses onto Back Road are all narrow with a lack of radii and do not allow two vehicles to pass, furthermore the visibility onto the B class road is also well below standard at all the junctions. Back road itself is narrow with few passing opportunities. A distinct lack of ability to resolve any of these issue means I am left with no alternative but to object to development in this area.

LILLIESLEAF COMMUNITY COUNCIL: No response received - Consultation expired 27.02.13. A representative had however previously attended a site meeting at pre-application stage, and indicated support for the development of a site for the family on this plot.

PUBLICITY AND CONSULTATION:

The application was publicised by means of a site notice, a press notice in the Southern Reporter, the direct notification of 6 neighbouring properties. All letters, both those submitted with the application, and those received during its processing, can be viewed in full on the Public Access website.

One letter of objection has been received to the application. The objection letter can be summarised as follows:

- Concerns about heavy traffic using the narrow access road leading to the proposed site.
- The objector, from Easter Farm Cottage, has had damage to property caused by traffic trying to gain entry to the lane that leads to the proposed site.
- There is also evidence of substantial damage in the form of subsidence on the back road which would be the alternative access route leading to the proposed site.

A petition in support of the application was submitted by the applicant, with 58 signatories.

21 letters of support were also submitted with the application. Since then, a further 2 letters of support have been forthcoming.

In summary, the letters of support state that:

- There is extensive support within the village and further afield for this proposed development.
- The development would create a safe and secure home for Rachel Andrew.
- The development boundary is an arbitrary line.
- The development would fit in well with surroundings.
- The development would comply with local planning policies.

PLANNING CONSIDERATIONS AND POLICIES:

Consolidated Scottish Borders Structure Plan 2001-2018:

- H7 (Housing in the Countryside: Building Groups)
- H8 (Housing in the Countryside: Isolated Housing)
- I11 (Parking Provision in New Development)

Consolidated Scottish Borders Local Plan 2011

- D2 (Housing in the Countryside)
- G1 (Quality Standards For New Development)
- G5 (Developer Contributions)
- G6 (Developer Contributions related to Railway Reinstatement)
- G8 (Development outwith Development Boundaries)
- H2 (Protection of Residential Amenity)
- Inf4 (Parking Provisions and Standards)
- NE4 (Trees, Woodlands and Hedgerows)

Housing in the Countryside SPG (2008)

Recommendation by - Andrew Evans (Planning Officer) on 27th March 2013

This application seeks planning permission in principle for the erection of a single detached dwellinghouse on the southern edge of Lilliesleaf.

SITE

The application site is located on the edge of Lilliesleaf, adjacent to Easter Lilliesleaf House, the applicants existing 2 storey traditional dwelling located to the north of the site. The site is the north western corner of an agricultural field and is on the south eastern side of the village. It has a partial frontage onto the Back Road, with a field gate and fence in the corner of the site. The remaining part of the northern boundary of the site bounds the applicants garden, which has mature hedging along its boundary.

To the south and east of the site is located the remainder of the agricultural field. To the north is Back Road, and the back boundary fence of the applicants dwelling, Easter Lilliesleaf House. To the west, the site has a boundary with an adjoining dwelling, no.4 Mossbank. This is a semi detached cottage. It has a slated roof and rendered walls. The gable of the house at no.4, facing the site, is blank. The southern and eastern boundaries of the site are undefined, with the agricultural land falling away to the south. The site is located outwith the village development boundary which is set out in the adopted local plan. Lilliesleaf does not have a conservation area.

PROPOSED DEVELOPMENT

Consent is sought for the erection of a single detached dwelling. The dwelling would be sited so as to continue the front building line of the existing semi detached dwellings at Mossbank. No further details of the proposed design for the dwelling are given at this stage, the application being in principle. The dwelling is required for the applicants daughter, who suffers from epilepsy, additional needs and learning delay. The applicant has sought to provide justification for the house in the supporting information accompanying the application.

