

# Public Document Pack



## LOCAL REVIEW BODY MONDAY, 21 JANUARY 2019

A MEETING of the LOCAL REVIEW BODY will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS, TD6 0SA on MONDAY, 21 JANUARY 2019 at 10.00 am

J. J. WILKINSON,  
Clerk to the Council,

7 January 2019

<b>BUSINESS</b>		
1.	<b>Apologies for Absence.</b>	
2.	<b>Order of Business.</b>	
3.	<b>Declarations of Interest.</b>	
4.	<p><b>Consider request for review of refusal of application for erection of dwellinghouse and detached garage/stable on land NE of River Cottage, Linthill, Melrose. 18/01332/PPP. 18/00036/RREF.</b></p> <p>Copies of the following papers attached:-</p>	
	<p>(a) <b>Notice of Review</b></p> <p>Including:-</p> <p>Officer's Report – page 37</p>	(Pages 5 - 58)
	(b) <b>Decision Notice</b>	(Pages 59 - 60)
	(c) <b>Papers referred to in Officer's Report</b>	(Pages 61 - 86)
	(d) <b>Support comment</b>	(Pages 87 - 88)
	(e) <b>Consultations</b>	(Pages 89 - 96)
	(f) <b>List of Policies</b>	(Pages 97 - 106)
5.	<p><b>Consider request for review of refusal of application for erection of dwellinghouse and detached garage on land SE of Tarf House, West Linton. 18/01341/PPP. 18/00037/RREF.</b></p> <p>Copies of the following papers attached:-</p>	

	(a) <b>Notice of Review</b>	(Pages 107 - 152)	
	(b) <b>Decision Notice</b>	(Pages 153 - 154)	
	(c) <b>Officer's Report</b>	(Pages 155 - 160)	
	(d) <b>Consultations</b>	(Pages 161 - 168)	
	(e) <b>List of Policies</b>	(Pages 169 - 176)	
6.	<b>Consider request for review of refusal of application for erection of dwellinghouse on land NW of Chapel Cottage, Melrose. 18/00956/FUL. 18/00038/RREF.</b>		
	Copies of the following papers attached:-		
	(a) <b>Notice of Review</b>	(Pages 177 - 242)	
	(b) <b>Decision Notice</b>	(Pages 243 - 244)	
	(c) <b>Officer's report</b>	(Pages 245 - 252)	
	(d) <b>Papers referred to in report</b>	(Pages 253 - 272)	
	(e) <b>Consultations</b>	(Pages 273 - 280)	
	(f) <b>List of Policies</b>	(Pages 281 - 288)	
7.	<b>Consider request for review of refusal of application for extension to dwellinghouse at 10, Townhead Way, Newstead. 18/01215/FUL. 18/00039/RREF.</b>		
	Copies of the following papers attached:-		
	(a) <b>Notice of Review</b>	(Pages 289 - 328)	
	Including:- Decision Notice - page 304		
	(b) <b>Application referred to in Notice of Review</b>	(Pages 329 - 334)	
	(c) <b>Officer's report</b>	(Pages 335 - 338)	
	(d) <b>Consultations</b>	(Pages 339 - 342)	
	(e) <b>List of policies</b>	(Pages 343 - 346)	
8.	<b>Any Other Items Previously Circulated</b>		
9.	<b>Any Other Items which the Chairman Decides are Urgent</b>		

## **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.**

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**Membership of Committee:-** Councillors T. Miers (Chairman), S. Aitchison, A. Anderson, J. A. Fullarton, S. Hamilton, H. Laing, S. Mountford, C. Ramage and E. Small.

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Please direct any enquiries to Fiona Walling 01835 826504  
email [fwalling@scotborders.gov.uk](mailto:fwalling@scotborders.gov.uk)

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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 2013

**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 Mr and Mrs Ferguson  
Address Broompark Cottage, Bowden

Name Ferguson Planning  
Address Shiel House, 54 Island Street, Galashiels

Postcode TD6 0ST

Postcode TD1 1NU

Contact Telephone 1  
Contact Telephone 2  
E-mail\*

Contact Telephone 1 01896 668 744  
Contact Telephone 2  
E-mail\* tim@fergusonplanning.co.uk

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 Scottish Borders Council

Planning authority's application reference number 18/01332/PPP

Site address Land North East of River Cottage, Linthill, Melrose

Description of proposed development

Erection of Dwellinghouse and detached Garage/Stable

Date of application 26th September 2018

Date of decision (if any) 27th November 2018

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 (tick one box)**

- 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 type="checkbox"/>            | <input checked="" 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: No

No

**Statement**

You must state, in full, why you are seeking a review of 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.

Refer to Appeal Statement

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. Note: there will be no opportunity to submit further documents to accompany this notice of review.

Location Plan Indicative Site Plan Indicative Elevation Plan Planning Statement Officers Report Decision Notice Appeal Statement
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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 [REDACTED] Date 6 / 12 / 2018

**The completed form should be returned to the Clerk of the Local Review Body, Democratic Services, Scottish Borders Council, Council Headquarters, Newtown St. Boswells TD6 0SA or sent by email to [localreview@scotborders.gov.uk](mailto:localreview@scotborders.gov.uk)**



## **LRB APPEAL STATEMENT**

# **APPEAL AGAINST REFUSAL OF PLANNING PERMISSION IN PRINCIPLE FOR THE ERECTION OF A SINGLE DWELLINGHOUSE AND GARAGE/STABLES**

**LINTHILL, BY. LILLIESLEAF**

**APPLICATION REF: 18/01332/PPP**

**ON BEHALF OF:  
MR&MRS FERGUSON**

**DECEMBER 2018**

**Main Office:**

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## EXECUTIVE SUMMARY

This Notice of Local Review is submitted on behalf of Mr and Mrs Ferguson against the decision of Scottish Borders Council Planning Department to refuse Planning Permission in Principle (PPP), on 27<sup>th</sup> November 2018, for the erection of a single dwellinghouse on land adjacent to a recognised building group at Linthill near Lilleasleaf. The application reference was **18/01331/PPP**.

The Scottish Borders Council and Scottish Government rightly supports growth in the rural economy and seeks to support those wishing to reside in rural areas. Self-Build homes are one of the main sectors in housing growth within the Scottish Borders and which has many knock-on benefits from employing local trades people to supporting local rural services (eg. shops/cafes).

National and Local Planning Policy supports this and the delivery of new homes that form part of rural building groups, be that within or adjacent to them. The Applicant's, when searching for suitable plots for their proposed family home together with stable/land (to follow their equestrian interests), seen a clear building group opportunity at Linthill.

They then went about pulling together the associated plans as well as researching areas ranging from flooding to habitats. All the necessary documentation was lodged with the application and concluded that building a home on the lands in question was possible.

The Applicant's family live within the local community and run their own business in the Scottish Borders. They wish to stay within the local area and to continue to support the local rural businesses and services as part of this.

There was only one reason given to why this application was refused and that will be responded to in detail within the 'Grounds of Appeal'. The reasoning why we consider the decision made should be overturned and subsequently approved are:

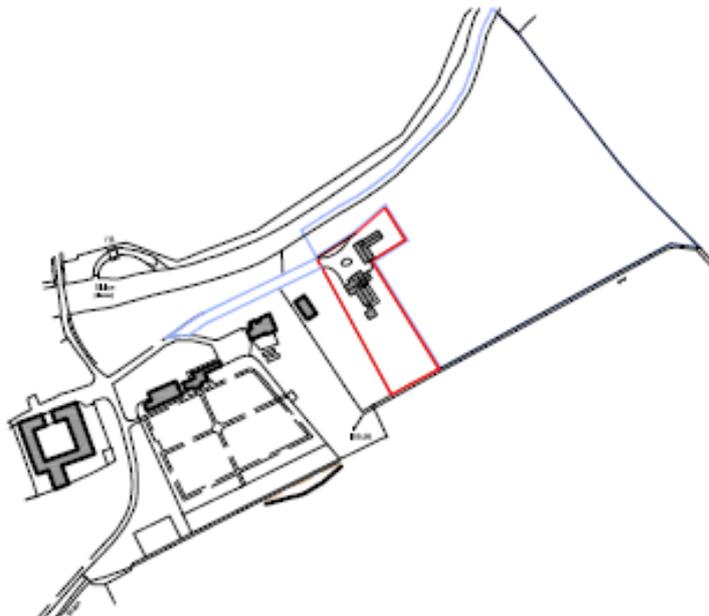
### REASON 1:

There were **no objections by any consultee** (any conditions suggested are agreed) and the **immediate neighbour** to the proposal kindly wrote in and **supported** the application.



**REASON 2:**

The Landscape Officer and indeed the Planning Case Officer acknowledges that there is a confirmed 'Building Group' at Linthill and the subject site relates well to it. We agree with this conclusion and is clearly shown on lodged drawings and shown below:



The Landscape Officer's consultation states:

***The proposed dwellinghouse sits towards the north end of a large site and this does make sense in terms of keeping the integrity of the built form of the group (underlined our emphasis).***

***For this reason I do not think there will be a detrimental impact on the Designed Landscape, Listed buildings or wider building group from this proposal.***

The Landscape Officer has raised no concerns of landscape or visual impact. The proposal is a significant distance from the main road and will largely go unnoticed with glimpsing views at most and **can in no way be considered "significant" in planning / landscape impact terms.**



**REASON 3:**

The Planning Officer, in our opinion, deviates from an agreement that a building group does exist to then considering somehow that it centres around the stables and walled garden house which we would consider as being in the middle not at the end of the building group.

While makes note it largely ignores or softens the fact that there is a long standing residential house (due to be extended) beyond the walled garden to the East and immediately adjacent to the subject site.

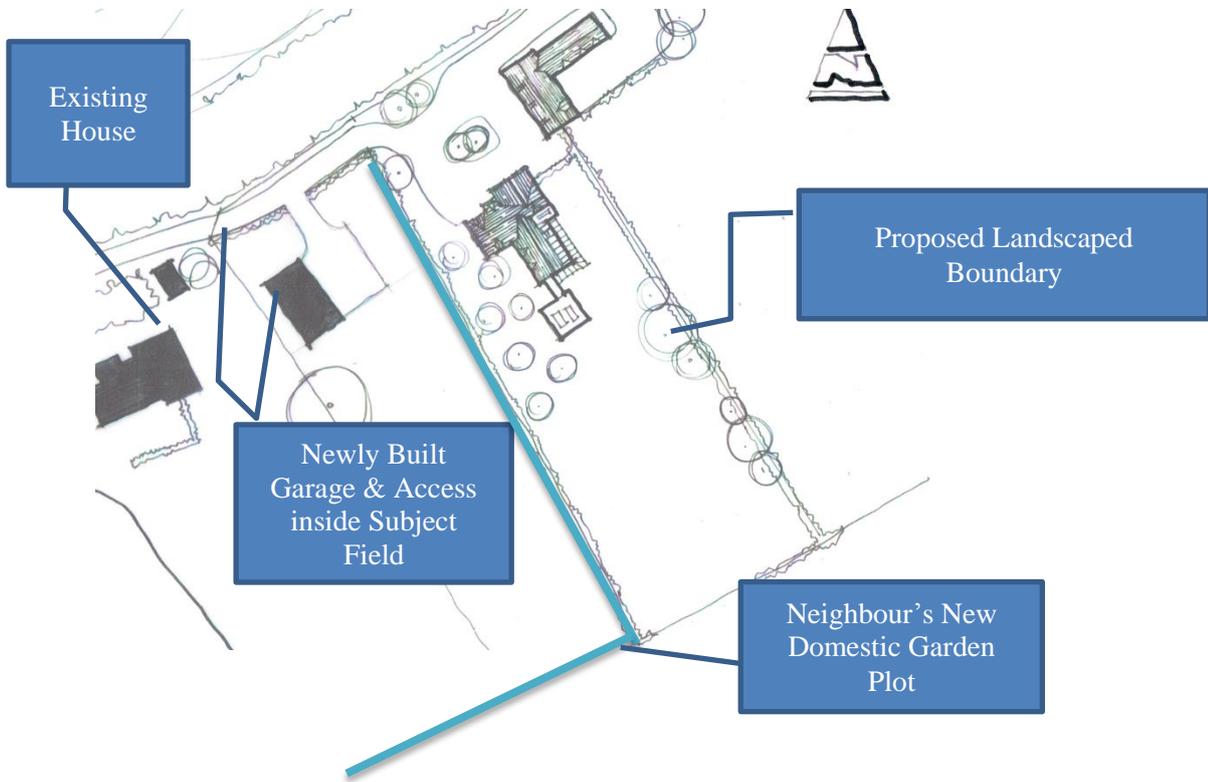
It again largely ignores the SPG guidance on allowing adjacent building plots to existing building groups. One is at a loss as to where the Case Officer thinks the plot would go within the confirmed Linthill building group? Each plot has substantial gardens to the rear with access road and limited front garden areas to the north.

The proposed plot seeks to relate and follow on the “sense of place” that neighbours it. Any alternative proposal would be backland and with no to limited access opportunity. One is at a loss as to what plots could be deemed appropriate in the eyes of the Case Officer and it certainly does not reflect the hierarchy of promoting the allowance of people to build their own homes in rural areas in or adjacent to an existing building group. There will always be a need for a degree of “flexibility” and pro-activeness within the planning process to support that principle.

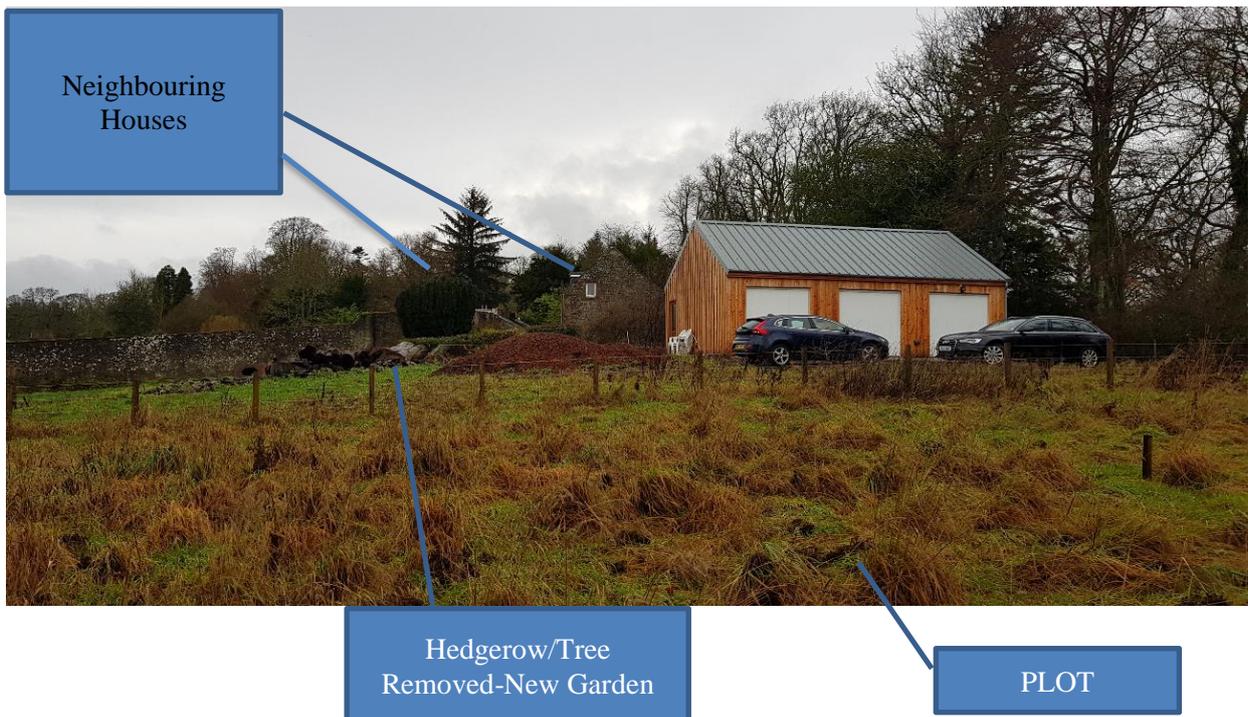
It also does not fully reflect that the neighbouring plot has now been further extended beyond the hedgerow referred by the case officer and which is now removed.

The Planning Department granted planning permission for a 3 bay Residential Garage (now built) within the field in question and which goes beyond the now removed hedge line. In addition, the mature tree is no longer in situ due to it falling during winter storms.

The local context is shown on the plans lodged and marked up in the extract below and photos contained within this appeal:



**Standing on House Plot Looking West Toward Garage and Neighbouring Properties**





An access road, parking area and residential garage has been formed within the subject field and immediately next to the carefully located plot in question. **Refer to photos below.**

**Formed Access / Gate / Hard Standing**





It has a residential building group to the west, a retained mature woodland to the North and high level hedgerow both to the South and East. The Case Officer appears most concerned with the boundary to the East. There is an existing eastern hedgerow boundary that is owned by the applicant but to contain the plot further the Applicant has indicated the willingness to provide a further landscape eastern boundary to contain the single plot in question.

The extent of the boundary treatment can be formed by a suitable worded condition and something the Appellant is content with.

**REASON 4:**

The subject site is self-contained by natural landscape treatment and set against the backdrop of mature woodland which is advocated within the SPG. It has been deliberately located to the north west of the land and as close to the neighbouring building group as is possible without raising residential amenity issues and allowing adequate spacing between properties.

**Section 2.b.1. of the 'New Housing in the Borders Countryside' details that building groups can be contributed to by "man made boundaries such as existing buildings, roads, plantations or means of enclosure".**

The provision of this has been accepted in the past by the LRB and can be enforced by a suitable worded condition. Moreover, the field in question has been "developed" within by way of a domestic garage and large area of hardstanding. It therefore cannot be considered as being an "undeveloped field".

The Council's Supplementary Planning Guidance (SPG) entitled 'New Housing in the Borders Countryside' notes preference for existing landscaping but it does not prohibit new landscaping to be put in place to reach the same goals.

The subject site is contained to the north, east and south by existing landscaping. The Applicant seeks to provide a further eastern (native) landscaped boundary treatment to contain the one dwelling proposed.



**REASON 5:**

While each application requires to be considered on its own merits the Case Officer appears to concern himself with the potential for further houses to the East.

To be clear the proposal includes the desire to have a stable and for the remainder of the lands (which do not form part of this application) to remain as a small holding for horses and possible a small number of livestock nothing more.

There is no intention to build more homes on the subject site and which the applicant's see as being their "forever home". **It is again worth highlighting that, in addition to this, there is a legal title restriction on the land that only allows a single dwelling to be developed on the lands.**

**REASON 6:**

Access to the site can be achieved. Upgrade of the main access to improve the visibility is imminent and the internal access is already in place and within the control of the applicant. No objection was raised by the Council's Road Officers.

A technical drawing regarding the main access has been lodged with the application/appeal. The internal access and hardstanding to the plot is already in place.

**REASON 7:**

The Applicant's seek to build a family home that is of the highest quality in design (using a local and award winning Architect) and in materials used that respects the rural environment in which it would be placed. It also seeks to support renewable energy techniques wherever possible (eg. solar/battery storage/ground source heating).

Appropriate utility connections from power to sewerage can be put in pace and acceptance by the providers has been given to the Appellant (eg. Scottish Power / Water).

Having considered the detail contained within the Appellant's submission we respectfully request planning permission be granted.



## 1.0 INTRODUCTION – DOCUMENTATION

1.1 The Application for Planning Permission in Principle (PPP) for the erection of a dwelling included the following drawings which are supplied with this Local Review.

- Location Plan
- Indicative Site Plan
- Indicative Elevation Plan

1.2 An indicative elevation drawing was lodged at the outset but appears not to have been received. We have included that within this submission for general context.

1.3 The application also included a detailed Supporting Planning Statement and Habitat Survey resubmitted with this appeal submission. The Planning Officer's Report and Decision Notice are also included.



**2.0 BACKGROUND AND APPLICATION PLANNING HISTORY**

- 2.1 The Appellant's are seeking to build their family home on a proposed/contained plot that they and we consider to be a clear building group opportunity at Linthill.
- 2.2 Any previous withdrawn application has no relationship with the Appellant nor did it include as much supporting evidence/documentation as lodged with this submission. It appeared on one map search to include the entire lands while this application has carefully only included a plot immediately adjacent to the existing building group and to which new landscaping will tightly contain. It also did not take into consideration the domestic garage which now sits within the subject field/plot adjacent to where the proposed house would go.
- 2.3 The submission package before the LRB has been undertaken during the course of 2018. Any previous application on the site is not related and has not also taken into changes since then (ie. garage within the subject site / felled hedge line and tree etc)
- 2.4 The Building Group is clear and formed from the west by the Linthill Stable block (now converted into a number of cottages), a house built into the walled garden followed by Garden Cottage (soon to be extended) and which also incorporates a newly formed domestic garage that falls within the subject field/plot.
- 2.5 Planning Permission for the garage was granted in 2015 (ref. 15/00199/FUL). The extension to the neighbouring Garden Cottage was passed via permitted development rights and due to be built early in 2019.
- 2.6 There is a clear group of existing dwellings and which meets the LDP's requirement of at least 3 existing dwellings. There again is the main Linthill House to the north of the Ale Water which arguable has a relationship with the Linthill grouping (albeit not being relied upon in this submission).
- 2.7 While it is not considered part of the grouping it is again worth highlighting that the LRB recently approved the replacement Gatehouse at 'Linthill' near the main access road. The subject site is the final plot of the Estate's sale lotting to be developed.