APPLICANT SUPPORTING INFORMATION

The applicant has submitted in support of the application the following:

- Letter from applicant - outlining the issues faced with their current dwelling, and the problems arising, listed. It is outlined that the applicant's daughter, Rachel Andrew, who suffers from the conditions noted above, recently suffered a seizure, resulting in a serious fall down the stairs. This has led to the conclusion that for safety reasons the family need to be in single storey accommodation. Consideration has also been given to Rachel's longevity needs.
- Letter from Borders College - Outlines that Rachel is currently enrolled on a course at Borders College.
- Neighbour letters. At the time of submission, the applicant included 21 letters of support from residents of the village. Since submission, further letters of support have been forthcoming.
- Petition. A petition with 58 signatories in support of the proposed development was submitted by the applicant with the application.

PLANNING HISTORY

There is no specific planning history on this site. In the immediate area:

An application (06/00502/FUL, by a different applicant) was refused planning permission and dismissed on appeal in 2007 on a site to the east of Easter Lilliesleaf House. The reporter pointed out in that case that, whilst the site was within the development boundary set out in the then emerging local plan, the design and details of the submission were not acceptable, and the proposed access was over-engineered.

An application (03/01767/OUT, by the same applicant as this current submission) was refused for the erection of three dwellinghouse on land to the South of Easter Lilliesleaf House in 2005 (to the east of this current application site, within the same field). The reason for refusal was: The proposal would be contrary to Policy 8 of the Ettrick and Lauderdale Local Plan 1995 and the New Housing in the Borders Countryside

Policy and Guidance Note in that part of the site lies outwith any settlement or building group and the need for dwellinghouse in this location has not been adequately substantiated.

POLICY PRINCIPLE

The site is located on the edge of Lilliesleaf and is wholly outwith the Development Boundary of the village, which runs along the northern and western site boundaries. Policy G8 of the adopted local plan requires that developments be located within development boundaries of towns and villages. The proposed housing is located outwith the development boundary. Policy G8 Development Outwith Development Boundaries states that where development boundaries are located on Proposals Maps, they indicate the extent to which towns and villages should be allowed to expand during the Local Plan period and that proposals for new development outwith this boundary and not on allocated sites identified on the proposals maps will normally be refused.

Policy G8 does contain exception criteria; however, the housing element does not meet these criteria: It is not job generating; it is not affordable housing; there is not a housing shortfall; and it does not provide significant community benefits. To clarify the 3 latter of these points, the development would not meet the Council definition of Affordable Housing, a housing shortfall has not been identified in this housing market area, and whilst the development would be of benefit to the applicant and her daughter, and not to diminish in any way from the substantial community support forthcoming to the application, it is clear that the development of a single house on this specific site would not offer any wider community benefit in the planning definition of the term. There is no requirement identified through the housing land audit with regard to the provision of additional land / sites to ensure an effective five-year housing land supply. As such, there is no evidence base for supporting the proposed development as an exceptional approval on the basis of Adopted Local Plan Policy G8. In this case the proposed development would meet none of the exceptions criteria within policy G8.

Structure Plan Policy H8 considers that proposals for houses in locations which are unrelated to building groups can not be supported unless their location is essential for the needs of an agricultural business or other business that requires a specific rural location, this is reiterated by Local Plan Policy D2 (Economic Requirement).

Structure Plan Policy H9 relates to affordable and special needs housing, however this policy is applied where a shortfall has been identified through the Local Housing Strategy and, crucially to the consideration of this application, can not be used in this assessment for a single private dwelling on the edge of Lilliesleaf.

The Council must assess this application against the relevant land use policies. The personal circumstances of applicants can rarely be taken in to account when determining planning applications. The Council remains wholly sympathetic to the circumstances on which this application has been required to be made, structure and local plan policies dictate that residential proposals in such edge of settlement locations must meet relevant exceptions criteria, leaving proposals without this required justification to merit refusal.

In this case there is no compelling justification to merit the siting of a dwelling and unfortunately there is no provision for medical grounds or personal circumstances to override accepted land use policies and for which reasons the proposal is deemed to fail to comply with.

PREAPPLICATION DISCUSSION AND ALTERNATIVE SITES

The applicant held pre-application discussions with the planning department, in a meeting also attended by a representative from the community council and Councillor Ballantyne. The applicant has previously promoted the site as a possible amendment to the Local Plan Development Boundary. The site was not considered suitable for inclusion. Mrs Andrew was advised as to the unacceptability of the site in planning terms, prior to the submission of this application.

There remain other options open to the applicant, which have been suggested by the planning department and not pursued further through the planning system by the applicant at this time. These include potential locations for a dwelling or annexe accommodation within the village development boundary and within the applicants existing garden ground, and a building potentially suitable for conversion to residential use. Of these, a site at the eastern end of the applicants existing dwelling appears to have the most significant potential, seeming capable of meeting the applicants need for a single storey dwelling, being located within

the applicants ownership, and being within the development boundary for the village. Roads issues would require further consideration, and the site would require full consideration in a separate application.

LOCAL PLAN PROCESS

The site subject to this planning application was previously subject to consideration during the call for sites through the local plan process. Colleagues in the plans and research section considered the merits of an amendment to the village development boundary. The site was not considered appropriate for inclusion within the boundary. Members subsequently resolved to proceed on the basis of the development boundary in its present position.

COMMUNITY COUNCIL

The Community Council had informally commented at pre-application stage that they supported the application. No formal response has been forthcoming to the application. It is presumed that they are still in support of the application.

APPLICANT CIRCUMSTANCES

The supporting documentation submitted with the application outlines that the dwelling is required for her daughter, who has epilepsy, additional needs and learning delay. The dwelling would permit independent living at a location adjacent to the existing family home. It can be contended however that the same independent accommodation can be achieved with a development within the applicants land within the existing development boundary.

WHETHER APPLICANT CIRCUMSTANCE A MATERIAL CONSIDERATION

The planning authority has considered applications in similar circumstances in recent years. The primary factor for initial consideration has to be the policy principle. The applicants situation is sympathised with. These circumstances are not however overriding of the policy background against which all new housing applications must be considered.

Section 25 of the Town and Country Planning Scotland act requires that the Planning Authority determine the application in line with the provisions of the development plan unless material considerations indicate otherwise. The Royal Town Planning Institute website advice on material considerations states that the circumstances of an applicant should not be treated as a material consideration unless clearly and demonstrably relevant such as in terms of the adaptations required for mobility access to a dwelling for a physically disabled person. This applies equally to any other form of impairment or additional need.

The planning department would do all it can to find a suitable solution to allow for accommodation of a persons additional needs from a dwellinghouse. The circumstances in this case however differ. The adaptations required for a suitable dwellinghouse for the applicants daughter are not what this application seeks to establish. The application seeks to establish the principle of a dwellinghouse on this specific site. As stated above, the principle of any dwelling on this site is unacceptable in planning terms.

Two main tests are used when deciding whether a consideration is material and relevant:

- It should serve or be related to the purpose of planning. This means it should relate to the development and use of land.
- It should fairly and reasonably relate to the particular application.

The Council recognizes the clear medical case presented, and the need for single storey accommodation, but must base its decision on the land use merits being the primary planning consideration of this assessment. It is not considered that these should be overridden by the applicant's case. The personal circumstances of the applicants, whilst being the driving factor behind the submission, are not a material consideration as set out in the Planning Act.

It is however likely that some form of suitable annexe, dwelling or conversion, can be accommodated within the curtilage of the applicants existing house. Such a scheme would have to be subject to a fresh, separate application for planning permission. This has previously been conveyed to the applicant. It should be noted that such an alternative scheme would also likely be able to meet the very specific requirements of the

applicant and her daughter with regards to creating safe, single storey accommodation in close proximity to the existing family home, and could meet the future longevity needs raised by Mrs Andrew.

ACCESS AND ROAD SAFETY

The dwelling would be accessed from the existing back road. The site is positioned by a bend in this road. The Roads Planning Service advise that they cannot support the development of a dwelling on this site on road safety grounds. Irrespective of the intended current occupation of the house, consideration must be given to potential future road safety impacts should its occupation change. At some stage in the future additional traffic movements would be generated by a dwelling on this site. A consent for a dwelling on this site would not be personal to the applicants family, and the wider impacts of a dwelling on the site have to be given consideration.

OCCUPANCY RESTRICTIONS

I have given consideration to whether a legal agreement or planning condition on occupation could render this application acceptable. It would not. The underlying policy conflict cannot be overcome in relation to this site.