### 3.0 REFUSAL OF APPLICATION BY SCOTTISH BORDERS COUNCIL

3.1 The application was refused by Scottish Borders Council on 27<sup>th</sup> November 2018 on the basis set out below.

*1) The proposed development is contrary to Adopted Local Plan Policy HD2 and the advice of Supplementary Planning Guidance - New Housing in the Borders Countryside (December 2008) in that: (i) the development is not sympathetic to the character of the building group and would not contribute positively to the sense of place of the existing building group; and (ii) the Applicant has not demonstrated that there is any operational need for a new dwellinghouse to be located at the site as a direct operational requirement of any agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside.*



#### 4.0 PLANNING POLICY CONTEXT

##### SCOTTISH BORDERS LOCAL DEVELOPMENT PLAN (2016)

- 4.1 The key policies relevant to the determination of this Local Review are Local Development Plan (LDP) Policy HD2 **Housing in the Countryside** and Policy HD3 **Protection of Residential Amenity**.
- 4.2 The key adopted Supplementary Guidance to be treated as a material consideration in the determination of this Local Review is **‘New Housing in the Borders Countryside’** (2008).
- 4.3 LDP Housing in the Countryside policy **HD2**, section [A] ‘Building Groups’ states that housing of up to 2 additional dwellings, or a 30% increase in the building group, (whichever is the greater), associated with existing building groups, may be supported where:
- The site is well related to an existing building group of 3 or more houses;
  - There is acceptable cumulative impact of the proposal on the character of the building group, and on the landscape and amenity of the surrounding area;
  - The proposal is appropriate in terms of scale, siting, design, access and materials, and should be sympathetic to the character of the group.

##### SUPPLEMENTARY GUIDANCE – NEW HOUSING IN THE BORDERS COUNTRYSIDE

- 4.4 “New Housing in the Borders Countryside” provides clear guidance on development which is proposed as an addition to an existing building group.
- 4.5 The Guidance states that development must meet certain standard criteria, including:
- a) No adverse effect on the viability of a farming unit or conflict with the operations of a working farm;
  - b) Satisfactory access and other road requirements;
  - c) Satisfactory public or private water supply and drainage facilities;
  - d) No adverse effect on countryside amenity, landscape or nature conservation;
  - e) No adverse impact on designed landscapes;
  - f) Appropriate siting, design and materials in accordance with the relevant Local Plan policies.



- 4.6 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.
- 4.7 The existence of a group will be identifiable by a sense of place which will be contributed to by: **(a)** natural boundaries such as water courses, trees or enclosing landform, or **(b)** man-made boundaries such as existing buildings, roads, plantations or means of enclosure.
- 4.8 Natural boundaries where possible should take precedence over man-made boundaries when defining the extent of a building group. Man made boundaries are, in our opinion, still deemed to be acceptable in containing any confirmed building group.
- 4.9 The suitability of any particular group to accommodate new houses will depend upon:
- a) The scale and siting of new development reflecting and respecting the character and amenity of the existing group, and the individual houses within the group;
  - b) New development being limited to the area contained by the sense of place;
  - c) New build being located within a reasonable distance of existing properties within the building group; the distance between existing properties and proposed new build being guided by the spacing between the existing properties within the group;
  - d) Sites not normally breaking into a previously undeveloped field or requiring the removal of mature trees in good condition;
  - e) Houses not being located within 400m of existing intensive livestock units unless the new house is required in connection with the farm or business itself;
  - f) Careful consideration being given to sites close to working farm buildings or other rural industries to ensure no potential conflict;
  - g) The proposal not being an extension of ribbon development along a public road.
- 4.10 Policy **HD3** 'Protection of Residential Amenity' requires that any new house does not have a detrimental impact upon the residential amenity of existing houses and has a good level of residential amenity itself.



**5.0 GROUNDS FOR LOCAL REVIEW AND CASE FOR THE APPELLANT**

- 5.1 The Case Officer’s single reason to refuse (outlined in Section 3) the application is challenged on the ‘Grounds of Appeal’ set out below. It is asserted that the Proposal accords with the relevant planning policies and intentions of the Local Development Plan and Supplementary Planning Guidance as well as Strategic and National planning guidance.
- 5.2 The Appellant sets out the following Grounds of Appeal (GOA):

**GOA 1**

There were **no objections by any consultee** (any conditions suggested are agreed) and the **immediate neighbour** to the proposal kindly wrote in and **supported** the application.

**GOA 2**

The development would **not** be contrary to policy HD2 of the Local Development Plan 2016 and New Housing in The Borders Countryside’ Guidance 2008 in that :

- (a) the location is directly adjacent to an existing building group of more than three dwellings,
- (b) the proposal respects the character of the building group and the scale and siting of other houses. This has been confirmed by the Council’s Landscape Officer who concluded:

***The proposed dwellinghouse sits towards the north end of a large site and this does make sense in terms of keeping the integrity of the built form of the group (underlined our emphasis).***

***For this reason I do not think there will be a detrimental impact on the Designed Landscape, Listed buildings or wider building group from this proposal.***

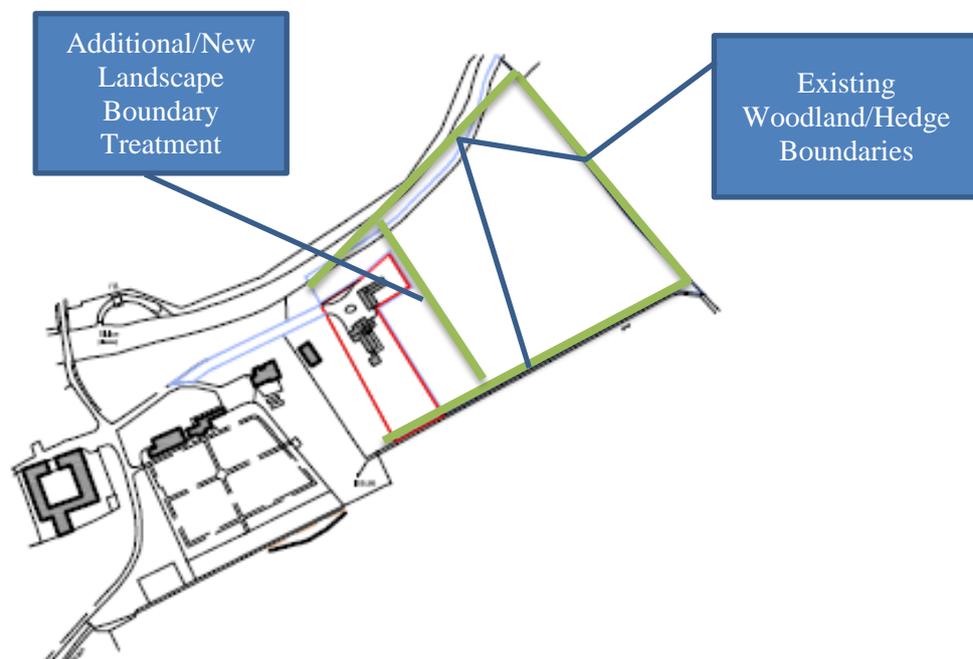


- (c) The subject plot is contained by the existing building group to the west, mature woodland to the north and high hedgerows to the south and east. It is proposed to plant a secondary and further native landscaped boundary along the east and as shown indicatively within the drawings lodged. This then providing a tighter defined edge to the building group. The remainder of the field would be used for grazing and equine purposes (ie. Agri. small holding) by the owners.

The policy or SPG does not prohibit the use of new landscape boundaries as part of containing an extended building group.

- (d) there are no other suitable sites available within the building group;
- (e) the proposal would not cause ribbon development.

The Landscape Officer acknowledges that there is a confirmed 'Building Group' at Linthill and the subject site relates well to it. We agree with this conclusion and is clearly shown on lodged drawings and shown below:





The Landscape Officer has raised no concerns of landscape or visual impact. The proposal is a significant distance from the main road and will largely go unnoticed with glimpsing views at most and can in no way be considered “significant” in planning or landscape impact terms.

### **GOA 3**

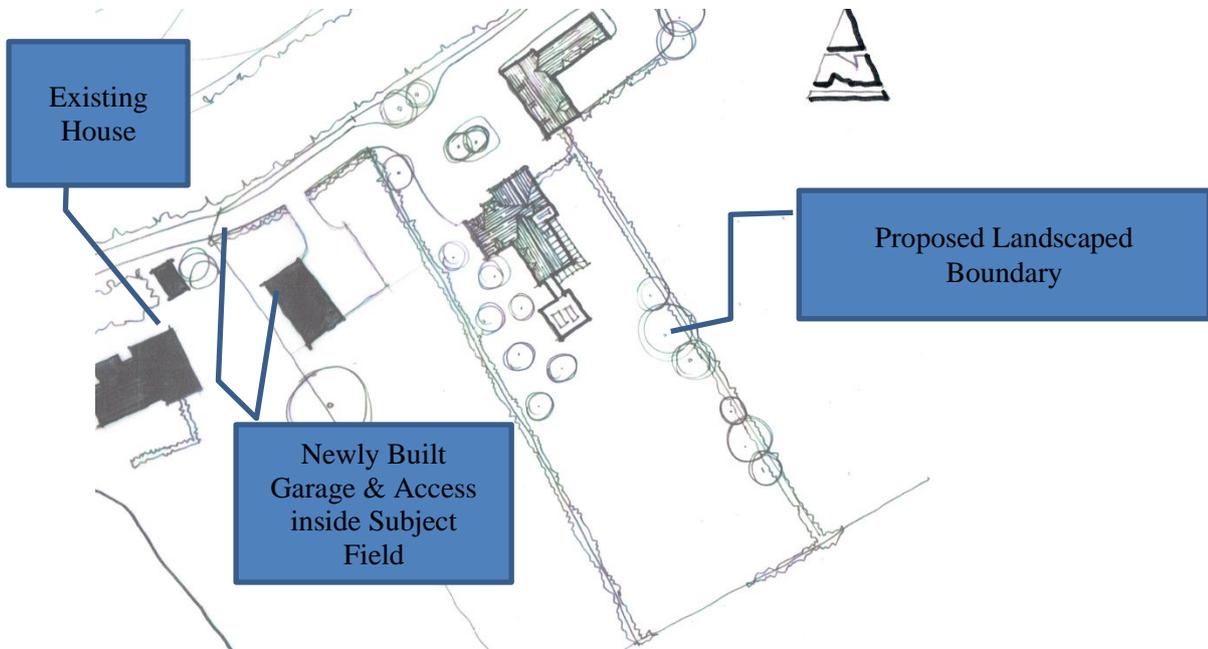
The Planning Officer, in our opinion, deviates from an agreement that a building group does exist but then appears to dilute what that may or may not contain. It again does not highlight strongly enough that plots adjacent to building groups should be deemed acceptable.

It lightly touches upon the fact that there is a long standing residential house (due to be extended) beyond the walled garden to the East and immediately adjacent to the subject site.

It also does not fully reflect that the neighbouring plot has now been further extended beyond the hedgerow and now includes part of the subject field in question.

The Planning Department granted planning permission for a 3 bay Residential Garage (now built) within the field in question and which goes beyond the hedge line referred to by the Planning Officer. In addition, the mature tree and the hedgeline in question is no longer in situ.

This is shown on the plans lodged and extract below:



Standing on House Plot Looking West Toward Garage Built in Subject Field





An access road, parking area and residential garage has been formed within the subject field and immediately next to the carefully located plot in question. Refer to previous photos in Executive Summary.

It has a residential building group to the west, a retained mature woodland to the North and high level hedgerow both to the South and East. The Case Officer appears most concerned with the boundary to the East. There is an existing eastern hedgerow boundary that is owned by the applicant but to contain the plot further the Applicant has indicated the willingness to provide a further landscape eastern boundary to contain the single plot in question.

**GOA 4:**

The subject site is self-contained by natural landscape treatment and set against the backdrop of mature woodland which is advocated within the SPG. It has been deliberately located to the north west of the land and as close to the neighbouring building group as is possible without raising residential amenity issues and allowing adequate spacing between properties.

**Section 2.b.1. of the ‘New Housing in the Borders Countryside’ details that building groups can be contributed to by “man made boundaries such as existing buildings, roads, plantations or means of enclosure”.**

The provision of this has been accepted in the past by the LRB and can be enforced by a suitable worded condition. Moreover, the field in question has been “developed” within by way of a domestic garage and large area of hardstanding. It therefore cannot be considered as being an “undeveloped field”.

The Council’s Supplementary Planning Guidance (SPG) entitled ‘New Housing in the Borders Countryside’ notes preference for existing landscaping but it does not prohibit new landscaping to be put in place to reach the same goals.

The subject site is contained to the north, east and south by existing landscaping. The Applicant seeks to provide a further eastern (native) landscaped boundary treatment to contain the one dwelling proposed.



**GOA 5:**

While each application requires to be considered on its own merits the Case Officer appears to be concerned with the potential for further houses to the East.

To be clear the proposal includes the desire to have a stable and for the remainder of the field to remain as a small holding for horses and possible a small number of livestock nothing more.

There is no intention to build more homes on the subject site and which the applicant's see as being their "forever home". **It is again worth highlighting that, in addition to this, there is a legal title restriction on the land that only allows a single dwelling to be developed.**

**GOA 6:**

Access to the site can be achieved. Upgrade of the main access to improve the visibility is imminent and the internal access is already in place and within the control of the applicant. No objection was raised by the Council's Road Officers.

A technical drawing with regard to the main access upgrade has been provided with the internal access/hardstanding to the plot already in place.

**GOA 7:**

The Applicant's seek to build a family home that is of the highest quality in design (using a local and award winning Architect) and in materials used that respects the rural environment in which it would be placed. It also seeks to support renewable energy techniques wherever possible (eg. solar/battery storage/ground source heating).

Appropriate utility connections from power to sewerage can be put in pace and acceptance by the providers has been given to the Appellant (eg. Scottish Power / Water).



**Developer Contributions**

The requirement for an education contribution is noted and is accepted by the Appellant.

**Drainage Arrangements**

Private drainage is proposed. The application was in principle only – details will be provided at the next stage of the planning process, as required by the Environmental Health Officer.

Having considered the detail contained within the Appellant’s submission we respectfully request planning permission to be granted for the dwellinghouse at Linthill.

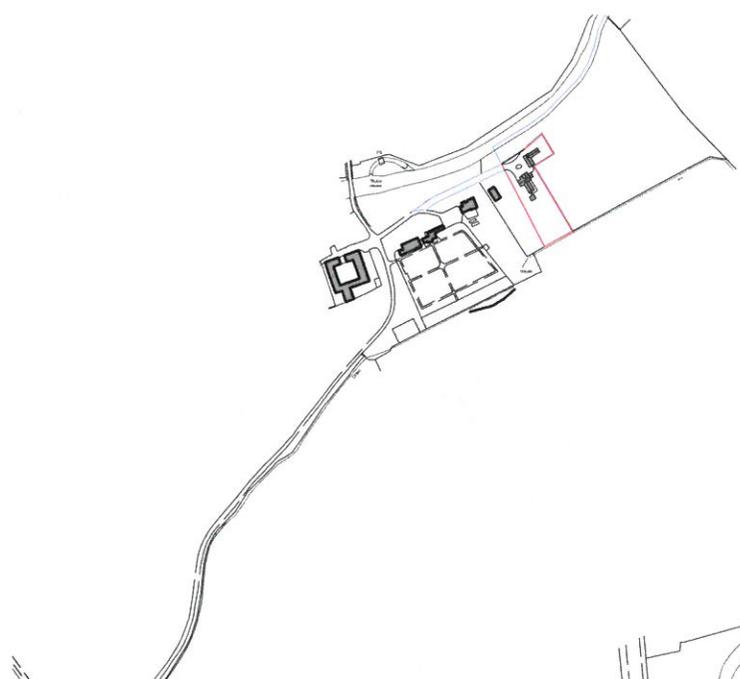


6.0 **CONCLUSION**

- 6.1 This Local Review Appeal requests that the Officer’s decision to refuse planning permission in principle for the erection of a house at Linthill be overturned and consent be granted given it is well related to the existing 3+ house building group. This Statement has clearly demonstrated that the proposal is not contrary to Local Development Plan policies HD2 or HD3 or to Supplementary Planning Guidance “*New Housing in the Borders Countryside*”.
- 6.2 The Planning Authority has recognised the presence of the building group and its capacity to expansion by a further dwelling.
- 6.6 The appeal site is well related to the building group in terms of distance from it, relative to the existing distances between the group’s elements. There is no meaningful natural or manmade boundary between the appeal site and the building group.
- 6.8 The Council’s Roads Officer and Landscape Officer raised no objections. The Landscape Officer will require a detailed landscaping plan at reserved matters stage – this is acceptable to the appellant. The proposal does not result in any loss of woodland and has no impact on trees’ root protection areas. It again will have no significant impact on local habitats.
- 6.10 The proposal complies with adopted policy and guidance and respects and reflects the character of the existing building group. There are no other suitable sites at Linthill. Given the acceptance that this building group has the capacity for a further dwelling together with the ‘Grounds of Appeal’ outlined in this statement, the Local Review Body is respectfully requested to allow the Appeal.

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proposed location plan  
scale 1:5000



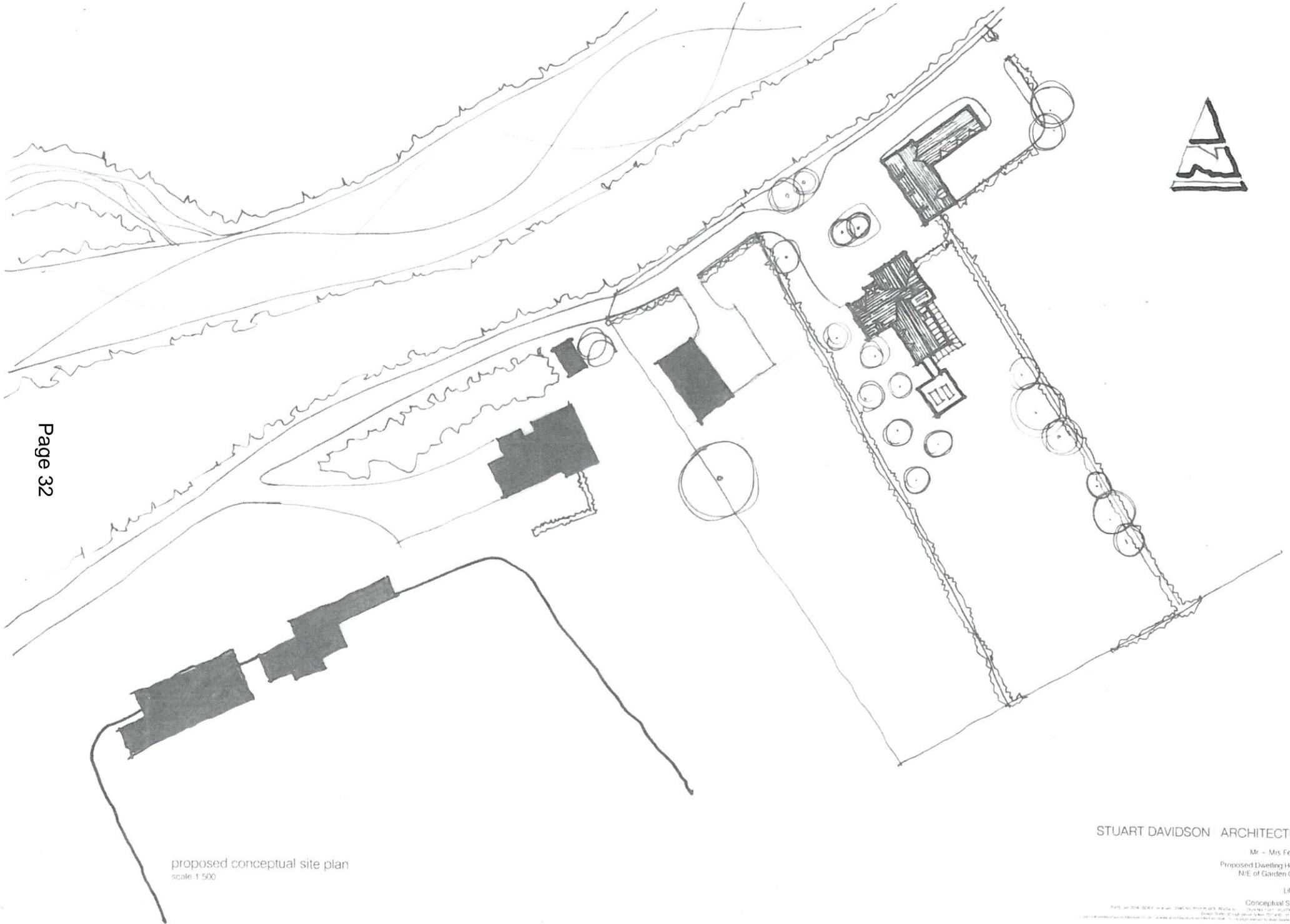
proposed block plan  
scale 1:1250

STUART DAVIDSON ARCHITECTURE

CLIENT  
Mr + Mrs Ferguson  
PROJECT  
Proposed Dwelling House at  
N/E of Garden Cottage  
Linthill  
Lilliesleaf