OTHER MATTERS FOR CONSIDERATION IN EVENT OF LOCAL REVIEW

In the event of a successful Local Review of this application, members should be mindful of the following:

- Layout and design: Given the fundamental objection to the proposal set out above, and given the fact that the application is for Planning in Principle only, no detailed analysis of the applicants' indicative layouts was required.
- Landscaping: The sites southern and western boundaries are undefined. In the event of a successful local review, consideration must be given to a suitable landscape scheme to define the edge of the settlement.
- Materials: In the event of a Local Review, members should consider the external materials.
- Drainage: In the event of Local Review decision to approve the application, water and drainage services would need confirmed by planning condition.
- Development Contributions: The council has adopted policies with regards to education and affordable housing contributions, and the reinstatement of the Waverley Rail Route. In this case, the application is submitted on the basis of an untied open market dwelling. Contributions in terms of education and affordable housing would not be required for a single house development in this catchment. A Waverley Contribution would be applicable.

REASON FOR DECISION :

It is considered that the proposed development is contrary in principle to the plans and policies of the statutory development plan, including key policy, Adopted Local Plan Policy G8, in that it would be located outwith the Development Boundary of Lilliesleaf without a suitable justification for an exceptional approval. Furthermore, the development would be contrary to policies relating to development in the countryside, and would be to the detriment of road safety on Back Road.

Recommendation: Refused

- 1 The proposed development is contrary to Policy G8 of the Scottish Borders Local Plan 2011 in that the site lies outwith the Development Boundary at Lilliesleaf, with no suitable exceptional justification for development in this location.
- 2 The proposed housing development is contrary to Approved Structure Plan Policies H7 and H8; Adopted Local Plan Policy D2; and the advice of Supplementary Planning Guidance - New Housing

in the Borders Countryside (December 2008), in that the site lies outwith the Development Boundary, and the need for new dwellinghouses on this site has not been adequately substantiated in terms of the requirements of this policy and guidance.

- 3 The proposed development would have a detrimental impact upon road safety on Back Road, Lilliesleaf.

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

**SCOTTISH BORDERS COUNCIL
LOCAL REVIEW BODY INTENTION NOTICE**

**APPEAL UNDER SECTION 43A (8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND)
ACT 1997**

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

Local Review Reference: 13/00022/RREF

Planning Application Reference: 13/00104/PPP

Development Proposal: Erection of a dwellinghouse

Location: Land South of Easter Lilliesleaf House, Lilliesleaf

Applicant: Mrs Carole Andrew

DECISION

For the reasons set out below, the Local Review Body intend to reverse the decision of the appointed officer and grant planning permission in principle, subject to a section 75 agreement and conditions, on the following grounds:

1. The proposed development is compatible with SESplan Policy 1B, bullet point 3 in that the proposal offers benefit to the community
2. The proposed development is compatible with Policy G8 of the Adopted Local Plan in that it provides community benefit and represents a logical extension of the built up area which is an appropriate scale; does not prejudice the character, visual cohesion or natural built edge of the settlement; does not cause a significant adverse effect on the landscape setting of the settlement or the natural heritage of the surrounding area.

The Planning Permission in Principle to be subject to the following conditions-

STANDARD CONDITIONS

Application for approval of matters specified in the conditions set out in this decision shall be made to the Planning Authority before the expiration of three years from the date of this permission

Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

SCHEDULE OF CONDITIONS

No development shall commence until the details of the layout, siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site have been submitted to and approved in writing by the Planning Authority.

Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

The means of water supply and of surface water and foul drainage to be submitted for approval by the Planning Authority.

Reason: to ensure that the site is adequately serviced.

Two car parking spaces shall be provided within the site prior to occupancy of the dwellinghouse.

Reason: In the interests of road safety

SECTION 75

A section 75 shall be entered into to meet appropriate contributions to the Waverley railway and to limit the future use of the dwelling to a person or persons with a disability and/or any dependent, family member or carer of such person residing with him or her.

FOR THE INFORMATION OF THE APPLICANT

It should be noted that:

This consent does not include any consent, approval or licence necessary for the proposed development under the building regulations or any other statutory enactment and the development should not be commenced until all consents are obtained.

In advance of carrying out any works it is recommended that you contact Utility Bodies whose equipment and apparatus may be affected by any works that you undertake.

DEVELOPMENT PROPOSAL

The application relates to the erection of a dwellinghouse on land South of Easter Lilliesleaf House, Lilliesleaf. The application drawings consisted of the following drawings:

Plan Type	Plan Reference No.
Site Plan	Headed as Planning Application

PRELIMINARY MATTERS

After examining the review documentation, which included: (a) Decision Notice, (b) Notice of Review and supporting papers (c) Report of Handling, (d) Correspondence from Consultees, (e) Correspondence from objector, (f) letters of support, (g) further representation, (h) List of Policies (including SESplan policies), the Review Body concluded that it had sufficient information to determine the review and that further procedure was not required in this instance. In coming to this conclusion, the Review Body took into account the applicant's request for further procedure in the form of a site visit, written submission and a hearing session.

The Local Review Body considered the Review competently made under section 43A (8) of the Town & Country Planning (Scotland) Act 1997 at its meeting on 12th August 2013.

REASONING

The determining issues in this review were:

- (1) whether the proposal would be in keeping with the Development Plan, and
- (2) whether there were any material considerations which would justify departure from the Development Plan.

The Development Plan comprises: SESplan Strategic Development Plan and the consolidated Scottish Border's Local Plan 2011. The Review Body considered that the most relevant of the listed policies were:

- SESplan Policy: Policy 1A and 1B
- Local Plan Policies: G1, G5, G6, G8, D2, H2, NE4, INF4, D2

Other material key considerations the Local Review Body took into account related to:

- Supplementary Planning Guidance on New Housing in the Borders Countryside

The Review Body noted that the site lies outwith the defined settlement boundary of Lilliesleaf. The site is an area of agricultural land for grazing.

The Review Body was mindful of the provisions of Development Plan Policies that any development outwith a settlement boundary would require to meet the tests set by policy. The meeting focused upon the consideration of the demonstrable harm that might result from a positive consideration of the application, the positive benefit to the community and the likely impact on the roads infrastructure.

Members considered that there was no demonstrable harm that would result from a small development in this location and that it would be a logical extension of the settlement in that there was precedent already in the form of the adjacent cottages. Members did not consider that there would be any prejudice to the character or visual cohesion of the settlement edge.

Members discussed the matter of community benefit and felt that SESplan policy 1B would be satisfied and therefore considered that there would be a positive community benefit in making provision of a specialised dwelling house to meet special circumstances as long as there were appropriate safeguards in the form of a section 75 agreement that restricted use of the dwelling for a person or persons with a disability and/or any dependent, family member or carer of such person residing with them.

Members discussed the matter of road safety and considered that the addition of one house in this location would not make any demonstrable impact on road traffic numbers, and therefore were content that the site could be accommodated.

On the basis of the evidence before them, Members considered that the application could be supported because the proposed development is compatible with SESplan Policy 1B, bullet point 3 in that the proposal offers benefit to the community and compatible with Policy G8 of the Adopted Local Plan in that it provides community benefit and represents a logical extension of the built up area which is an appropriate scale; does not prejudice the character, visual cohesion or natural built edge of the settlement; does not cause a significant adverse effect on the landscape setting of the settlement or the natural heritage of the surrounding area.

The Members agreed that the consideration of the application by the Appointed Officer should be reversed, subject to a section 75 agreement for a contribution to the Waverley Railway and in respect of the use of the dwelling for a person or persons with a disability and/or any dependent, family member or carer of such person residing with them. Members also agreed the attachment of relevant conditions on the approval.

CONCLUSION

After considering all relevant information, the Local Review Body concluded that the development was compatible with the Development Plan and that the proposal should be approved subject to a section 75 and appropriate conditions.

Notice Under Section 21 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2008.