TITLE  
Conceptual Block/Location Plan

DATE: JAN 2018, SCALE: AS SHOWN, DWG NO: PSD/P15/P16/004, REVISION: A - 03/11/18, PRINTED SCALE: A3  
Design Studio, 32 High Street, Salford, TGF, KLD, 01 752 21 782  
E: info@stuartdavidsonarchitecture.co.uk W: www.stuartdavidsonarchitecture.co.uk © copyright reserved to stuartdavidson architecture



proposed conceptual site plan  
scale 1:500

STUART DAVIDSON ARCHITECTURE

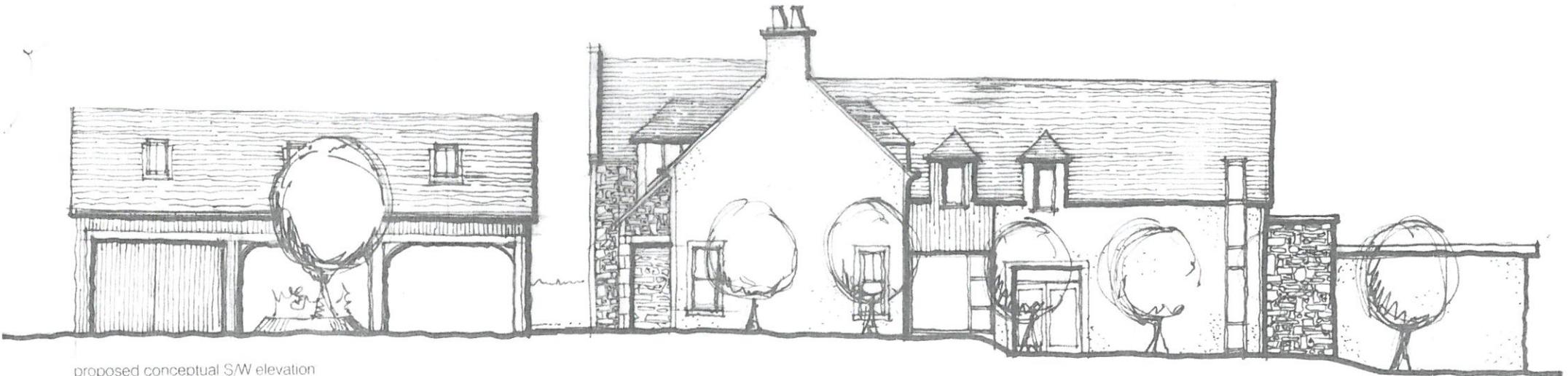
Client: Mr & Mrs Ferguson  
Project: Proposed Dwelling House at  
N/E of Garden Cottage  
Lifford  
County Donegal

Conceptual Site Plan

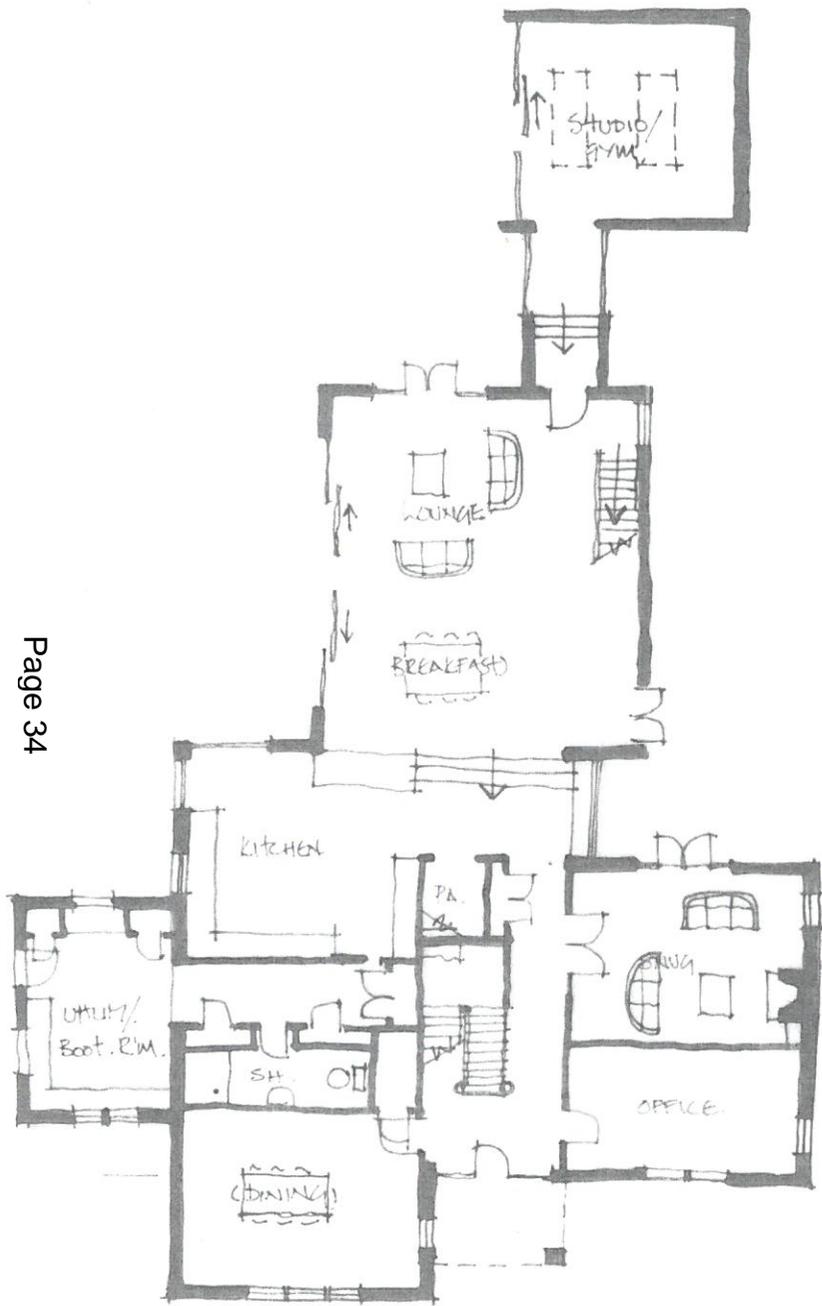
DATE: 20/04/2014 10:00 AM. DRAWING NO: SD/14/001. SCALE: 1:500. SHEET: 1 OF 1. DRAWN BY: S. DAVIDSON. CHECKED BY: S. DAVIDSON. PROJECT NO: 14/001. CLIENT: MR & MRS FERGUSON. ADDRESS: N/E OF GARDEN COTTAGE, LIFFORD, CO. DONEGAL. CONTACT: 096 8600000. WWW.STUARTDAVIDSONARCHITECTURE.COM



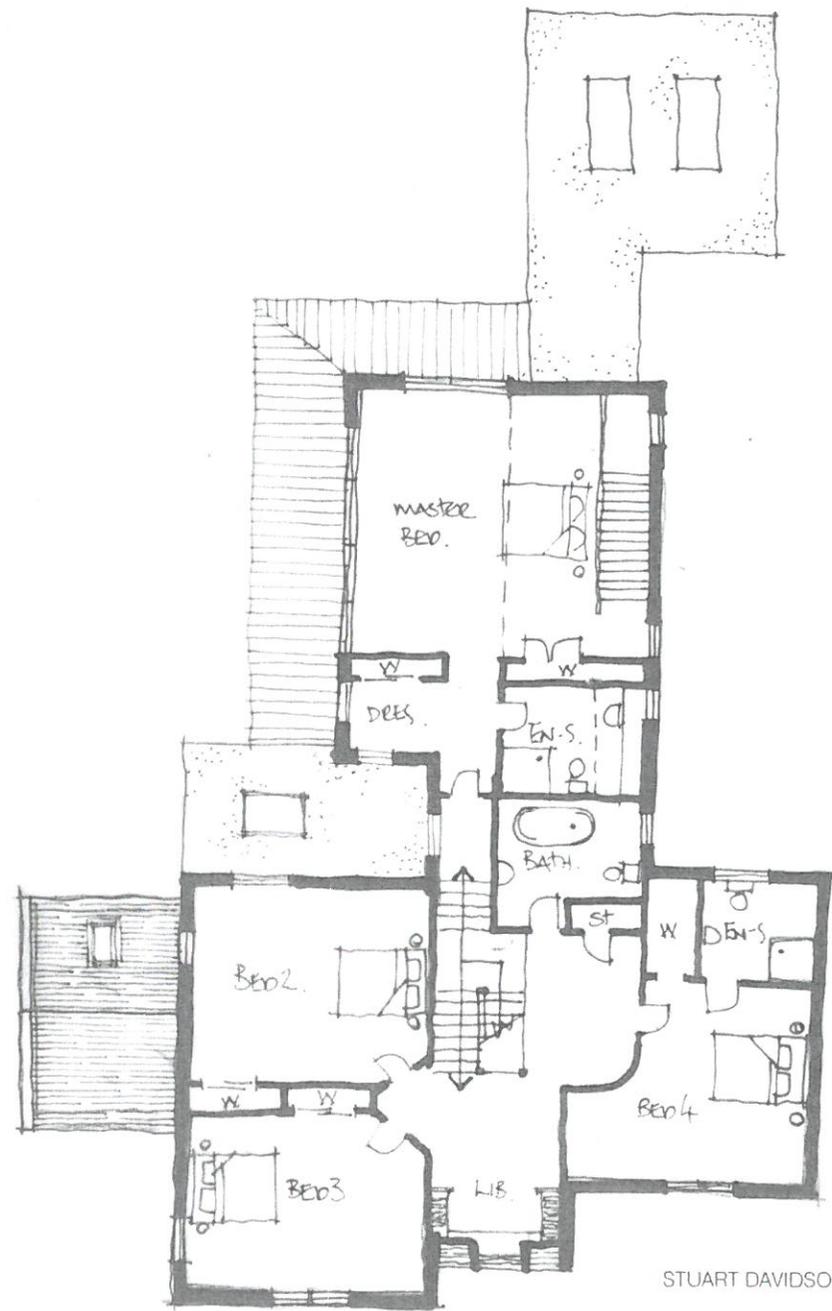
proposed conceptual N/W elevation  
scale 1:100



proposed conceptual S/W elevation  
scale 1:100



proposed conceptual ground floor plan  
scale 1:100



proposed conceptual first floor plan  
scale 1:100

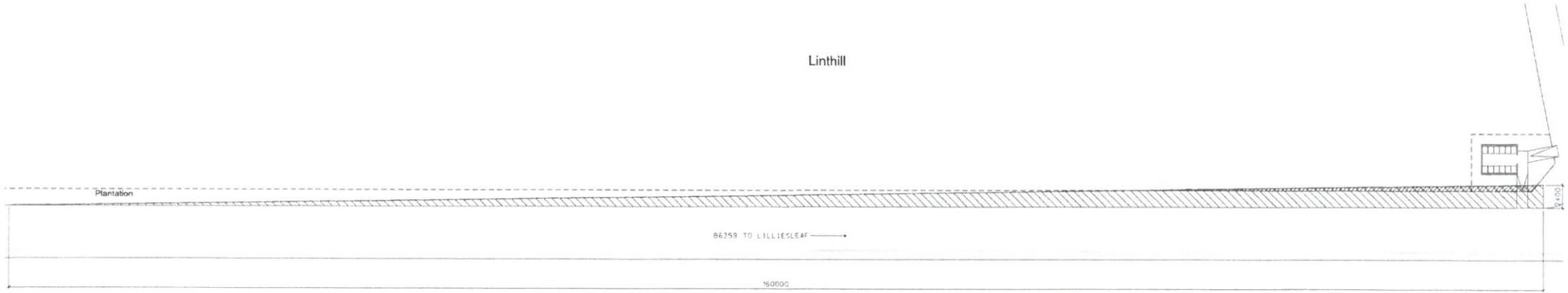
STUART DAVIDSON ARCHITECTURE

Mr + Mrs Ferguson  
Proposed Dwelling House at  
N/E of Garden Cottage  
Lethal  
Lilleshal

Conceptual Floor Plan

DATE: 2014.04.10 SCALE: 1:100 DRAWN: STUART DAVIDSON ARCHITECTURE PROJECT NO: 14010101  
STUART DAVIDSON ARCHITECTURE 100, WINDYBUSH ROAD, LILLESHAL, ESSEX, SS21 3LW  
STUART DAVIDSON ARCHITECTURE 100, WINDYBUSH ROAD, LILLESHAL, ESSEX, SS21 3LW

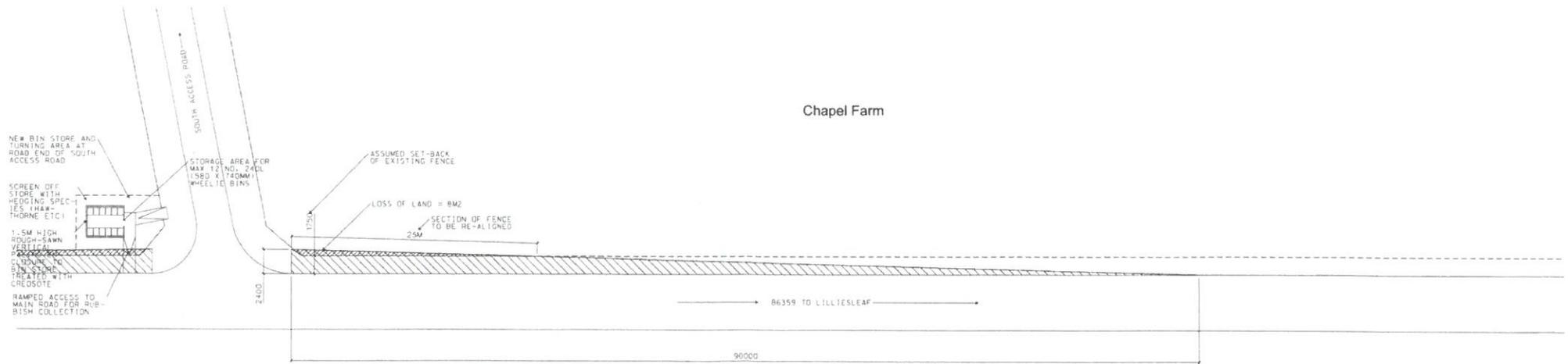
Linthill



160m x 2.4m splay to north of junction

Page 35

Chapel Farm



90m x 2.4m splay to south of junction



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**SCOTTISH BORDERS COUNCIL**

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

**PART III REPORT (INCORPORATING REPORT OF HANDLING)**

**REF :** 18/01332/PPP  
**APPLICANT :** Mr & Mrs T Ferguson  
**AGENT :** Ferguson Planning  
**DEVELOPMENT :** Erection of dwellinghouse and detached garage/stable  
**LOCATION:** Land North East Of River Cottage  
Linthill  
Melrose  
Scottish Borders

**TYPE :** PPP Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

Plan Ref	Plan Type	Plan Status
	Location Plan	Refused

**NUMBER OF REPRESENTATIONS: 1**  
**SUMMARY OF REPRESENTATIONS:**

One comment in support of the application has been received, which advises that this neighbour has no concerns provided the development is set back in the field and adequate privacy can be maintained by a suitable boundary hedge and planting trees/shrubs.

Roads Planning Section: does not object subject to conditions being imposed to require: (a) a scheme of details to describe the achievement of specified visibility improvement works at the access from the B6359; and (b) details of the extension to the private access including alignment and construction specification. It is noted that the required works would involve land outwith the Applicants' control, therefore they need to demonstrate that they have the ability to provide this road safety improvement. It is noted that the Planning Statement submitted as part of the current application, intimates that improvement works to the access are imminent. However, it is advised, it would still be prudent to condition these works as part of this application, albeit as a suspensive condition.

Ecology Section: does not object subject to planning conditions being imposed to require that prior to determination of any subsequent full planning application, a Construction Method Statement (CMS) should be submitted, which incorporates: (a) measures to protect the freshwater environment, including the River Tweed SAC; (b) mitigation measures to avoid potential impacts on protected species that may be present on site, including bats, badgers and red squirrel; and (c) measures to enhance biodiversity through planting native tree species of local provenance. Further, it seeks a condition to require that no development should commence during the breeding bird season (March - August inclusive) unless in strict compliance with a Species Protection Plan for breeding birds that has first been submitted to and approved by the Planning Authority, and which includes provision for mitigation and a pre-development checking survey.

Scottish Natural Heritage: objects unless proposal is made subject to conditions that require works to be carried out in strict accordance with the mitigation detailed in SNH's appraisal. The latter requires the achievement of a 10m buffer between the top of the river bank and any proposed buildings (but not the driveway).

Landscape Section: does not object subject to standard conditions being imposed to require the provision of soft landscaping details; to regulate commencement and completion of landscaping and to conserve existing trees. A proposed informative is recommended to refer the Applicant to BS: 5837 (2012). Within its assessment, the Landscape Section specifically notes the following:

(a) the proposed dwellinghouse sits towards the north end of a large site which would keep the integrity of the built form of the group. For this reason, it is not considered that there would be a detrimental impact on the Designed Landscape, Listed buildings or wider building group from this proposal;

(b) the proposed location has potential to impact on the adjacent trees, and should planning permission in principle be considered, a condition would be sought to require a Tree Survey to be undertaken in accordance with BS 5837:2012 to establish the location and condition and Root Protection Area (RPA) of all trees that have potential to be affected by this development;

(c) the proposal to create a robust boundary along the east side of the site, which could include some boundary trees within the hedge line, is welcomed. A detailed Planting Plan should be required under a condition of any consent;

(d) the access drawing shows amendments to the entrance off the B6359. There are no concerns about moving the fence to improve visibility as long as any replacement fence is similar to the existing fence. However, the removal of any of the existing hedge on the roadside to the north of the access, is concerning. As this is an existing entrance and the proposal is for only one additional dwellinghouse, the removal of any hedgerow would be disproportionate to the scale of development. (It is suggested that the front face of the hedge might be cut back hard to achieve the desired visibility splay); and

(e) any proposed bin store should be tucked away behind the hedge out of sight of the passing traffic; should be as simple as possible, should avoid a turning area; and should only be accessed by residents and refuse collection, from a single path off the driveway (and not through the hedge) in order to minimise the visual impact. The base to the bin store and access path should be compacted and bound hardcore only to assist natural drainage.

Environmental Health, Community Council, Education and Lifelong Learning and Scottish Water were also consulted, but have not responded to the public consultation.

## **PLANNING CONSIDERATIONS AND POLICIES:**

LOCAL DEVELOPMENT PLAN - Adopted Scottish Borders Local Development Plan (2016)

PMD1: Sustainability

PMD2: Quality Standards

HD2: Housing in the Countryside

HD3: Protection of Residential Amenity

EP1: International Nature Conservation Sites and Protected Species

EP2: National Nature Conservation Sites and Protected Species

EP3: Local Biodiversity

EP5: Special Landscape Areas

EP7: Listed Buildings

EP8: Archaeology

EP10: Gardens and Designed Landscapes

EP13: Trees, Woodlands and Hedgerows

IS2: Developer Contributions

IS7: Parking Provision and Standards

IS9: Waste Water Treatment and Sustainable Urban Drainage

## **SUPPLEMENTARY PLANNING GUIDANCE**

- Placemaking and Design (2010)

- Development Contributions (January 2018 update)

- New Housing in the Borders Countryside (2008)

**Recommendation by** - Stuart Herkes (Planning Officer) on 26th November 2018

## SITE DESCRIPTION

The site is open agricultural land immediately adjacent to the easternmost property of the building group at Linthill; specifically "River Cottage" (which is referred to in the Planning Statement as "Gardeners Cottage"). In common with the aforementioned building group, the site is also within the Designed Landscape at Linthill, and lies immediately above the southern bank of the Ale Water. Excepting a dilapidated field shelter to the north, the land within the site is otherwise an open field, which slopes perceptibly downwards from northwest to southeast.

The Planning Authority has previously defined the building group at Linthill as consisting of: "River Cottage"; the new-build dwelling "Garden House", which lies within the Linthill Walled Garden; and the five dwellings accommodated within the conversion of the former stable block further west, and on the opposite (western) side of the main access road from the walled garden and "River Cottage". The aforementioned road, stables building and walled garden are major structural components which articulate the form of this building group, along with the wooded bank of the Ale Water to the north. (The Applicants identify Linthill House as a possible inclusion within the building group, but the Planning Authority has not previously accepted this definition. Linthill House discernibly lies at some remove from the group and on the opposite side of the Ale Water. Notwithstanding the historical links, it does not reasonably inhabit the same landscape setting as the building group).

With respect to the setting of the building group at Linthill, the area to the west is substantially more wooded, whereas land to the east and south is open fields. The application site essentially occurs within the latter, being within the western extremity of the field that is nearest to the eastern edge of the building group; specifically the eastern boundary of "River Cottage".

In addition to the Designed Landscape Designation, the Walled Garden itself, and the stables buildings at Linthill Cottages are all Listed Buildings.

## PROPOSED DEVELOPMENT

The Applicants propose that a new house and associated detached garage/stables building should be located on the site.

Although the application is for Planning Permission in Principle, indicative floor plans for the house, and an indicative siting for both proposed buildings, are described. This indicative layout described on both the location plan and site plan, shows the buildings sited on the higher (northwest) part of the site, essentially on the same crest as "River Cottage". (No indicative elevation drawings are included).

The Applicants have indicated an intention to carry out landscaping works, particularly the planting of a new hedge along the eastern side of the proposed area of new garden ground. Some individual tree planting along this same boundary is also indicated, such that there might be an occasional tree reinforcing this new eastern edge to the property. They further intend to take ownership of the remainder of the field, which they would maintain as a paddock for horses. No new larger shelter belt or woodland area is indicated.

Although not part of their own application, it is advised that the site's current owners have an intention to upgrade the existing road junction between the private access and the public road within the next few weeks. Therefore it is anticipated in the application that any requisite upgrade to allow safe road access would be delivered outwith the current proposal.

## PLANNING HISTORY

The land was previously part of a much larger area that was the site of a previous application (14/00569/PPP) for a new house to the east of Linthill. This application was withdrawn before it could be determined.

Applications relating to garden ground at "River Cottage" to the immediate west of the site, are also relevant. Until recently the wider field in which the site is located, was an undeveloped field, the western

boundary of which was defined by a robust hedge and mature trees. However, the owners of "River Cottage" secured planning consent, firstly, to change the use of the western extremity of the field to garden ground for inclusion within the curtilage of their existing residential property (Planning Consent 15/00199/FUL). More recently, Planning Consent 16/00252/FUL approved a detached outbuilding within part of this same area of land.

The aforementioned application was necessary because a condition on Planning Consent 15/00199/FUL had explicitly removed householder permitted development rights from the subject land. This condition was imposed to safeguard the character, appearance and setting of the site and surrounding area, including the building group at Linthill. The outbuilding is now existing and no strong boundary has been created between the new area of garden ground and the remainder of the field. However, none was required under any conditions imposed upon either of Planning Consents 15/00199/FUL or 16/00252/FUL.

On the one hand, as the Applicants note, the field in which they now propose to site their new house may no longer be reasonably characterised as 'undeveloped' given the erection of the aforementioned outbuilding. However, on the other, the Planning Authority took a view at the time of its assessments of the two previous proposals on the merits of these specific proposals, which did not reasonably or necessarily allow for, or entail, any assessment of the principle of the building group per se, being extended further to the east, so much as whether the land could be accommodated acceptably as additional garden ground for "River Cottage". As such, the current application is the first occasion since the issuing of Planning Consents 15/00199/FUL and 16/00252/FUL, at which the Planning Authority is being called upon to make an assessment about the principle of the building group at Linthill being augmented and extended as proposed. The aforementioned approvals relating to garden ground at "River Cottage" are therefore not reasonably characterised as any acquiescence on the part of the Planning Authority to any view that the building group is now reasonably extended in the way, or direction, that is now proposed. On the contrary, these matters now require to be considered fully and directly for the first time within the context of the assessment of this current application.

## PLANNING POLICY CONTEXT

There is a building group of seven dwellings at Linthill. No new dwellings have been approved in relation to it since the start of the current Local Development Plan period, which was commenced in May 2016.

Under Policy HD2 then, there is potential in principle for the existing building group to be augmented by a new dwellinghouse during the current Local Development Plan period, in accordance with the requirements of Section A of the Policy HD2 of the Approved Local Development Plan. However, and in accordance with the same Section (A) of that same policy, there is though an ulterior requirement to consider the specific proposals, and to consider whether or not what is specifically proposed here, would in fact be an acceptable addition to the building group.

In this respect, Policy HD2 specifically requires: (i) that the site should be well related to that building group; (ii) that the cumulative impact of new development on the character of the building group, landscape and amenity of the surrounding area should not cause unacceptable adverse impacts; and (iii) that the proposal should be appropriate in scale, siting, design, access, and materials, and should be sympathetic to the character of the building group. It is a further requirement under Policy HD2 relating to all Sections of the same policy, including Section A, that there should be compliance with the Council's Supplementary Planning Guidance where it meets the terms of Policy HD2 and development must not negatively impact on landscape and existing communities, including any cumulative effects.

## RELATIONSHIP TO THE BUILDING GROUP

In that it is contiguous with the boundary of an existing residential property ("River Cottage") which is recognised to be within the building group at Linthill, I am content that the site is alongside a building group that is itself capable of augmentation by one additional dwellinghouse during the current Local Development Plan Period. It therefore remains to be considered whether or not this proposal, as an addition to the building group, would have any unacceptable impacts upon the character of the group; the landscape and amenity of the surrounding area; and/or would otherwise negatively impact upon the amenity or environment of the site and surrounding area, including local communities.

Besides noting the potential for any future detailed design to be sympathetic to local built form; the physical proximity of the site to neighbouring dwellings; and the potential for intervisibility between the site and neighbouring dwellings, there is no detailed assessment within the application's supporting details of how the proposal might otherwise be contained within, and contribute positively towards, the prevailing sense of place of the building group at Linthill. Instead, much weight is placed within the supporting statement, firstly, on the relative seclusion of the site in landscape terms, and secondly, on the ability of new landscaping to re-make a robust and defensible eastern boundary to, and for, the building group at Linthill.

With respect to the first point, and contrary to the Applicant's consideration that the site is not widely visible from the surrounding area, I would observe that it is in fact capable of being seen at a distance, including in views from the public road to the southwest. It does not therefore exist as any discreet opportunity to accommodate a house within a building group without this being liable to have repercussions for the sense of place and setting of the building group. Accordingly, such considerations are not readily set aside in the way that the supporting statement anticipates. These aspects of the proposal are considered in more detail in the sections below.

With respect to the second point, and while the Applicants would certainly and reasonably be required to deliver a new landscaped eastern site boundary in the event of approval, the potential to do so is not in itself reasonably considered to be a significant determining factor in this or any other case where a defensible edge to the building group already exists in planning terms. The potential to create or re-establish a boundary (even in an enhanced or reinforced form) is seldom a strong or positive factor in favour of a building group being expanded. Moreover, a simple agricultural hedge reinforced by a line of trees (as is indicated) is unlikely in itself to be a particularly robust new edge to the building group. It is accepted that the Applicants would nonetheless have the ability to deliver a new and improved eastern edge to the building group (were one required by condition). However, a more fundamental point is whether or not the expansion of the building group in the way and in the direction proposed, would in itself be acceptably in character with the prevailing sense of place of the building group at Linthill.

Accordingly, support for the principle of this proposal does not reasonably rise or fall on how well-screened the site is in landscape terms and/or upon the Applicants' ability to form a new robust landscaped eastern boundary for the site and building group. More fundamentally, it needs to be considered whether or not the development of the site would be in accordance with the character and sense of place of the group at Linthill.

#### IMPACTS UPON THE CHARACTER AND SENSE OF PLACE OF THE BUILDING GROUP

The lack of a strong existing boundary feature to the east of the existing building group is certainly material to the current assessment, but for the reasons set out above in the planning history section, this fact does not outweigh the need for a fully informed and considered view being taken with respect to whether or not what is proposed is - or is not - reasonably in character with the building group at Linthill.

Structurally, the building group at Linthill Cottages is a group of dwellings based within and around a group of estate buildings. It has a relatively compact form, being based upon the converted stables block and dwellings within and around the walled garden. These buildings are salient to the definition of the building group, and form a clear nucleus to which all properties within the group, are closely relatable, either directly or in their immediate proximity to these structures. Crucially, the application site has no immediate relationship to either the walled garden or stables. It would lie on the opposite side of a property ("River Cottage") that does have such a relationship with the walled garden. In this way, the proposal would in fact uniquely occupy an outlying position relative to the walled garden and stables; which is to say, lacking the immediate connection and/or proximity that all constituent dwellings within the building group currently exhibit relative to these aforementioned structures.

The building group is moreover, bounded to the north by the riverbank, and then, beyond the stables and walled garden, by trees and open fields on all other sides. The site lies to the east, within this aforementioned setting of open fields. While a development of the site would reasonably respect the existing northern and southern parameters of the building group, the land to the immediate east is completely open and undefined (being the remainder of the field itself). As such, there is no existing, let alone established, landscaped setting to the east of the site - at least, not until the eastern boundary of the aforementioned field, which lies around 150m to the east of the application site. Therefore, and unless a completely new - currently non-existent - and sufficiently substantial landscaped boundary were to be

created along the eastern boundary of the application site, it follows that this current proposal would be liable to promote a wider expansion of the building group, eastwards into the remainder of the field. This would not be in keeping with the compact form of the building group within and around the traditional estate buildings and structures of the stables and walled garden. It would instead take the group into and over its own landscape setting, without any immediate, natural or even artificial limit to constitute any logical or natural edge to expansion in this direction. Any new boundary could in itself take years to establish and, in the meantime, the remainder of the field could be subject to sufficient pressure for further expansion of the group.

In such circumstances - where there is essentially no strong defensible boundary or edge between the existing building group and the open countryside - there is no reasonable basis for accepting or promoting development beyond the existing edge contrary to the character and sense of place of the building group. I am aware that there is potential to require the Applicant to establish a new tree belt or other landscaped boundary to constitute a new robust landscaped edge to the group, but any allowance for housing to be added incrementally like this, would nonetheless be liable to promote a wider expansion of new housing across the remainder of the field to its eastern boundary on the basis that any proposed successor boundary is no more arbitrary than any that might now be created in relation to the current proposal.

In summary, any expansion to the east, into the surrounding fields, and setting of the existing building group, would not be in character with the existing group, and would be detrimental to its established sense of place. This might ultimately result in the building group being given an exaggerated linear, even ribbon form, which is not discernible at present. Buildings and dwellings, while liable to be encountered sequentially along the access road, are often obscured by walls or trees such that they are not obviously within any linear form, and there is consequently no strong sense of moving along a row or ribbon of houses above the river bank, so much as following the perimeter of the walled garden. Further, housing on the site and to the east, would have no immediate, direct or discernible connection with the walled garden or any other estate buildings at Linthill. It would instead be liable to register as a 'breakout' into the field behind the building group onto land that is out with all that is structurally salient in defining and articulating the sense of place of Linthill as a building group, and which more reasonably belongs in the setting of the building group. In conclusion, I consider that this proposal would have an unacceptably adverse impact upon the sense of place of the building group at Linthill, and that this current proposal should be refused on this basis.

## LANDSCAPE AND VISUAL IMPACTS

The Landscape Section was specifically consulted to advise upon the acceptability or otherwise of the impacts of the proposal upon the Designed Landscape at Linthill; and not to consider the relationship of the site to the building group which I have assessed above.

It is accepted - and agreed - that subject to the conditions recommended by Landscape being imposed, there would be no unacceptable impacts upon the Designed Landscape at Linthill or upon the Listed Buildings within the building group there. However, although the Landscape Section takes a view on the potential for the site to be integrated into the building group through appropriate new landscaping along the eastern boundary, I do not consider - for the reasons set out above - that this reasonably outweighs the concern that the site should be contained within, and well-related to, the established and prevailing character and sense of place of the building group at Linthill.

Although both the Applicants and the Landscape Section note the relatively well contained context of the site in landscape and visual terms, I would point out that the site is in fact visible from the surrounding area, including from the B6359 and B6400 to the southwest, where it is discernible against a backdrop of trees adhering to the river bank, with Linthill in the foreground. Given the more open nature of the land here, any particularly large or unusual development would be liable to draw the eye and challenge the keen sense of Linthill as a group of buildings based at and around a walled garden and surrounding estate buildings.

I concur that new landscaping along the lines identified by the Landscape Section would allow in time at least, that the development might find some inclusion within a new shared landscape setting with Linthill. However, this potential for the generation of a new landscaped setting does not in itself reasonably outweigh the concern already noted above, that the proposal should inhabit the existing sense of place of the building group to begin with. Further, the potential for greater eastwards expansion of development would undermine any mitigation that might be provided in relation to this proposal by a new landscaped boundary

and replacement eastern edge of the building group, were the eastern boundary simply to 'travel' eastwards across the field in response to incremental proposed new-build additions to this side of the building group.

## CONSERVATION OF EXISTING TREES

Landscape has also highlighted the logic in the proposed house being located within the northern part of the site, but this is also the most visible area in views from the public roads, and the closest to existing trees. I acknowledge though, that through a carefully considered and properly informed design and layout, there is liable to be a way to ensure that existing trees would not be unduly impacted by construction in this area. Any detailed proposals would reasonably be required by conditions to take full and proper account of this aspect of developing this particular - and in landscape terms, particularly sensitive - area of the site. As the Landscape Section advises, there would also be a need for a professionally conducted and reported Tree Survey in support of any detailed proposals to ensure that existing woodlands to the north would be appropriately protected from development.

## CULTURAL HERITAGE RESOURCES

As noted, the site and indeed, the building group at Linthill, is within the Linthill Designed Landscape, while the stables and walled garden are Listed structures. Given Landscape's assessment, I am content that the current proposal would not have any unacceptably detrimental impacts upon the character or setting of any cultural heritage resources at Linthill provided the design of house were suitably sympathetic (a matter for any ulterior AMC application) and the conditions identified by the Landscape Section in its consultation response, were imposed upon any PPP consent issued. This would allow for an acceptable visual accommodation vis-a-vis the cultural heritage resources around the site. I would be clear though, that while such mitigation is possible with respect to the Walled Garden and Stables as cultural heritage resources, this is not the same as the proposal being capable of being acceptably accommodated within the prevailing sense of place and definition of the existing building group that these structures define and articulate. In short, in this context, acceptable mitigation in cultural heritage terms is not synonymous with acceptable accommodation in building group terms.

## RESIDENTIAL AMENITY

While the detailed design of any proposal would need to be considered on its own merits, there is no inherent reason why a house could not be accommodated on the site acceptably; that is, without having any unacceptable impacts upon the residential amenity of any of its neighbours.

I note the concern of the owners of "River Cottage" that a new boundary might be established between their property and the site. While a property boundary should be included and appropriately defined and screened along this 'internal' boundary; there would nonetheless be a concern in the event of approval, that this internal boundary should not be so robust or extensive a feature, as to have the effect of dividing off the site so obviously from Linthill. However, the neighbours' amenity is clearly capable of being conserved with appropriate landscaping. It is though, the eastern - and not western - boundary that would require most attention in the event of approval, and the emphasis should remain there.

## ROADS AND ACCESS

The Roads Planning Section is supportive of the proposed development subject to conditions being imposed to require and regulate the delivery of an upgrade to the junction of the Linthill access road to achieve specified visibility improvement works at the access from the B6359; and also to extend the private access to the site. (In connection with the junction upgrade, the Landscape Section notes some ulterior concerns with respect to the realignment of roadside hedging and accommodation of bin storage at the access road).

As Roads themselves note however, these works would involve land outwith the Applicants' control. At this point, it is not clear whether or not the Applicant would have the ability to carry out these works. As Roads anticipates though, there would in the event of approval, be potential to regulate these matters with a suspensively-worded planning condition, effectively requiring that the road access extension and upgrade works should take place ahead of the commencement of development, to ensure that these works are in fact delivered.

I would note that the position with respect to the access road extension is somewhat ambiguous in that the blue outline on the Location Plan, indicates that the land to the access road from the site is to be within the ownership - and therefore control - of the Applicant. However, this section of land is nonetheless excluded from the application site itself. Moreover, the Applicant is not currently the site owner, so it is not altogether clear at this stage if or how this land would ultimately be controlled by the Applicant. However, a suspensively worded condition would still reasonably serve to regulate this position appropriately.

I note the Applicants' own advice that the junction upgrade works are to take place in any case ("within the coming weeks"), but the timetable of such works is out with their own control and outwith the control of the Planning Authority. Without a suspensively worded condition being imposed, there would be a risk that the access improvements would not be realised, and the road would not be brought up to any appropriate standard to manage the additional traffic impacts liable to be generated by the addition of this house.

## OTHER CONCERNS

In the completed planning application form, it is advised that the site would be served by private drainage arrangements (including a private septic tank and associated soakaway arrangements) and by a public water supply connection. In the event of approval, these matters are capable of being regulated by appropriately worded standard conditions of the type that are normally imposed upon PPP consents.

The concerns identified by SNH and Ecology could as they request, be addressed by appropriately worded planning conditions to help protect local biodiversity and the water environment.

I am content that there are no flood risk issues relating to this site. The Applicants report their own investigation of this matter, and I have no disagreement with their assessment.

I note advice within the Supporting Statement or planning application form to the effect that the site - as a field or paddock - is currently overgrown or unmanaged. However, the site is not reasonably characterised as derelict land, or otherwise presented as any sort of eyesore in need of any development or even greater management. The existing operation and appearance of the field does not in fact raise any planning concerns at all. In short, positive regard is not reasonably had to the Applicants' ability (facilitated by the proposal or otherwise) to manage or make any more intensive use of the field. The land is, and remains, appropriate for use as a field or paddock.

The Applicant is agreeable to the conclusion of a Section 69 Legal Agreement to collect the Waverley upgrade contribution, which would be a prerequisite to the release of any consent for this development.

Given that this is an application for Planning Permission in Principle, there would in any event, be no requirement or necessity to include the various house-layout drawings within the drawings approved or refused under this application. Moreover, the works indicated at the junction of the private road and B road, are not within the Applicant's control. Therefore these are not reasonably anything that the Applicant could, or could be held to, carry out in the current circumstances. These drawings are therefore also reasonably excluded.

On a related point, the matters that the Landscaping Section raises with respect to the proper accommodation of a bin store at the existing road junction are not relevant to the current application.

## CONCLUSION

Notwithstanding that the site is adjacent to a building group that is capable of augmentation by one additional new-build dwellinghouse during the prevailing Local Development Plan Period, I consider that the extension of the building group into surrounding fields to the east, would be unacceptable in not being sympathetic to the existing and historic character of the building group. Significant considerations are:

Firstly, that Linthill is a group of buildings based at and around the walled garden and existing converted estate buildings at Linthill. The proposed site has no direct or immediate relationship or connection to these structures. It would essentially occupy an outer periphery within which it would be the only dwellinghouse;

Secondly, and contrary to the existing sense of a relatively compact group of structures being encountered sequentially at and around the perimeter of the walled garden and within the stables buildings, the

development of the site would promote a 'ribbon' character of development, switching the emphasis away from the estate's structures towards the sense of development being extended along the south bank of the Ale Water itself. This 'ribbon' would be liable to become the defining feature of the group's form and definition; and

Thirdly, the site has no existing, logical or natural eastern limit, such that the development of this land would be liable to promote a greater expansion eastwards into the remainder of the field, to exaggerate the above noted impacts further. Taken to its logical conclusion, this spread would result in an eastern annexe that might be larger than the original building group. It would have a notably different, even contradictory, character to the original group formed around the estate buildings.

For these reasons, I consider that the proposal would have an unacceptably detrimental impact upon the sense of place of the building group at Linthill and should be refused on that basis. I am content that there are no material considerations which would justify any departure from this position for the reasons set out in the report above.

#### **REASON FOR DECISION :**

The planning application should be refused for the following reason:

1) The proposed development is contrary to Adopted Local Plan Policy HD2 and the advice of Supplementary Planning Guidance - New Housing in the Borders Countryside (December 2008) in that: (i) the development is not sympathetic to the character of the building group and would not contribute positively to the sense of place of the existing building group; and (ii) the Applicant has not demonstrated that there is any operational need for a new dwellinghouse to be located at the site as a direct operational requirement of any agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside.

#### **Recommendation:** Refused

- 1 The proposed development is contrary to Adopted Local Plan Policy HD2 and the advice of Supplementary Planning Guidance - New Housing in the Borders Countryside (December 2008) in that: (i) the development is not sympathetic to the character of the building group and would not contribute positively to the sense of place of the existing building group; and (ii) the Applicant has not demonstrated that there is any operational need for a new dwellinghouse to be located at the site as a direct operational requirement of any agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside.