1. If the applicant is aggrieved by the decision of the planning authority to refuse 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 question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions 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 of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

Signed. _____
Councillor J Brown
Chairman of the Local Review Body

Date: 19 August 2013

PLANNING CONSULTATION

On behalf of: Director of Education & Lifelong Learning

From: Head of Property & Facilities Management
Contact: Marc Bedwell, ext 5242

To: Head of Planning & Building Standards Date: 07 March 2017

Contact: Andrew Evans ☎ 01835 826739 Ref: 16/01536/PPP

PLANNING CONSULTATION

Name of Applicant: Miss Kerrie Johnston

Agent: N/A

Nature of Proposal: Erection of dwellinghouse

Site: Land East Of Highland Brae Lilliesleaf Melrose Scottish Borders

OBSERVATIONS ON BEHALF OF: Director of Education & Lifelong Learning

CONSULTATION REPLY

I refer to your request for Education's view on the impact of this proposed development, which is located within the catchment area for Lilliesleaf Primary School and Selkirk High School.

There are no contributions sought for this application.

If you require any further information, please do not hesitate to contact me.

REGULATORY SERVICES



To: **Development Management Service**
FAO Andrew Evans

Date: **16 Jan 2017**

From: **Roads Planning Service**
Contact: **Alan Scott**

Ext: **6640**

Ref: **16/01536/PPP**

Subject: Erection of dwellinghouse
Land East of Highland Brae, Lilliesleaf, Melrose

Should the planning department be minded to support this proposal, I would have no objections to the application. The existing access is acceptable in terms of geometry and sightlines for the traffic associated with an additional dwelling. Any detailed application should include parking and turning for a minimum of two vehicles, excluding any garages, per property. This parking and turning should be available prior to the occupation of the new dwelling and be retained in perpetuity thereafter.

AJS

LIST OF POLICIES

Local Review Reference: 17/00006/RREF

Planning Application Reference: 16/01536/PPP

Development Proposal: Erection of dwellinghouse

Location: Land East of Highland Brae, Lilliesleaf

Applicant: Miss Kerrie Johnston

Scottish Borders Local Development Plan 2016

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 PMD1: SUSTAINABILITY

In determining planning applications and preparing development briefs, the Council will have regard to the following sustainability principles which underpin all the Plan's policies and which developers will be expected to incorporate into their developments:

- a) the long term sustainable use and management of land
- b) the preservation of air and water quality
- c) the protection of natural resources, landscapes, habitats, and species
- d) the protection of built and cultural resources
- e) the efficient use of energy and resources, particularly non-renewable resources
- f) the minimisation of waste, including waste water and encouragement to its sustainable management
- g) the encouragement of walking, cycling, and public transport in preference to the private car
- h) the minimisation of light pollution
- i) the protection of public health and safety
- j) the support to community services and facilities
- k) the provision of new jobs and support to the local economy
- l) the involvement of the local community in the design, management and improvement of their environment

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 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 IS3 - DEVELOPER CONTRIBUTIONS RELATED TO THE BORDERS RAILWAY

In accordance with the provisions of the Waverley Railway (Scotland) Act 2006, the Council will seek developer contributions towards the cost of providing the Borders railway from any developments that may be considered to benefit from, or be enhanced by, the re-instatement of the rail link.

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 scale, 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 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 sewered 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.

POLICY EP13: TREES, WOODLANDS AND HEDGEROWS

The Council will refuse development that would cause the loss of or serious damage to the woodland resource unless the public benefits of the development clearly outweigh the loss of landscape, ecological, recreational, historical, or shelter value.

Any development that may impact on the woodland resource should:

- a) aim to minimise adverse impacts on the biodiversity value of the woodland resource, including its environmental quality, ecological status and viability; and
- b) where there is an unavoidable loss of the woodland resource, ensure appropriate replacement planting, where possible, within the area of the Scottish Borders; and
- c) adhere to any planning agreement sought to enhance the woodland resource.

OTHER MATERIAL CONSIDERATIONS

- Scottish Planning Policy
- SBC Supplementary Planning Guidance on Development Contributions 2015
- SBC Supplementary Planning Guidance on New Housing in the Borders Countryside 2008
- SBC Supplementary Planning Guidance on Placemaking & Design 2010
- SBC Supplementary Planning Guidance on Householder Development 2006
- SBC Supplementary Planning Guidance on Trees and Development 2008
- SBC Supplementary Planning Guidance on Landscape and Development 2008

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