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





# PLANNING STATEMENT

**SITE ADDRESS:**  
**LAND EAST OF GARDEN COTTAGE,  
LINTHILL, LILLIESLEAF, BY MELROSE, TD6  
9HU**

**PROPOSAL:**  
**RESIDENTIAL DWELLING, GARAGE /  
STABLE, ACCESS AND ASSOCIATED  
WORKS**

**APPLICANT:**  
**MR & MRS T FERGUSON**

**22 SEPTEMBER 2018**

**Main Office:**

Shiel House | 54 Island Street | Galashiels | TD1 1NU

**NI Office:**

61 Moyle Road | Ballycastle | Co. Antrim | BT54 6LG

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**Conclusions**

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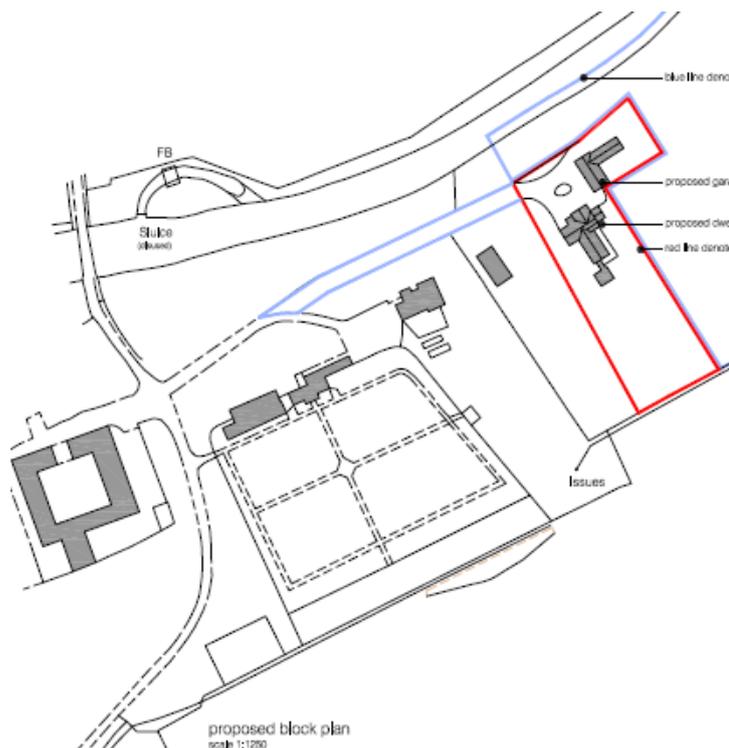
## INTRODUCTION AND PROPOSAL DESCRIPTION

1. This Planning Statement, prepared by Ferguson Planning, is submitted to Scottish Borders Council on behalf of the Applicant, Mr and Mrs T Ferguson, for Planning Permission in Principle (PPP) for a family home on land adjacent to the existing building group at Linthill near Lilliesleaf.
2. A Location Plan, Indicative Site Layout Plan and Elevation Plan, showing the potential house position, the relationship of the plot with the existing building group, proposed landscaping/defensible edge, access and associated information have all been provided.
3. A Phase 1 Habitat Survey is also provided as well as information showing that the plot falls out with any flood risk zone. Internal access is already in place with the main road access being widened in the coming weeks and thus will further enhance access and egress for all the related properties at Linthill.
4. The plot in question extends to roughly 0.7 of an acre with lands within the control of the applicant extending to c. 5.2 acres and shown via the blue line. It forms part of the former Linthill Estate which has been sub divided into varying lots over the last decade and to which a number of families now reside.
5. It is enclosed by the existing landform, woodland, hedgerow and by the River Ale to the north and the existing hedgerow to the south and east. This landscaping will be furthered as part of the proposal.
6. Immediately to the west of the site lie a row of at least three residential dwellings. These being Gardener's Cottage, River Cottage and The Stables. To the north, over the River Ale, is a fourth dwelling known as Linthill House. The dwellings share access along the Estate drive from the B6359 and to which this plot also has access and egress rights.
7. It is pertinent to note that, in the recent past, part of the subject site/field was sold to the adjoining dwelling and to which the owners have now erected a domestic Garage and hard standing. The principle of development within the subject

site/field has been established.

8. The extract below provides the context of the adjoining building group and the new garage within the original field boundary of this proposal. The site plans lodged with the application indicate in red the defined plot for the purposes of the residential dwelling and the blue line which would fall within the applicant's ownership but to be retained as a greenfield / paddock area. They also indicate the existing hedge and a new hedge line for the residential plot.
9. Currently the paddock or field is not and has not been used for agricultural purposes for quite some time and is heavily overgrown. The field would be upkept and managed by the applicant's going forward and remain as green pasture for horses. The residential plot is located close to the existing residential dwellings but with some distance to respect privacy/amenity of the immediate neighbour. A clear defensible edge is to be provided along the plots eastern boundary as shown together with further landscaping along the western boundary to enhance privacy between it and the neighbouring Cottage.
10. Figure 1 provides the local context within which the proposal is set.

**Fig 1:** Locational context of the subjects in relation to the existing building group





11. It is proposed that the new house would be served by private foul and surface water drainage arrangements. The Applicant would own adjacent land which could be used for a private filtration system and the disposal of surface water if necessary. Mains water and electricity supply have also been confirmed by Scottish Water and Scottish Power.
12. The remainder of this statement considers relevant planning policy and material considerations that provides justification in support of that proposed.

## PLANNING POLICY CONTEXT

13. The Scottish Government continue and have just recently provided strong support behind the promotion of families wishing to pursue housing via self-build as it can play its part in addressing the overall national and local housing shortfall in Scotland.
14. Much of the planning policy guidance for single dwellings of this nature is at a local level and contained within the adopted Scottish Borders Local Development Plan (2016) and associate supplementary guidance. Key policies include (a) **HD2** – Housing in the Countryside and (b) **HD3** – Protection of Residential Amenity.

### (a) Housing in the Countryside Policy

15. The key policy under which the proposal must be assessed is the Scottish Borders Local Development Plan (2016) policy HD2 – Housing in the Countryside. This policy allows existing buildings groups to expand within a Plan period by 30% or 2 units, whichever is the greater, where suitable sites exist.
16. The policy requires that the proposed site should be well related to the existing building group and have no detrimental impact upon the character of the group, the landscape or the amenity of the surrounding area. Any development proposal should also be appropriate in terms of scale, siting, design, access and use of materials.



17. Applications for new houses relating to expansion of building groups will be assessed against: a) the presence or, otherwise, of a group; and b) the suitability of that group to absorb new development.

18. Supplementary Guidance 'New Housing in the Borders Countryside' provides additional detail in support of the above policy, setting out requirements where a new house is proposed in association with an existing building group. Requirements which are relevant to the development proposal include:

- The scale and siting should reflect and respect the character and amenity of the existing group and the individual houses within the group;
- The new house should be situated in the area contained by the "sense of place".
- The new house should be located within a reasonable distance of the existing properties within the group, with the distance between existing properties and the new house being guided by the spacing between existing properties in the group;
- Sites should not normally break into undeveloped agricultural fields or require the removal of trees which are in good condition.

19. The Guidance notes that the existence of a building group is identifiable by a "sense of place" which will be contributed to by: natural boundaries such as water courses, trees or enclosing landform, or man-made boundaries such as existing buildings, roads, plantations or means of enclosure.

#### **(b) Protection of Residential Amenity**

20. This policy requires development to have no significant adverse impact on the amenity of existing or proposed houses. The scale, form and type of development proposed must fit with the residential area and it should not have unacceptable effects in terms of overlooking, loss of privacy or sunlight. There should also be no unacceptable impact on visual amenity more generally.



### **Access**

21. The ability to achieve safe and satisfactory access is a requirement of the creation of any new housing in the countryside. A vehicular access is required to have visibility splays appropriate to the location and to the speed of traffic on the adjoining road system.

## **ASSESSMENT OF DEVELOPMENT PROPOSAL**

### **Building group**

22. There is a clearly 3+ residential dwelling building group at Linthill and which is immediately adjacent to the subject site. The proposed site lies next to the easterly most dwelling known as Gardeners Cottage. This property also has an associated domestic garage which shares the boundary and falls within the confines of the field related to the subject site.
23. The existing hedgeline of the subject site defines the end or easterly edge of the former Linthill Estate. It is well contained and not exposed to any public receptors of note. While the existing hedgeline could be deemed the outer edge of the subject site the intention would be to provide a new landscaped boundary edge closer to the proposed house. It will also provide further fencing for the purposes of keeping horses/livestock on the majority of the landholding that sits beside the plot.
24. The proposed dwelling seeks to position itself largely in line with the existing building group that neighbours it while having adequate spacing and landscaping so as not to impact on the amenity of the neighbouring Cottage.
25. The proposed plot shares a sense of place with the adjacent houses and there is inter-visibility with the nearest address. There is no gap between the subject site and the row of three existing domestic dwellings.
26. The building will be sustainable both in terms of its design, location and through the use of existing and appropriate new landscaping to ensure it fits well within its surroundings. It will also promote renewable energy technologies.



### **Residential Amenity**

27. It is considered that the dwelling can be developed on the subject site without causing a detrimental impact upon the residential amenity of the neighbouring house or any other dwellings nearby. The scale and exact positioning of the house, together with design and materials have been indicatively shown with any final detail controlled by the Planning Authority by condition at the next stage in the planning process.
28. The plot location again is not near any farm steading and thus no residential amenity concerns arise as a result.

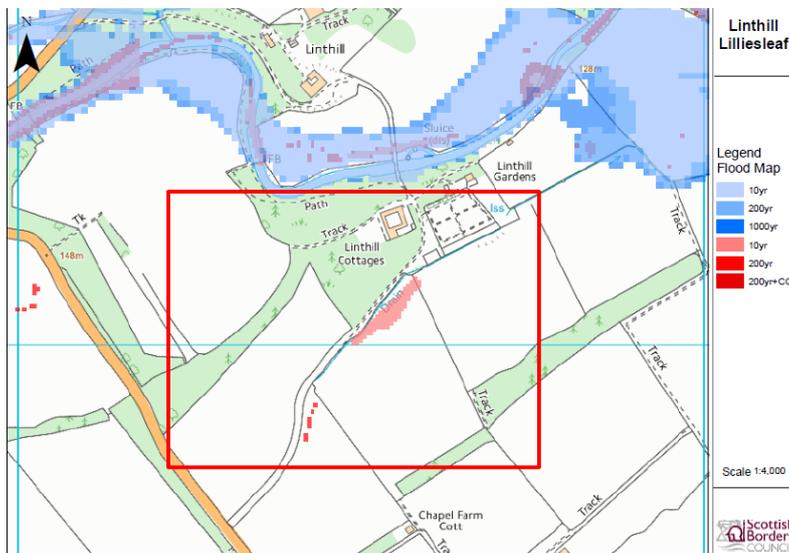
### **Design**

29. The house design, as can be seen in the drawings provided, show that a great deal of time has gone into the design and which seeks to use the highest quality of materials and one which respects the rural setting it is set within.
30. While the application is for PPP/outline planning permission the applicant has taken considerable time over the indicative positions and design of the proposal. It has taken into consideration the local built form, sense of place and ensuring a high quality design is brought forward.
31. The plans provide further detail on this and which would evolve as part of the detailed planning stage. The built form intends to merge traditional with modern architecture and via the use of high quality materials such as natural stone, slate and locally sourced timber.
32. The existing woodland and hedgerow that exists will enable the dwelling to be set into the landscape and will soften the built form from approach. The plot is very well screened and will largely go unnoticed from key or public receptor points.

## Flooding

33. Review of the web-based Council and SEPA indicative flood maps show that the site lies out with the area assessed as having high, medium or low flood risk. The associated extract is shown within Figure 2 below.

**Figure 2: Flood Map**



34. The applicant consulted with the Council's flood department at an early stage and whom have confirmed that the site is not at risk of flooding. They noted:

*Thank you for your enquiry regarding flood risk at Linthill Cottages, Lilliesleaf TD6 9HU.*

*In terms of information that this Council has concerning flood risk to this site, SEPA's Indicative River, Surface Water & Coastal Hazard Map (Scotland) indicates that the site is out with SEPA's Flood Hazard Map and therefore not at risk of flooding from the Ale Water. The attached map shows the indicative 1:200 year flood envelope of the Ale Water which shows all identified plots to be free of fluvial flooding...*

*Regarding historical flooding information we have no records of the site being affected by flooding.*



### **Habitat**

35. The Applicant's again have sought to be pro-active and instructed a Habitat Survey to be undertaken for the plot in question. The associated report forms part of the submission package. It has demonstrated that the lands in question have no recordings or will not have any significant impact on local habitat.

### **Access and Servicing**

36. It is intended that the access from the main B6359 will be upgraded which will enhance the visibility on access and egress. The related plan forms part of the submission. We understand that the associated works are to take place in the coming weeks by the Linthill Estate owners.
37. The plot will be serviced by private foul and surface water drainage arrangements with detail to be provided at the next stage in the planning process. Mains water supply is available as is the relevant power supply from the sub-station located on the Linthill Estate.
38. It is proposed that the house will support renewable energy technologies. It is envisaged that this will include solar panels and ground source heat. The relevant detail would be provided by way of a condition discharge at the next stage in the planning process.

### **Landscaping**

39. Even though there is existing boundary treatment it is proposed that a further landscaped edge would be provided. Particularly along the plot's eastern boundary to form a robust boundary to the expanded building group.
40. The indicative site plan shows possible siting of the area of tree planting/landscaping, the exact design and species-mix of which can be controlled at the next stage in the planning process. This landscaped boundary will distinguish between the plot and remaining paddock area which will remain in situ. The built form will be beyond any tree root areas and again something the applicant is willing to be conditioned upon.



## CONCLUSIONS

41. Ferguson Planning has been appointed by the applicant's to submit an application for planning permission in principle for the development of a single family dwelling on land to the east of the existing building group at Linthill.
42. The plots share a common 'sense of place' with the building group that exists and the creation of a new defensible landscape boundary to the east of the plot is proposed. The proposal will comply with Housing in the Countryside policy and with policy on Protection of Residential Amenity. The site is of sufficient size to contain a single dwelling without having detrimental impact upon the nearest dwelling. The remaining paddock area would remain as is and within the control of the applicant for such purposes.
43. Satisfactory access to the plot can be achieved from the public road with the internal access already in place and which currently services the neighbouring garage to the plot.
44. The site lies out with the area shown on SEPA's flood risk map. Satisfactory private drainage arrangements can be achieved, subject to further details to be provided at the next stage in the planning process.
45. There would be no impact upon the existing trees. The plot is of sufficient size to enable the development without impacting upon root protection areas. The Extended Phase 1 Habitat Survey confirms that there are no ecological restrictions which would prevent the development.
46. Having taken into consideration the related planning policy, in particular LDP Policy HD2, we conclude that:
  - The proposal is in a location next to existing residential dwellings and part of the "sense of place" related to the properties at Linthill
  - No adverse effect on the viability of a farming unit or conflict with the



operations of a working farm would occur

- The plot is already contained with its own field hedging but this will be added to and enable a defensible boundary to be in place. The plot takes up a small proportion of the paddock in question which will now be managed by the applicant having previously been left unattended for numerous years
- Satisfactory access and other road requirements are or can be in place
- Satisfactory public or private water supply and drainage facilities can be put in place and been confirmed by the network providers
- No adverse effect on countryside amenity, landscape or nature conservation will occur
- No adverse impact on the environment, landscape or archaeological sites
- Appropriate siting, design and materials in accordance with the relevant Local Plan policies would be adhered to as would the use of renewable energy sources.

47. The Planning Authority is respectfully requested to approve this application for reasons stated within this statement.



*Regulatory Services*

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference : 18/01332/PPP

To : Mr & Mrs T Ferguson per Ferguson Planning 54 Island Street Galashiels Scottish Borders TD1 1NU

With reference to your application validated on **28th September 2018** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal : Erection of dwellinghouse and detached garage/stable**

**at: Land North East Of River Cottage Linthill Melrose Scottish Borders**

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

Dated 27th November 2018  
Regulatory Services  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA

Signed

A dark grey rectangular box redacting the signature of the Depute Chief Planning Officer.

Depute Chief Planning Officer

**APPLICATION REFERENCE : 18/01332/PPP**

**Schedule of Plans and Drawings Refused:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
	Location Plan	Refused

**REASON FOR REFUSAL**

- 1 The proposed development is contrary to Adopted Local Plan Policy HD2 and the advice of Supplementary Planning Guidance - New Housing in the Borders Countryside (December 2008) in that: (i) the development is not sympathetic to the character of the building group and would not contribute positively to the sense of place of the existing building group; and (ii) the Applicant has not demonstrated that there is any operational need for a new dwellinghouse to be located at the site as a direct operational requirement of any agricultural, horticultural, forestry or other enterprise which is itself appropriate to the 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 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.



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 100138397-001

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 Residential Dwelling, Garage/Stable, Access and Associated Works

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

## Agent Details

Please enter Agent details

Company/Organisation:	Ferguson Planning		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Tim	Building Name:	Shiel House
Last Name: *	Ferguson	Building Number:	
Telephone Number: *	01896 668 744	Address 1 (Street): *	54 Island Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Galashiels
Fax Number:		Country: *	UK
		Postcode: *	TD1 1HR
Email Address: *	tim@fergusonplanning.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:	Shiel House
First Name: *	T	Building Number:	54
Last Name: *	Ferguson	Address 1 (Street): *	Island Street
Company/Organisation:		Address 2:	
Telephone Number: *		Town/City: *	Galashiels
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	TD1 1NU
Fax Number:			
Email Address: *			

## Site Address Details

Planning Authority:

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

Easting

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*  Yes  No

## Site Area

Please state the site area:

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)

## 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: \*

Private Septic Tank and Associated Soakaway Arrangements would be made. Full Details will be provided by way of Condition Discharge

Do your proposals make provision for sustainable drainage of surface water?? \*  Yes  No  
(e.g. SUDS arrangements) \*

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

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:

The Linthill Trust CO. Anna MacLeod

Address:

The Linthill Trust Murray Beith Murray, 3, Glenfinlas Street, Edinburgh, EH3 6AQ

Date of Service of Notice: \*

26/09/2018

(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:

Tim Ferguson

On behalf of:

Mr & Mrs T Ferguson

Date:

26/09/2018

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)

Planning Statement

## 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: Ferguson Planning Tim Ferguson

Declaration Date: 26/09/2018

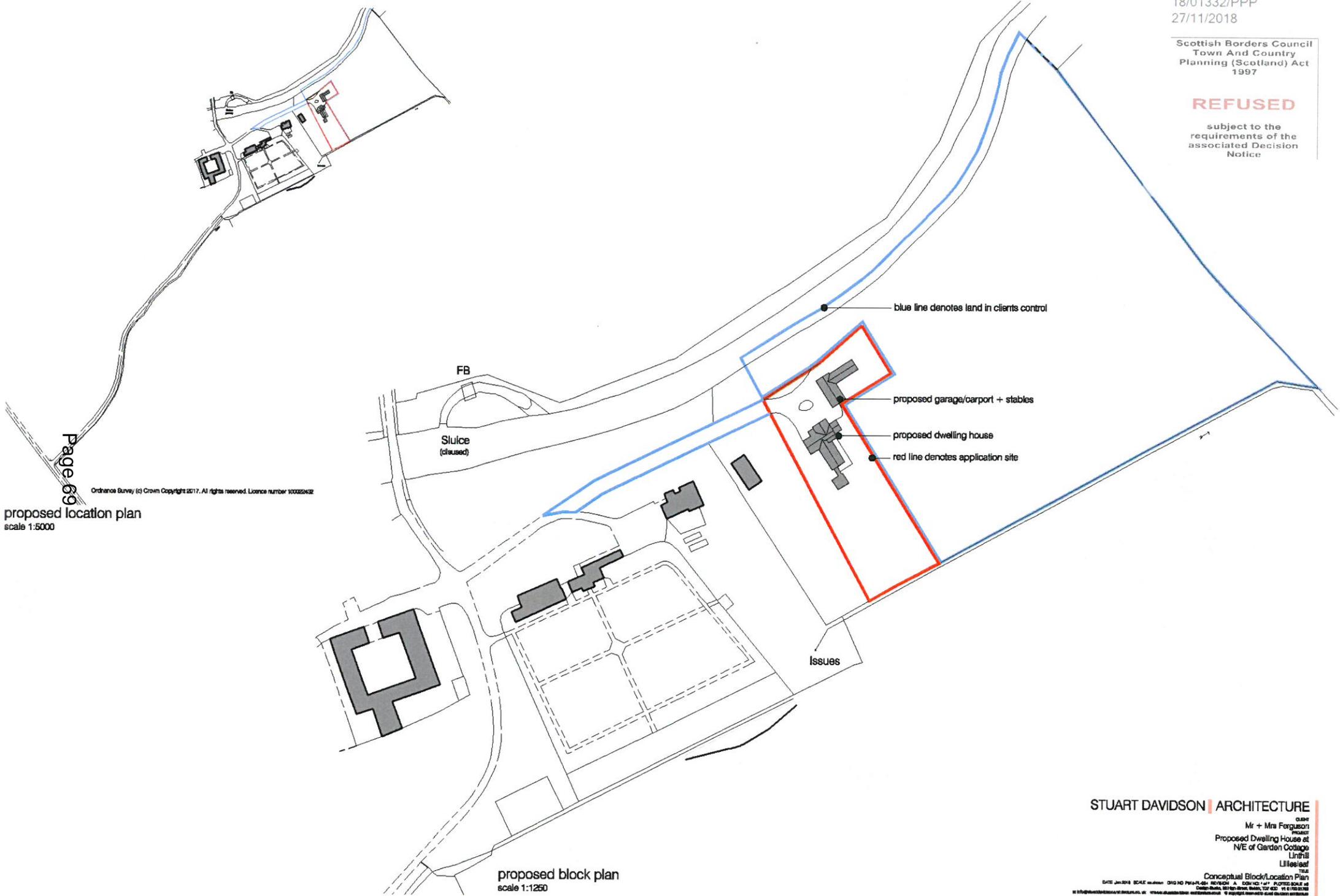
## Payment Details

Cheque: T Ferguson, 12345678

Created: 26/09/2018 17:50

**REFUSED**

subject to the  
requirements of the  
associated Decision  
Notice



Page 69

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proposed location plan  
scale 1:5000

proposed block plan  
scale 1:1250

STUART DAVIDSON | ARCHITECTURE

client  
Mr + Mrs Ferguson  
Proposed Dwelling House at  
N/E of Garden Cottage  
Linthill  
Lilleshield

Conceptual Block/Location Plan  
DATE: 26/01/18 SCALE: 1:5000 ORIGINAL FILE: 18/01332\_PPP\_A\_02018\_1417\_PLOT02\_S01E.dwg  
DRAWN BY: SD/DA DATE: 27/11/18  
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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: 15/00199/FUL**

**To: Gordon J Malcolm The Old Forge Blacksmith Lane Maisemore GL2 8HW**

With reference to your application validated on **26th February 2015** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal: Change of use from agricultural land to garden ground**

**At: Land East Of River Cottage Linthill Melrose Scottish Borders**

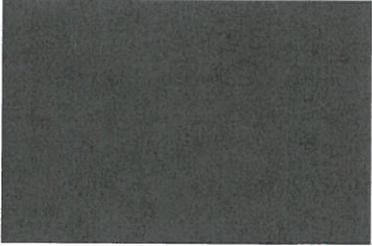
The Scottish Borders Council hereby **grants planning permission** in accordance with the approved plan(s) and the particulars given in the application and in accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997, subject to the following direction:

- That the development to which this permission relates must be commenced within three years of the date of this permission.

And subject to the conditions on the attached schedule imposed by the Council for the reasons stated

**Dated 8th April 2015  
Planning and Regulatory Services  
Environment and Infrastructure  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**Signed**



.....  
**Head of Planning and Regulatory Services**

**APPLICATION REFERENCE: 15/00199/FUL****Schedule of Plans and Drawings Approved:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
OS EXTRACT	Location Plan	Approved

**REASON FOR DECISION**

The proposals are acceptable and, subject to conditions, comply with the relevant Consolidated Scottish Borders Local Plan (2011) policies G1, H2, D2, NE4, and with adopted Supplementary Planning Guidance on Trees and Development and Landscape and Development in that they will not have any impact on the adjoining hedgerow, neighbouring privacy or amenity, or raise any issues in relation to road safety

**SCHEDULE OF CONDITIONS**

- 1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority.  
Reason: To ensure that the development is carried out in accordance with the approved details.
- 2 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 (or any subsequent provisions amending or re-enacting that Order), no further building(s) or structure(s) with an external footprint in excess of 8 square metres (or any extension to a building or structure that would result in a building or structure with an external footprint in excess of 8 square metres) shall be erected and/or installed within the site unless an application for planning permission in that behalf has first been submitted to, and approved by, the Planning Authority.  
Reason: To safeguard the character, appearance and setting of the site and surrounding area, including the building group at Linthill.

**FOR THE INFORMATION OF THE APPLICANT**

N.B: This permission 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.

**Notice of Initiation of Development**

Section 27 of the Town and Country Planning (Scotland) Act (as amended) requires that any person who has been granted planning permission (including planning permission in principle) and intends to start development must, once they have decided the date they will start work on the development, inform the planning authority of that date as soon as is practicable. A form is enclosed with this decision notice for this purpose.

**Notice of Completion of Development**

Section 27B requires that any person who completes a development for which planning permission (including planning permission in principle) has been given must, as soon as practicable after doing so, give notice of completion to the planning authority.

**SCOTTISH BORDERS COUNCIL**

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO  
SERVICE DIRECTOR REGULATORY SERVICES**

**PART III REPORT (INCORPORATING REPORT OF HANDLING)**

**REF :** 15/00199/FUL

**APPLICANT :** Gordon J Malcolm

**AGENT :**

**DEVELOPMENT :** Change of use from agricultural land to garden ground

**LOCATION:** Land East Of River Cottage  
Linthill  
Melrose  
Scottish Borders

**TYPE :** FUL Application

**REASON FOR DELAY:** No Reason

---

**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
OS EXTRACT	Location Plan	Approved

**NUMBER OF REPRESENTATIONS: 0**  
**SUMMARY OF REPRESENTATIONS:**

No consultations required.

**PUBLICITY AND REPRESENTATIONS**

This application was publicised by means of adverts in the Southern Reporter and on the national planning notification website. No objections or representations were received.

**PLANNING CONSIDERATIONS AND POLICIES:**

Consolidated Scottish Borders Local Plan (2011)  
G1, H2, D2, NE4

Other  
SPG - Trees and Development  
SPG - Landscape and Development

**Recommendation by** - Andrew Evans (Planning Officer) on 2nd April 2015

This application seeks full planning permission for the change of use of agricultural land to incorporate it into the curtilage of the neighbouring dwelling.

The site is agricultural land to the immediate east of an existing residential property ('Garden Cottage') and east of an existing vehicular access at Linthill, an established building group in the Parkland of Linthill House, a Georgian Mansion House to the east of Lilliesleaf. A new post-and-wire fence has been established along the eastern boundary of the application site to divide the site from the remainder of the agricultural field, while an access to the remainder of the field is maintained at the site's northern boundary.

The building group takes the form of traditional "Garden Cottage", the new-build dwelling "Garden House" within the Linthill Walled Garden, and the conversions within the former stable block further west. I have previously taken a view that the land comprising this current application site could not accommodate a further dwelling, being located outwith the adjacent building group. Incorporation of the land into garden ground for the neighbouring dwelling would not immediately, in my view, change this position in relation to the construction of any further dwelling. The inclusion of the part of the field within the domestic curtilage is agreeable in general terms.

Notwithstanding the clear intention to create a garden area, if this application is approved, the possibility exists that the site might at some point in time be promoted again as a plot for a separate, independent residential use. Such a proposal would necessarily need to be considered on its own planning merits if ever such a planning application were made.

It is material to the determination of this current application that it would see land outwith the building group (in agricultural use), brought into what could be considered to be within the sense of place of the building group (residential use). The development of the site for outbuildings or an annexe could confuse the established form of the building group. Strictly speaking any future housing proposal for the site would need to be considered on its own merits.

It is considered that it would be appropriate to remove permitted development rights from the site in the event of approval, in such a way as to require that any building potentially capable of independent residential use could not be realised without itself first having been made the subject of a planning application. In terms of conditioning this requirement, it is considered a reasonable threshold to seek to regulate the siting of any ancillary residential structure with an external floor area of over 8 square metres that would otherwise be capable of compliance with householder PD rights. This approach has been used elsewhere in comparable cases. It will allow for modest domestic storage (Log stores, sheds), but not for any larger building capable of occupation. The area of land is currently rough grazing and it is clearly defined by the existing field boundaries and the recent post and wire fence. It is considered that there are no policy reasons why this proposal should not be supported in this rural location and it will not have any adverse impact on the wider area, or immediate landscape setting.

An existing beech hedge abuts the application site, and would become internal, within the garden of the expanded garden ground for the house. Policy NE4 of the CSBLP sets out that trees, woodlands and hedges are to be afforded protection from development. The application however only relates to the change of use of the field. Whilst a condition on outbuildings is appropriate, the retention of the hedgerow is not something that I consider appropriate to make subject to a planning condition, as the hedge would ultimately run through the centre of the extended garden, and I see no public interest in insisting upon its retention. This should be a decision for the applicant.

I have considered whether enhanced planting should be undertaken to the new eastern boundary. In the end, I have concluded it is not essential. Enhancing the boundary here, in a location not readily visible from the public realm would serve no real planning purpose. The extents of the building group are already defined, by the existing hedge. If the hedge is removed, it would be reasonable to presume the new fence line could be the new edge to the group. The boundary is not open to wider public view, so enhancement of the boundary is not necessary in this case, at this time. Any future decision on the extent of the group would ultimately be a decision to be made were any future housing application made.

#### **REASON FOR DECISION :**

The proposals are acceptable and, subject to conditions, comply with the relevant Consolidated Scottish Borders Local Plan (2011) policies G1, H2, D2, NE4, and with adopted Supplementary Planning Guidance on Trees and Development and Landscape and Development in that they will not have any impact on the adjoining hedgerow, neighbouring privacy or amenity, or raise any issues in relation to road safety

**Recommendation:** Approved subject to conditions

- 1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority.  
Reason: To ensure that the development is carried out in accordance with the approved details.
  
- 2 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 (or any subsequent provisions amending or re-enacting that Order), no further building(s) or structure(s) with an external footprint in excess of 8 square metres (or any extension to a building or structure that would result in a building or structure with an external footprint in excess of 8 square metres) shall be erected and/or installed within the site unless an application for planning permission in that behalf has first been submitted to, and approved by, the Planning Authority.  
Reason: To safeguard the character, appearance and setting of the site and surrounding area, including the building group at Linthill.

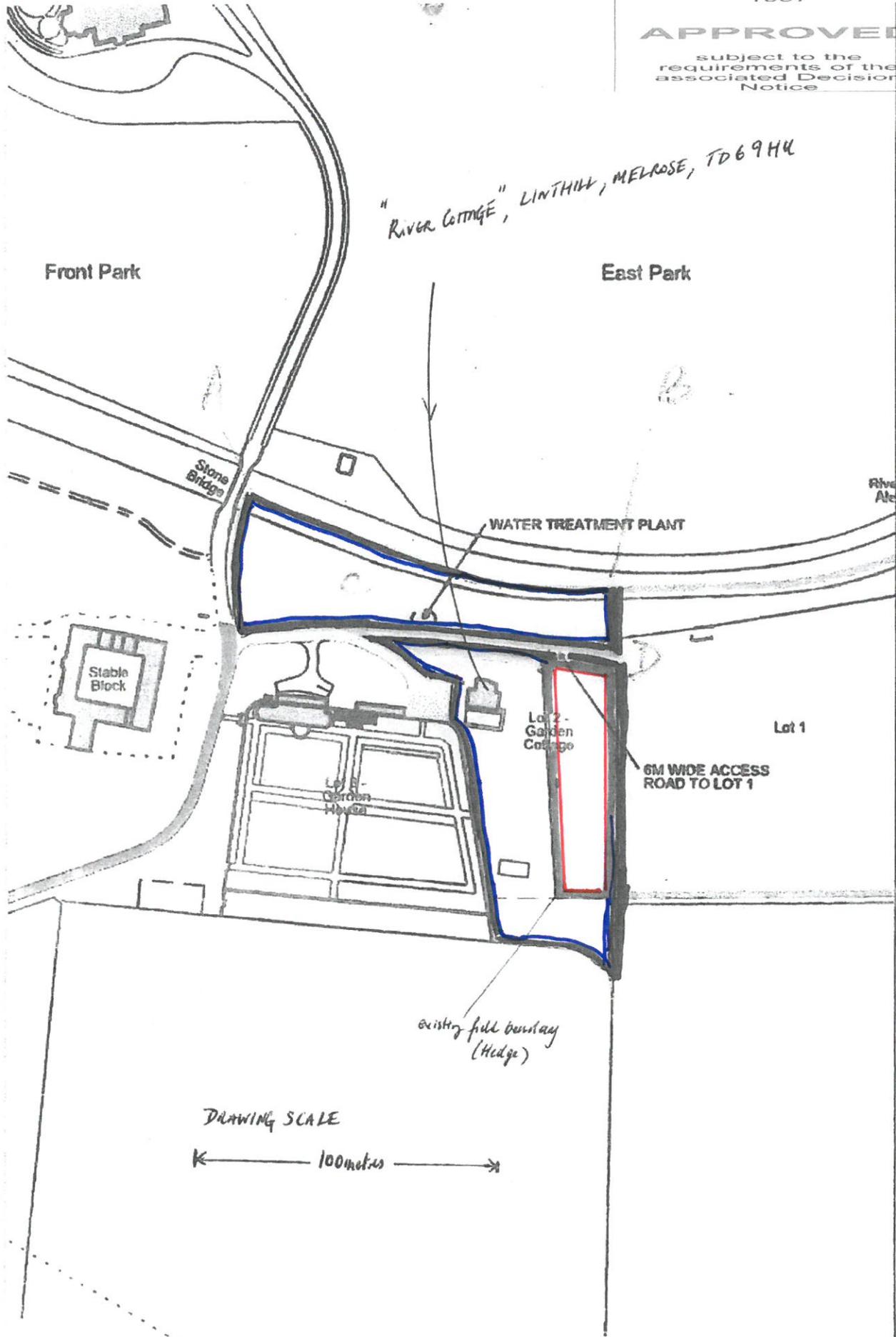
**“Photographs taken in connection with the determination of the application and any other associated documentation form part of the Report of Handling”.**



**APPROVED**

subject to the  
requirements of the  
associated Decision  
Notice

*"River Cottage", LINTHILL, MELROSE, TD6 9HU*



E-mail    Burn    Open



**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

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

**Application for Planning Permission**

**Reference : 16/00252/FUL**

**To : Mr And Mrs G Malcolm per Gordon Melrose Building Design 6 Market Place Selkirk Scottish  
Borders TD7 4BT**

With reference to your application validated on **3rd March 2016** for planning permission under the  
Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal : Erection of detached garage / workshop / store**

**at : River Cottage Linthill Melrose Scottish Borders TD6 9HU**

The Scottish Borders Council hereby **grant planning permission** in accordance with the  
approved plan(s) and the particulars given in the application and in accordance with Section 58 of  
the Town and Country Planning (Scotland) Act 1997, subject to the following direction:

- That the development to which this permission relates must be commenced within three  
years of the date of this permission.

And subject to the conditions on the attached schedule imposed by the Council for the reasons  
stated

**Dated 14th April 2016  
Planning and Regulatory Services  
Environment and Infrastructure  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

Signed



.....  
**Chief Planning Officer**

**APPLICATION REFERENCE : 16/00252/FUL****Schedule of Plans and Drawings Approved:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
141447/PL/01	Floor Plan & Elevation	Approved
141447/PL/GAR-01	Elevations	Approved
141447/PL/LOC	Location Plan	Approved

**REASON FOR DECISION**

By virtue of the development's design, placement and absence of impact on public or private amenity, and its subservient relationship to the existing dwelling, the proposals comply with planning policy and guidance relating to design and development quality, and the protection of trees.

**SCHEDULE OF CONDITIONS**

- 1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority.  
Reason: To ensure that the development is carried out in accordance with the approved details.
- 2 The external surfaces of the development hereby permitted shall be completed in the materials shown on the plan hereby approved, and no other materials shall be used without the prior written consent of the Planning Authority.  
Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting.
- 3 The building/development hereby approved shall be used only as an ancillary outbuilding to the adjacent dwelling currently known as River Cottage, and shall not be converted to or otherwise used as a self-contained unit independent of the existing residential property, whether for residential or commercial purposes, unless an application for Planning Permission in that behalf has been submitted to and approved by the Planning Authority  
Reason: to ensure that the outbuilding remains as it is intended to be in terms of use, as a separate subservient building providing an outbuilding to River Cottage, and to remain consistent with the terms of planning permission 15/00199/FUL.

**FOR THE INFORMATION OF THE APPLICANT**

N.B: This permission 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.

**SCOTTISH BORDERS COUNCIL**

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

**PART III REPORT (INCORPORATING REPORT OF HANDLING)**

**REF :** 16/00252/FUL

**APPLICANT :** Mr And Mrs G Malcolm

**AGENT :** Gordon Melrose Building Design

**DEVELOPMENT :** Erection of detached garage / workshop / store

**LOCATION:** River Cottage Linthill  
Melrose  
Scottish Borders  
TD6 9HU

**TYPE :** FUL Application

**REASON FOR DELAY:**

---

**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
141447/PL/01		Approved
141447/PL/GAR-01	Elevations	Approved
141447/PL/LOC	Location Plan	Approved

**NUMBER OF REPRESENTATIONS: 0**

**SUMMARY OF REPRESENTATIONS:**

None received.

**PLANNING CONSIDERATIONS AND POLICIES:**

Scottish Borders Consolidated Local Plan 2011:

Policy G1, NE4.

Adopted Supplementary Planning Guidance:

Placemaking and Design (2010).

**Recommendation by** - John Hiscox (Planning Officer) on 7th April 2016

The following report relates to a full planning application for the erection of a detached outbuilding to serve the dwelling known as River Cottage, at Linthill near Lilliesleaf. The proposed building is an apex-roofed garage, workshop and store - single storey but with a vaulted ceiling over the central workshop section. Materials proposed are timber and slate. An application for planning permission is required because, although the building would be within the extended residential curtilage serving the dwelling as consented under ref. 15/00199/FUL, permitted development rights were limited to small outbuildings by condition. The proposal easily exceeds the limitations described in the condition.

In visual terms, the development would have very little potential to impact on the public realm. This is a fairly secluded location; in any event, even if the building were to be visible its design and materials are agreeable. It would be near to a number of trees and hedgerows acting as screens and backdrops.

The development would have negligible, if any effect on the residential amenity of others due to its placement and use of existing access route.

The aforementioned condition of 15/00199/FUL responded in part to concerns regarding the potential ability of any new building to be converted to residential accommodation. Planning history at Linthill includes an application (withdrawn) on this site for residential development. However, it is considered that the proposed building is acceptable in its own right and does not set any sort of precedent for future development. By virtue of its position, size and design it is reasonably well related to the dwelling and proportionate in terms of the accommodation proposed. It may be noted that a two-storey extension to the dwelling is described in the application drawings but that the extension is 'permitted development'. The proposed outbuilding requiring planning permission would be compatible in architectural terms with the extension - the extension is a modern intervention intended to complement, not mimic the existing building.

It may be noted that the development would have the potential to impact upon the root system of a large, mature Beech tree situated to the south of the building's footprint; however, there is adequate separation between the building and the tree for this not to be a significant concern. Although the tree is striking due to its height, form and position, it is not suitable for protection by a Tree Preservation Order in part due to the minimal contribution it makes to the public realm, and in part due to its condition. Although overall health looks vigorous there is a large exposed area of the core of the trunk at the base on the east side where bark does not exist, and although the tree has developed a strong response to the damage there is inevitably a potential entry point for disease - observation confirmed presence of *Ustulina deusta* during the site visit. It is not considered that potential minor impacts on the tree's root system would merit adjustment to the scheme.

There have been no adverse representations received and the only consultee, the Roads Planning Manager, has indicated no objection. The development would comply with Policy G1 of the current local plan in terms of development quality and is designed to combine simple aesthetics/materials with functionality. It would also comply with Policy NE4, having regard to aforementioned advice relating to the Beech tree. In the absence of any significant planning concerns, approval is recommended.

It should be noted that the proposals have been assessed against the objectives of adopted Local Plan Policy from within the 2011 Consolidated Local Plan; this does not prejudice the likely adoption of the Local Development Plan and the relevant policies therein.

#### **REASON FOR DECISION :**

By virtue of the development's design, placement and absence of impact on public or private amenity, and its subservient relationship to the existing dwelling, the proposals comply with planning policy and guidance relating to design and development quality, and the protection of trees.

#### **Recommendation:** Approved subject to conditions

- 1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority.  
Reason: To ensure that the development is carried out in accordance with the approved details.
- 2 The external surfaces of the development hereby permitted shall be completed in the materials shown on the plan hereby approved, and no other materials shall be used without the prior written consent of the Planning Authority.  
Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting.
- 3 The building/development hereby approved shall be used only as an ancillary outbuilding to the adjacent dwelling currently known as River Cottage, and shall not be converted to or otherwise used

as a self-contained unit independent of the existing residential property, whether for residential or commercial purposes, unless an application for Planning Permission in that behalf has been submitted to and approved by the Planning Authority

Reason: to ensure that the outbuilding remains as it is intended to be in terms of use, as a separate subservient building providing an outbuilding to River Cottage, and to remain consistent with the terms of planning permission 15/00199/FUL.

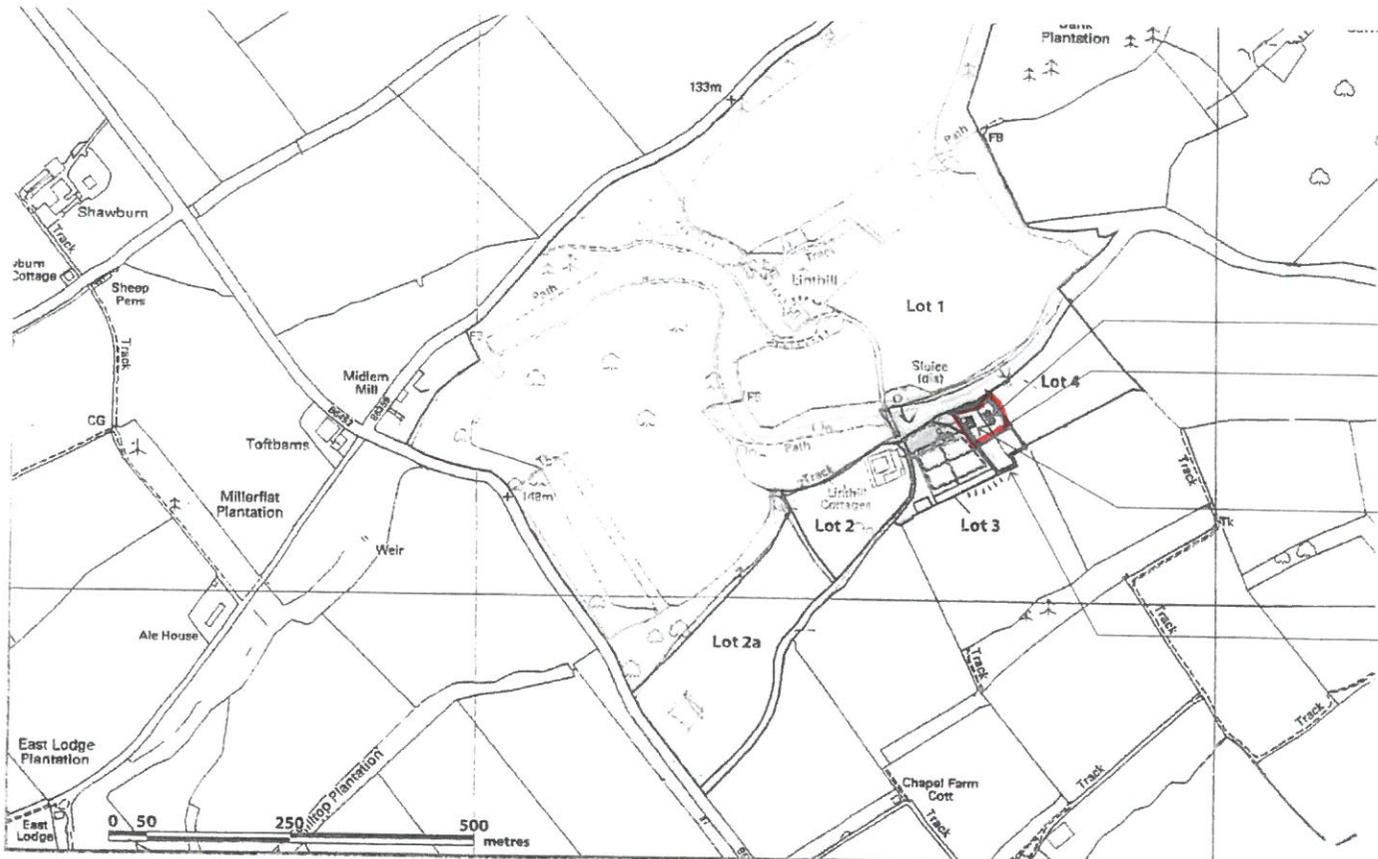
**“Photographs taken in connection with the determination of the application and any other associated documentation form part of the Report of Handling”.**



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

**APPROVED**

subject to the  
requirements of the  
associated Decision  
Notice



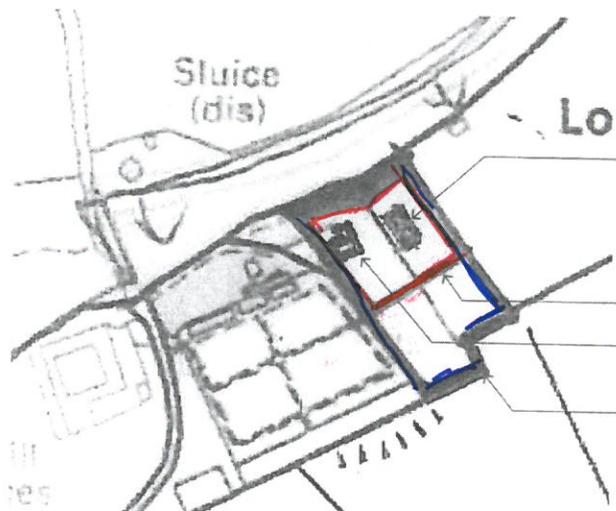
PROPOSED GARAGE/WORKSHOP BUILDING

GARDEN GROUND OUTLINED IN RED

EXISTING HOUSE 'RIVER COTTAGE'

SITE OWNED BY APPLICANTS OUTLINED IN BLUE

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PROPOSED GARAGE/WORKSHOP BUILDING

GARDEN GROUND OUTLINED IN RED

EXISTING HOUSE 'RIVER COTTAGE'

SITE OWNED BY APPLICANTS OUTLINED IN BLUE

16/00252/FUL - DRAWING FOR PROPOSED GARAGE/WORKSHOP BUILDING

client Mr & Mrs G. Malcolm  
project PROPOSED GARAGE/WORKSHOP BUILDING DESIGN  
RIVER COTTAGE  
LINTHILL, MELROSE  
site LOCATION PLAN

141447/PL/LOC



GORDON MELROSE ARCHITECTS  
BUILDING DESIGN  
6 MARKET PLACE  
SELKIRK  
BORDERS  
TD7 4BT

T. 01750 725333  
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E. gordon@gmbuildingdesign.co.uk  
www.gmbuildingdesign.co.uk

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## Comments for Planning Application 18/01332/PPP

### Application Summary

Application Number: 18/01332/PPP

Address: Land North East Of River Cottage Linthill Melrose Scottish Borders

Proposal: Erection of dwellinghouse and detached garage/stable

Case Officer: Stuart Herkes

### Customer Details

Name: Dr Gordon Malcolm

Address: River Cottage Linthill, Melrose, Scottish Borders TD6 9HU

### Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I have no objection to this proposal, as the details had been discussed with me in advance. If the development is set back in the field, then adequate privacy may be maintained by a suitable boundary hedge and planting trees/shrubs.

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# CONSULTATION RESPONSE TO PLANNING OR RELATED APPLICATION



<b>Comments provided by</b>	<b>Ecology Officer Name and Post:</b>	<b>Contact e-mail/number:</b>
	Liz Hall, Assistant Ecology Officer	Elizabeth.hall@scotborders.gov.uk T. 01835 825209
<b>Date of reply</b>	23/10/18	
<b>Planning Application Reference</b>	18/01332/PPP	<b>Case Officer: Stuart Herkes</b>
<b>Proposed Development</b>	Erection of dwellinghouse and detached garage/stable.	
<b>Site Location</b>	Land North East Of River Cottage Linthill Melrose	
<b><i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i></b>		
<b>Background and Site description</b>	<ul style="list-style-type: none"> <li>• Relevant Local Development Plan (LDP) Policies are: <ul style="list-style-type: none"> <li>○ EP1 International Nature Conservation Sites and Protected Species</li> <li>○ EP2 National Nature Conservation Sites and Protected Species</li> <li>○ EP3 Local Biodiversity</li> <li>○ EP13 Trees, Woodlands and Hedgerows</li> <li>○ EP15 Development Affecting the Water Environment</li> </ul> </li> <li>• I note the Extended Phase 1 Habitat Survey (Ellendale Environmental, September 2018)</li> <li>• The site is located in an area of improved grassland and is adjacent to, and incorporates, at the southern and northern edges of the site, areas of mixed deciduous woodland and hedgerow.</li> <li>• The Ale Water, a tributary of the River Tweed Special Area of Conservation, flows to the north of the site.</li> <li>• A small burn at the south of the site flows into the Ale Water to the south east.</li> <li>• Proposed development includes erection of a dwelling house, garage and stables. Private foul and surface water drainage arrangements are to be made, including soakaway to land.</li> </ul>	
<b>Key Issues</b>	<ul style="list-style-type: none"> <li>• Impacts on legally protected species including European Protected Species (EPS) bats, as well as breeding birds</li> <li>• Potential impacts on SAC</li> </ul>	
<b>Assessment</b>	<p><b>I have not visited the site. This assessment is based on desk survey records and aerial photography as well as information submitted by the applicant.</b></p> <p><b>Potential Impacts on SAC / Habitats</b></p> <ul style="list-style-type: none"> <li>• I note SNH's objection to the proposal on ecological grounds, unless it is undertaken subject to conditions strictly in accordance with SNH's recommendations for mitigation, requiring buildings and structures to be sited at least 10m from the SAC boundary for any full planning application.</li> <li>• The ecological survey (Ellendale Environmental, September 2018), states that the ground slopes and is wetter to the south, evidenced by an area of soft rush.</li> <li>• Any private drainage arrangements must comply with SEPA guidance in order to avoid impacts on the SAC, to which there is connectivity from the burn to the south of site. At the time of writing, I have not seen a</li> </ul>	

	<p>consultation response from SEPA.</p> <ul style="list-style-type: none"> <li>• A planning condition for a construction method statement will be required prior to determination of any full application, incorporating reference to mitigation of potential drainage and construction impacts.</li> <li>• Trees and hedgerows should be retained in situ, in order to protect the ecological network. Opportunities exist to enhance the network, through planting of native tree species of local provenance.</li> </ul> <p><b>Impacts on Protected Species including EPS</b></p> <ul style="list-style-type: none"> <li>• Whilst no field signs were found during the survey, the lack of evidence does not categorically mean species are not using surrounding habitat, which may offer potential foraging opportunities for badgers, bats red squirrel, and nesting opportunities for breeding birds. Precautionary mitigation is required.</li> <li>• The level of suitability for bats of individual mature trees at the north of the site (typically described as “negligible”, “low”, “moderate”, or “high”, in accordance with the latest good practice guidelines) is not clear from the ecological survey.</li> <li>• If any lopping, felling or removal of mature trees is scheduled to be undertaken, an inspection of trees for potential bat roosts should first be carried out by a suitably qualified ecologist.</li> <li>• Breeding birds are assumed to be present in vegetation, including hedgerows, trees and rough grassland during the nesting season (March – August inclusive). Mitigation will be required if any development is proposed within the breeding season.</li> </ul>			
<b>Recommendation</b>	<input type="checkbox"/> <b>Object</b>	<input type="checkbox"/> <b>Do not object</b>	<input checked="" type="checkbox"/> <b>Do not object, subject to conditions</b>	<input type="checkbox"/> <b>Further information required</b>
<b>Recommended Conditions</b>	<ul style="list-style-type: none"> <li>• Prior to determination of any subsequent full planning application, a Construction Method Statement (CMS) shall be submitted to and approved by the Planning authority. The CMS shall incorporate: <ul style="list-style-type: none"> <li>○ Measures to protect the freshwater environment, including the River Tweed SAC</li> <li>○ Mitigation measures to avoid potential impacts on protected species that may be present on site, including bats, badgers and red squirrel</li> <li>○ Measures to enhance biodiversity through planting native tree species of local provenance.</li> </ul> </li> <li>• No development shall commence during the breeding bird season (March – August inclusive), unless in strict compliance with a Species Protection Plan for breeding birds that shall be submitted to and approved by the Planning Authority. The SPP shall include provision for mitigation and a pre-development checking survey.</li> </ul>			
<b>Recommended Informatives</b>	<ul style="list-style-type: none"> <li>• Care should be taken to comply with SEPA regulatory guidance to avoid pollution of the water environment, e.g. GPP 5.</li> </ul>			

# CONSULTATION RESPONSE TO PLANNING OR RELATED APPLICATION



Comments provided by	Landscape Architect Officer Name and Post:	Contact e-mail/number:
	S McDermott	smcdermott@scotborders.gov.uk
Date of reply	14 <sup>th</sup> November 2018	
Planning Application Reference	18/01332/PPP	Case Officer: S Herkes
Proposed Development	Erection of dwellinghouse, garage/stable and associated infrastructure.	
Site Location	Land North East of River Cottage Melrose	
<p><b><i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i></b></p>		
Background and Site description	<p>The site is currently an agricultural field on the east side of B listed Linthill Steading and walled garden. Linthill Estate is recognised as a Designed Landscape in the Borders Designed Landscape Survey 2008 by Peter McGowan. There is a strong riparian tree belt immediately to the north of the north boundary associated with the Ale Water. There is a hedgerow along the south southern boundary. The boundary to the east is currently undefined.</p>	
Key Issues (Bullet points)	<ul style="list-style-type: none"> <li>• Impact on the Linthill Designed Landscape and on the building group</li> <li>• Impact on the existing tree resource</li> <li>• Access proposals</li> </ul>	
Assessment	<p><b><i>The proposed dwellinghouse sits towards the north end of a large site and this does make sense in terms of keeping the integrity of the built form of the group. For this reason I do not think there will be a detrimental impact on the Designed Landscape, Listed buildings or wider building group from this proposal. The proposed location however has potential to impact on the adjacent trees, and should planning permission in principle be considered I would want a condition requiring a Tree Survey to be undertaken in accordance with BS 5837:2012 to establish the location and condition and Root Protection Area (RPA) of all trees that have potential to be affected by this development, be it the buildings or any access road construction. It is imperative that there is no disturbance to the RPA of any existing trees and this will need to be demonstrated with a combined Site and Tree Constraints Plan.</i></b></p> <p><b><i>I welcome the proposal to create a robust boundary along the east side, which could include some boundary trees within the hedge line. A detailed Planting Plan should be a condition of any consent.</i></b></p> <p><b><i>The access drawing shows amendments to the entrance off the B6359. I do not have concerns about the moving of the fence to improve visibility, as long as any replacement fence is similar to the existing fence. I would however be very concerned about the removal of any of the existing hedge on the roadside to the north of the access. As this is an existing entrance and the proposal is for only one additional dwellinghouse the removal of any hedgerow would be disproportionate to the scale of development.(I suggest that cutting back the front face of the hedge hard might achieve the desired visibility splay)</i></b></p> <p><b><i>I would also want any proposed bin store to be tucked away behind the hedge - out of sight of the passing traffic. It should be as simple as possible, should avoid a turning area and should only be accessed, both by residents and refuse collection, from a single path off the driveway, and not through the hedge, in order to minimise the visual impact . The base to the bin store and access path to it should be compacted and bound hardcore only to assist natural drainage.</i></b></p>	

Recommendation	<input type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input checked="" type="checkbox"/> Do not object, subject to conditions	<input type="checkbox"/> Further information required
<b>Recommended Conditions</b>	LA02 Soft Landscaping - Submission of Details LA03 Landscaping – Commencement LA15 Landscaping Works – Notice of Completion LA08 Existing Trees to be Retained - Details to be Submitted (see informative below)			
<b>Recommended Informatives</b>	BS: 5837 (2012) Trees in relation to demolition, design and construction – Recommendations			

**CONSULTATION RESPONSE TO  
PLANNING OR RELATED APPLICATION**

<b>Comments provided by</b>	Roads Planning Service		<b>Contact e-mail/number:</b>
<b>Officer Name and Post:</b>	Paul Grigor Roads Planning Officer		<u><a href="mailto:pgrigor@scotborders.gov.uk">pgrigor@scotborders.gov.uk</a></u> 01835 826663
<b>Date of reply</b>	30 <sup>th</sup> October 2018		<b>Consultee reference:</b>
<b>Planning Application Reference</b>	18/01332/PPP		<b>Case Officer:</b> Stuart Herkes
<b>Applicant</b>	Mr & Mrs T Ferguson		
<b>Agent</b>	Ferguson Planning		
<b>Proposed Development</b>	Erection of dwellinghouse and detached garage/stable		
<b>Site Location</b>	Land North East Of River Cottage Linthill Melrose Scottish Borders		
<b><i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i></b>			
<b>Background and Site description</b>			
<b>Key Issues (Bullet points)</b>	<ul style="list-style-type: none"> <li>• Visibility at the access onto the public road</li> <li>• Access to the plot</li> </ul>		
<b>Assessment</b>	<p>The principle of development on this plot has previously been considered through earlier planning applications 14/00569/PPP &amp; 15/00035/PPP. From a Roads Planning perspective the development of this plot was acceptable provided the visibility where the private access meets the public road was improved to an acceptable standard. The standard that was accepted was 2.4m by 90m to the south and 2.4m by 160m to the north. This involved land outwith the applicants control therefore they needed to demonstrate that they had the ability to provide this road safety improvement which was critical to gaining our support for the application. I note that the Planning Statement submitted as part of the current application intimates that improvement works to the access are imminent, however it would still be prudent to condition these works as part of this application, albeit a suspensive condition.</p> <p>Details of the private access arrangements for the plot in terms of route and construction specification to be submitted for approval.</p>		
<b>Recommendation</b>	<input type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input checked="" type="checkbox"/> <b>Do not object, subject to conditions</b> <input type="checkbox"/> Further information required
<b>Recommended Conditions</b>	<p>A scheme of details to be submitted for approval which details the required visibility improvement works at the access from the B6359. Details to show visibility splays of 2.4m by 90 metres to the south and 2.4m by 160m to the north. Thereafter the approved scheme of details to be fully implemented prior to works commencing on site.</p> <p>Reason: To ensure satisfactory visibility where the private access road meets the public road is provided in the interests of road safety.</p> <p>Details of the extension to the private access to be submitted for approval. Details to include alignment and construction specification. The approved details to be implemented prior to occupation of the dwelling.</p>		

	Reason: To ensure satisfactory access to the plot, appropriate to residential use.
<b>Recommended Informatives</b>	

**Signed: Alan Scott**



Scottish Natural Heritage  
Dualchas Nàdair na h-Alba  
**nature.scot**

Stuart Herkes  
Planning and Economic Development  
Scottish Borders Council  
Newtown St Boswells  
TD6 0SA

Date: 18 October 2018  
Our ref: CNS/DC/SB/SBC/CDM152648  
Your ref: 18/01332/PPP

Dear Stuart

**Town and Country Planning (Scotland) Act 1997  
Dwelling house and detached stable / garage at Linthill, Scottish Borders  
River Tweed Special Area of Conservation (SAC)**

Thank you for your consultation on the above proposal, dated 4<sup>th</sup> October 2018.

**Summary**

This proposal could be progressed with appropriate mitigation. However, because it could affect internationally important natural heritage interests, **we object to this proposal unless it is made subject to conditions so that the works are done strictly in accordance with the mitigation detailed in our appraisal below.**

**Background**

This application is for planning permission in principle to build a house with garage, car port and stable block at Linthill near Lilliesleaf. The application boundary is adjacent to the River Tweed SAC.

**Legislative Context**

The River Tweed SAC is designated for its biological interest, including river lamprey, brook lamprey, sea lamprey, European otter, Atlantic salmon and as a watercourse characterised by water crowfoot species. The site's status means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") apply or, for reserved matters, The Conservation of Habitats and Species Regulations 2017. Consequently, Scottish Borders Council is required to consider the effect of the proposal on the SAC before it can be consented (commonly known as Habitats Regulations Appraisal). The SNH website has a summary of the legislative requirements

Scottish Natural Heritage, Anderson's Chambers, Market Street, Galashiels TD1 3AF  
Tel: 01896 661 710 [www.nature.scot](http://www.nature.scot)

Dualchas Nàdair na h-Alba, Seòmraichean Anderson, Sràid a' Mhargaidh, Galashiels TD1 3AF  
Fòn: 01896 661 710 [www.nature.scot](http://www.nature.scot)

<https://www.snh.scot/professional-advice/safeguarding-protected-areas-and-species/protected-species/legal-framework/habitats-directive-and-habitats-regulations>).

### **Appraisal**

In our view, this proposal is likely to have a significant effect on the River Tweed SAC. Consequently, Scottish Borders Council is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interests. If the proposal is undertaken strictly in accordance with the following mitigation, it will no longer be likely to have a significant effect and an appropriate assessment will not be required.

The proposal could affect the River Tweed SAC in two ways: damage caused during the construction process, either directly or indirectly; siltation or nutrient enrichment to the river arising from future use of the stable block.

For proposals of this nature, we generally require a buffer distance of 20 m between the top of the river bank and any proposed buildings. At Linthill, the SAC boundary includes a steep wooded bank which creates a partial buffer between river and application site. This reduces the potential for damage, but does not eliminate it. For any subsequent application for detailed planning permission, therefore, we will require a buffer of 10 m between the boundary of the SAC and any buildings.

The Conceptual Block / Location Plan submitted with the application includes a driveway adjacent to the SAC boundary. For clarity, the 10 m buffer does not apply to the driveway, but only to buildings such as the house, garage, car port and stables.

If the planning authority intends to grant planning permission against this advice without the suggested changes, you must notify Scottish Ministers.

Please do not hesitate to contact Stuart Macpherson in our Galashiels office should you wish to discuss our comments.

Yours sincerely

(by email)

Roddy Fairley  
Area Manager  
Southern Scotland

## List of Policies

**Local Review Reference:** 18/00036/RREF

**Planning Application Reference:** 18/01332/PPP

**Development Proposal:** Erection of dwellinghouse and detached garage/stable

**Location:** Land North East of River Cottage, Linthill, Melrose

**Applicant:** Mr & Mrs T Ferguson

### Scottish Borders Local Development Plan 2016

#### 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

## List of Policies

wider environment and to meet open space requirements. In some cases agreements will be required to ensure that landscape works are undertaken at an early stage of development and that appropriate arrangements are put in place for long term landscape/open space maintenance,

- g) it considers, where appropriate, the long term adaptability of buildings and spaces.

### Placemaking & Design

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

### Accessibility

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

### Greenspace, Open Space & Biodiversity

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

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

## **POLICY HD2: HOUSING IN THE COUNTRYSIDE**

The Council wishes to promote appropriate rural housing development:

- a) in village locations in preference to the open countryside where permission will only be granted in special circumstances on appropriate sites,

## List of Policies

- 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.

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### (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

## List of Policies

- house for continued use by an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and
- c) the housing development would help support a business that results in a clear social or environmental benefit to the area, including the retention or provision of employment or the provision of affordable or local needs housing, and
  - d) no appropriate site exists within a building group, and
  - e) there is no suitable existing house or other building capable of conversion for the required residential use.

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

### **POLICY HD3 : PROTECTION OF RESIDENTIAL AMENITY**

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

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

### **POLICY EP1 : INTERNATIONAL NATURE CONSERVATION SITES AND PROTECTED SPECIES**

Development proposals which will have a likely significant effect on a designated or proposed Natura site, which includes all Ramsar sites, are only permissible where:

- a) an appropriate assessment has demonstrated that it will not adversely affect the integrity of the site, or
- b) there are no alternative solutions, and
- c) there are imperative reasons of overriding public interest including those of a social or economic nature

Where a development proposal is sited where there is the likely presence of an EPS, the planning authority must be satisfied that:

- a) there is no satisfactory alternative, and
- b) the development is required for preserving public health or public safety or for other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance to the environment, and
- c) the development is not detrimental to the maintenance of the population of a EPS at a favourable conservation status in its natural range.

## **List of Policies**

### **POLICY EP2 : NATIONAL NATURE CONSERVATION AND PROTECTED SPECIES**

Development proposals which are likely to have a significant adverse effect, either directly or indirectly, on a Site of Special Scientific Interest or habitat directly supporting a nationally important species will not be permitted unless:

- a) the development will not adversely affect the integrity of the site, and
- b) the development offers substantial benefits of national importance, including those of a social or economic nature, that clearly outweigh the national nature conservation value of the site.

The developer will be required to detail mitigation, either on or off site, of any damage that may be caused by development permissible under the exception criteria.

### **POLICY EP3: LOCAL BIODIVERSITY**

Development that would have an unacceptable adverse effect on Borders Notable Species and Habitats of Conservation Concern will be refused unless it can be demonstrated that the public benefits of the development clearly outweigh the value of the habitat for biodiversity conservation.

Any development that could impact on local biodiversity through impacts on habitats and species should:

- a) aim to avoid fragmentation or isolation of habitats; and
- b) be sited and designed to minimise adverse impacts on the biodiversity of the site, including its environmental quality, ecological status and viability; and
- c) compensate to ensure no net loss of biodiversity through use of biodiversity offsets as appropriate; and
- d) aim to enhance the biodiversity value of the site, through use of an ecosystems approach, with the aim of creation or restoration of habitats and wildlife corridors and provision for their long-term management and maintenance.

### **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.

### **POLICY EP7: LISTED BUILDINGS**

The Council will support development proposals that conserve, protect, and enhance the character, integrity and setting of Listed Buildings.

Internal or external alterations and extensions to Listed Buildings, or new developments within their curtilage, must meet the following criteria:

- a) be of the highest quality,
- b) respect the original structure in terms of setting, scale, design and materials, whilst not inhibiting contemporary and/or innovative design;
- c) maintain, and should preferably enhance, the special architectural or historic quality of the building;

## List of Policies

- d) demonstrate an understanding of the building's significance.  
All applications for Listed Building Consent or applications affecting the setting of Listed Buildings will be required to be supported by Design Statements.

New development that adversely affects the setting of a Listed Building will not be permitted.

The demolition of a Listed Building will not be permitted unless there are overriding environmental, economic, social or practical reasons. It must be satisfactorily demonstrated that every effort has been made to continue the present use or to find a suitable new use.

### **POLICY 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.

### **POLICY EP10: GARDENS AND DESIGNED LANDSCAPES**

The Council will support development that safeguards or enhances the landscape features, character or setting of:

- a) sites listed in the Inventory of Gardens and Designed Landscapes, or
- b) sites included in historic gardens and designed landscapes records.

All development should be carefully sited, be of the highest standards of design using appropriate finishing materials and planting, and be informed by and respectful of the historic landscape structure. Proposals that will result in an unacceptable adverse impact will be refused.

All applications affecting a Garden or Designed Landscape will be required to be supported by a Design Statement.

## List of Policies

### **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.

### **POLICY EP15: DEVELOPMENT AFFECTING THE WATER ENVIRONMENT**

Development proposals that seek to bring improvement to the quality of the water environment will be supported. Where a proposal would result in a significant adverse effect on the water environment through impact on its natural or physical characteristics, or its use for recreation or existing river engineering works, it will be refused. Decision making will be guided by an assessment of:

- a) pollution of surface or underground water, including water supply catchment areas, as a result of the nature of any surface or waste water discharge or leachate, including from the disturbance of contaminated land;
- b) flood risk within the site or the wider river catchment;
- c) proposals for river engineering works that may be required for fisheries management, flood defence or erosion control;
- d) compliance with current best practice on Sustainable Urban Drainage (SUDS) including avoidance of flooding, pollution, extensive canalisation and culverting of watercourses.

### **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;

## List of Policies

- 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 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

## List of Policies

it can be demonstrated that this can be delivered without any negative impacts to public health, the environment or the quality of watercourses or groundwater.

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

Development will be refused if:

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

### SUSTAINABLE URBAN DRAINAGE

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

### OTHER MATERIAL CONSIDERATIONS

- SBC Supplementary Planning Guidance on New Housing in the Borders Countryside 2008
- SBC Supplementary Planning Guidance on Placemaking & Design 2010
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006
- SBC Supplementary Planning Guidance on Trees and Development 2008
- SBC Supplementary Planning Guidance on Landscape and Development 2008
- SBC Supplementary Planning Guidance on Waste Management 2015
- SBC Supplementary Planning Guidance on Development Contributions 2011



Newtown St Boswells Melrose TD6 0SA Tel: 01835 826705 Email: corporatebusinesssystems@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 100146102-001

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.

### 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:	Ferguson Planning		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Ferguson	Building Name:	Shiel House
Last Name: *	Planning	Building Number:	54
Telephone Number: *	01896 668 744	Address 1 (Street): *	Island Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Galashiels
Fax Number:		Country: *	Scotland
		Postcode: *	TD1 1NU
Email Address: *	kate@fergusonplanning.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 and Mrs"/>	Building Name:	<input type="text" value="Whitfield Cottages"/>
First Name: *	<input type="text" value="Erlend"/>	Building Number:	<input type="text" value="3"/>
Last Name: *	<input type="text" value="Milne"/>	Address 1 (Street): *	<input type="text" value="West Linton"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="West Linton"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH46 7AX"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="kate@fergusonplanning.co.uk"/>		

## 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

Easting

## 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)

Erection of dwelling and detached garage, land south east of West Tarf 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.

Please see submitted Supporting Statement to Notice of Review

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)

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)

Supporting Statement to Notice of Review Local Review Indicative Site Plan Original Planning Application Form Original Planning Statement Original Indicative Site Plan Original Location Plan

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

18/01341/PPP

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

27/09/2018

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

19/11/2018

## 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

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: . Ferguson Planning

Declaration Date: 06/12/2018



**APPEAL STATEMENT IN RELATION TO SCOTTISH  
BORDERS COUNCIL'S REFUSAL OF:**

**PLANNING PERMISSION IN PRINCIPLE FOR THE  
ERECTION OF A DWELLINGHOUSE AND DETACHED  
GARAGE**

**LAND SOUTH EAST OF WEST TARF HOUSE, WEST  
LINTON. EH46 7AA**

**PLANNING APPLICATION REF: 18/01341/PPP**

**ON BEHALF OF: MR & MRS ERLEND MILNE**

**6 DECEMBER 2018**



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## EXECUTIVE SUMMARY

This Appeal Statement is submitted on behalf of Mr and Mrs Erlend Milne “The Appellant” against the decision of Scottish Borders Council to refuse Planning Permission for the erection of a single dwelling and detached garage on land to the south east of West Tarf House on 19<sup>th</sup> November 2018 (application reference 18/01341/PPP).

The reason for the refusal was the Council’s view that the dwelling would be a *‘sporadic residential development in a countryside location which is not related to a building group’*.

The application was made on the basis that the Appellant considers the proposed site to be well related to the **building group at West Tarf** which comprises four houses, as shown below.

**Fig 1: Building Group at West Tarf**





The Appellant did, however within the original application, inform the Council that home-working within a small workshop environment in the proposed detached garage building would take place, as an ancillary use to the main residential use. The Appellant has a successful leather-working business with many local Clients. With a complete lack of effective allocated business space in West Linton the Appellant seeks to provide a small area of workshop accommodation within the detached garage where he can further his small rural business whilst continuing to live in the local area with his young family. Further information is provided in section 3 of this report. This is not “new information”, but merely clarifying that already provided.

The Appellant proposed creating **woodland planting/ landscaping around the house** within the application and confirms that he is willing to enhance this scheme to provide more robust planting to more closely resemble woodland close to adjacent properties and help to assimilate the new house into the landscape setting, as shown on the revised Indicative Site Layout Plan. The Plan is otherwise identical to that submitted with the original application.

Under two Grounds of Appeal, this Statement will demonstrate that the proposal:

- Is satisfactorily related to the existing four-unit building group, within the context at West Tarf and the proposed ancillary rural business use within the garage should be treated as a material consideration;
- Would not adversely affect the landscape setting and would not result in a detrimental impact upon residential amenity.

The Local Review Body, having considered the detail contained within the refused Planning Application, together with the information set out herein, will be respectfully requested to allow the Appeal to provide for the a single dwellinghouse and detached garage to developed at West Tarf which will retain a family and existing business in the local area and provide accommodation for them.



## 1.0 PROPOSAL SUMMARY

- 1.1 This Statement in support of the Local Review is submitted to Scottish Borders Council on behalf of the Appellant, Erlend and Karen Milne, against the decision of Scottish Borders Council to refuse planning permission in principle for the development of a single dwelling and detached garage on land to the south east of West Tarf House.
- 1.2 The immediate local area is known as 'West Tarf' and here the building group comprises 4 dwellings: 'Castlelaw', 'Castlelaw Steading', 'West Tarf House' and 'Westlands Lodge'. The first two properties lie immediately adjacent to the subject site, with the remaining two sharing the sense of place created by the overall building group at West Tarf. The relationship of the properties can be seen in the aerial image overleaf.
- 1.3 The appeal site comprises the corner of a field close to existing dwellings which extends to 2,115 sqm (0.52 acre) of fairly level land. A Location Plan and Indicative Site Layout Plan, showing the proposed house and garage positions and the relationship of the plot to the building group were included with the application. The Appellant specifically indicated that he proposed woodland planting within the plot as part of the proposal and confirms that should the LRB wish, he is willing to commit to making this more robust in order to assist with the assimilation of the plot into the landscape setting and strengthen the southern boundary of the building group. This could be achieved by an appropriately worded planning condition on landscaping/ woodland planting.
- 1.4 Access to the plot is obtained from the existing high-quality tarmac-surfaced access which extends southwards from the A702. The access is currently used to serve the two dwellings to the west of the plot and the equestrian sheds which lie to the west of the road. West Tarf and Westlands Lodge are understood to take access from the junction further west on the A702. Neither the Council's Roads Officer nor Transport Scotland has any objections to use of the access and junction with the A702.
- 1.5 It is proposed that the new house would be served by private foul and surface water drainage arrangements and mains water supply. The indicative position of the proposed septic tank and soakaway were shown on the submitted Indicative Site Plan.

Fig 2: Building Group at West Tarf and Access Road.



## 2.0 REFUSAL OF APPLICATION BY SCOTTISH BORDERS COUNCIL AND PLANNING POLICY CONTEXT

2.1 The planning application was refused on 19<sup>th</sup> November 2018 on the basis set out below.

*The development is contrary to policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 in that it would amount to sporadic residential development in a countryside location unrelated to a building group that meets policy definitions and no overriding case for a dwellinghouse has been substantiated.*

2.2 Policy relevant to this proposal is contained within Scottish Planning Policy and the Scottish Borders Local Development Plan (2016).

### SCOTTISH PLANNING POLICY (SPP) 2014

2.3 SPP encourages rural development that supports prosperous and sustainable communities and businesses, whilst protecting and enhancing environmental quality. SPP provides that, where appropriate, the construction of single houses outwith settlements should be supported provided such are well sited and designed to fit with local landscape character, taking account of landscape protection and other plan policies.

2.4 A key focus for SPP is the creation of well-designed, sustainable places and supporting sustainable economic growth and regeneration. SPP creates a presumption in favour of development that contributes to sustainable development. Policies and decisions will be guided by key principles, including:

- *supporting good design and the six qualities of successful places;*
  - *making efficient use of existing capacities of land, buildings and infrastructure;*
  - *supporting climate change mitigation and adaption;*
  - *having regard to the principles of sustainable land use;*
  - *protecting, enhancing and promoting access to cultural and natural heritage;*
  - *reducing waste, facilitating its management and promoting resource recovery;*
- and*



- *avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality*

#### SCOTTISH BORDERS LOCAL DEVELOPMENT PLAN 2016

- 2.5 Relevant local policy is contained within the Scottish Borders Local Development Plan 2016, with key policy being HD2 Housing in the Countryside and HD3 Protection of Residential Amenity.
- (a) Housing in the Countryside Policy (HD2)**
- 2.6 This policy allows existing buildings groups to expand within a Plan period by 30% or 2 units, whichever is the greater, where suitable sites exist.
- 2.7 The proposed site should be well related to the existing building group and have no detrimental impact upon the character of the group, the landscape or the amenity of the surrounding area. Any development proposal should also be appropriate in terms of scale, siting, design, access and use of materials. Applications for new houses relating to expansion of building groups will be assessed against: a) the presence or, otherwise, of a group; and b) the suitability of that group to absorb new development.
- 2.8 It is not relevant, herein, to set out Housing in the Countryside policy which relates to **'operational/ economic requirement'** as the new single dwelling was not sought on the basis of "being essential for the operation of an existing business". It should, however, be noted that the Appellant proposes home working (leather-working workshop) as an ancillary use to the principal residential use and this would be accommodated within the detached garage. Further information on the Appellant's business is provided in the next section.
- 2.9 **Supplementary Guidance 'New Housing in the Borders Countryside'** provides additional detail in support of the above policy, setting out requirements where a new house is proposed in association with an existing building group. Requirements which are relevant to the development proposal include: that the scale and siting should reflect and respect the character and amenity of the existing group and the individual houses within the group and the new house should be situated in the area contained by



the “sense of place”.

- 2.10 The following criteria must also be met:
- No adverse effect on the viability of a farming unit or conflict with the operations of a working farm;
  - Satisfactory access and other road requirements;
  - Satisfactory public or private water supply and drainage facilities;
  - No adverse effect on countryside amenity, landscape or nature conservation;
  - No adverse impact on ancient monuments, archaeological sites, or on gardens or designed landscapes;
  - Appropriate siting, design and materials in accordance with relevant Local Plan policies.

- 2.11 The Guidance notes that the existence of a building group is identifiable by a “sense of place” which will be contributed to by: natural boundaries such as water courses, trees or enclosing landform, or man-made boundaries such as existing buildings, roads, plantations or means of enclosure.

**(b) Protection of Residential Amenity (HD3)**

- 2.12 This policy requires development to have no significant adverse impact on the amenity of existing or proposed houses. The scale, form and type of development proposed must fit with the residential area and it should not have unacceptable effects in terms of overlooking, loss of privacy or sunlight. There should also be no unacceptable impact on visual amenity more generally.

**Access**

- 2.13 The ability to achieve safe and satisfactory access is a requirement of the creation of any new housing in the countryside. A vehicular access is required to have visibility splays appropriate to the location and to the speed of traffic on the adjoining road system.

- 2.14 An extract from the LDP is shown overleaf showing the site within context:

Fig 3: Extract from Scottish Borders Local Development Plan Proposals Map





### 3.0 GROUNDS FOR APPEAL AND CASE FOR THE APPELLANT

- 3.1 The Local Authority's decision to refuse the application is challenged on the basis of the two Grounds set out below. It is asserted that the Proposal accords with the relevant policies and intentions of the Local Development Plan and Planning Guidance and there is also the material consideration that the proposal will allow the retention of a small established business in the local area.

**GROUND 1:** The proposed development is satisfactorily related to the existing four-unit building group within the context at West Tarf.

**GROUND 2:** The proposed development would not adversely affect the landscape setting and would not result in a detrimental impact upon residential amenity.

**GROUND 1: THE PROPOSED DEVELOPMENT IS SATISFACTORILY RELATED TO THE EXISTING FOUR-UNIT BUILDING GROUP WITHIN THE CONTEXT AT WEST TARF AND THE PROPOSED ANCILLARY RURAL BUSINESS USE SHOULD BE TREATED AS MATERIAL CONSIDERATION.**

- 3.2 The Appellant is of the view that, in terms of LDP **policy HD2** that a building group does exist at West Tarf and that it is capable, in principle, of expanding through implementation of the proposed development in the current Plan period. The building group has not expanded in the current LDP period.
- 3.3 The group is firmly bounded by the access road to the east, the A702 road to the north, the West Water burn to the west and the properties at Castlelaw (which lie close to the site), together with woodland, to the south. It is acknowledged that the houses are not all positioned in a tight cluster, but, nonetheless, it is considered that West Tarf is a building group and that there is a clear shared 'sense of place' between the four properties. The proposed site lies in close proximity to two of the residential properties in the grouping, namely 'Castlelaw' and 'Castlelaw Steading'.



3.4 Turning to compliance with adopted Guidance 'New Housing in the Borders Countryside', the following points are made:

- As already asserted, the proposed house is considered to lie within the area contained by the sense of place attributable to the existing building group;
- The proposal does not comprise ribbon development;
- The exact scale, siting, design and use of materials will be put forward at the next stage of the planning process in a way which accords with relevant Local Plan policies. The Appellant confirms that he would be willing to use traditional materials including natural slate;
- Satisfactory access arrangements are proposed – and accepted by the Roads Officer and Transport Scotland;
- There would be no detrimental impact upon the surrounding landscape with the site being subject to robust landscaping and woodland planting;
- The proposal would have no adverse effect on the viability of a farming unit or conflict with the operations of a working farm;
- Satisfactory water supply and drainage facilities will be demonstrated at the next stage of the planning process;
- There is no adverse impact on ancient monuments, archaeological sites, or on gardens or designed landscapes.

**Rural Business**

3.5 The Appellant wishes to remind the LRB that the principal reason for the proposal is to provide a house for his family's own occupation, but it will also enable his existing rural business to grow in the local area. Part of the garage of the proposed dwelling will be used by the Appellant as a leather-working workshop in connection with his saddlery fitting and repair business. The Appellant is a specialist saddle fitter, with the largest proportion of his client base in the Scottish Borders.

3.6 Further, utilising his traditional saddlery skills, the Appellant has also diversified into the design and development of a wide range of products such as golf bags, bagpipe travel cases and specialist products for the furniture and whisky industries. The success and sustainability of his business relies on him having a suitable garage with workshop space from which he can operate that is readily commutable from his core saddlery client base in the Scottish Borders.



- 3.7 The Appellant has been searching for an appropriate base in the local area for the past ten years without success. It is noted that there is no effective business land where a small workshop could be built in and around West Linton, a position which has been highlighted to the Council and Community Council on numerous occasions. West Tarf offers a solution, allowing the Appellant to build a modest house with garage/ workshop from which to run and grow his business.
- 3.8 The proposal would also allow the Appellant to continue to live in the local area with his young family whilst working in, and contributing to, the local community in a rural business. Both of his children attend, and are settled in, school locally with a family support network and grandparents close by, allowing the Appellant and his wife to work; another reason that relocation is not a viable option for them.
- 3.9 The Appellant has been renting business accommodation in various locations in Midlothian over the past 10 years because nothing has been available in the West Linton area. The current accommodation leased by the Appellant, some distance away in Midlothian, is office-type space in need of major refurbishment and is restrictive to work in, as well as being poorly-suited to the type of work the Appellant carries out, despite efforts at adaptation. Simple 'normal domestic sized' open-plan garage workshop space beside the dwelling would give the Appellant the flexibility he requires without altering the domestic setting of the dwelling.
- 3.10 The Midlothian Innovation Centre, where the space is currently leased, has been in administration and has recently been taken over by a property developer which has enhanced uncertainty over the Appellant's future there, with anticipated significant rental increases. The space is becoming unaffordable and the site may be at risk of being redeveloped for other uses.
- 3.11 The proposal provides the Appellant with a dwelling and modest and affordable garage workshop space beside it that meets his business needs in a location in the centre of his Client base. The home-working use of a small part of the development will be wholly ancillary to the principal residential use. It should be noted that the nature of the business is that customers do not visit the premises; it is purely a home-working workshop and products are delivered to Clients.



3.12 The Appellant does not seek to justify the proposal wholly on the basis of “operational requirement” for a dwelling, as the business use, whilst important and material, is ancillary to the principal residential use which is put forward as the addition of a single unit to a building group. The Appellant does, however, ask that the LRB notes that the proposal will enable an existing rural business to thrive, remain in the local area and support home-working. As noted above, the garage within which the workshop will operate will be a normal domestic scale garage and will appear as such within the landscape setting.

**Access**

3.13 Access can be achieved directly from the public road by way of the good quality tarmac-surfaced access road (with passing places) which leads to the proposed plot. The Roads Officer had no objections to the proposed access. Transport Scotland has no objections to use of the existing junction with the A702.

3.14 The Appellant contacted Transport Scotland directly and received a response from Phil Hinchcliff (Area Manager South East, Network Maintenance, Trunk Road and Bus Operations) on 20<sup>th</sup> July 2018. His response was that *“if you are only constructing one house we do not have a problem with the access”*. Transport Scotland have thus indicated that they are content with the existing junction arrangement with the A702 trunk road.

3.15 The sheds beside the access road are for private equestrian use only, as opposed to a public/ commercial livery or arena. The facility does not give rise to increased vehicle movements as a result of its wholly private nature.

**GROUND 2: THE PROPOSED DEVELOPMENT WOULD NOT ADVERSELY AFFECT THE LANDSCAPE SETTING AND THERE WILL BE NO DETRIMENTAL IMPACT UPON RESIDENTIAL AMENITY.**

3.16 In terms of landscaping, The Appellant proposed creating woodland planting/ landscaping around the house within the application (as shown on the Indicative Site Plan) and confirms to the LRB that he is willing to enhance this scheme to provide even more robust planting to more closely resemble woodland close to adjacent properties and, overall, to help to assimilate the new house into the landscape setting and further



define the southern edge of this building group.

- 3.17 Naturally, detailed landscaping proposals would form part of a further application at the next stage of the planning process in response to a suitably worded planning condition set out by the LRB, but the Appellant has taken this opportunity to illustrate the woodland planting he envisages within a revised Indicative Site Plan which shows the strengthened woodland planting. This is not considered to be “new information”. The Indicative Site Plan submitted with the original application was purely for indicative purposes and, as a planning application in principle, it did not form part of the formal application documents. The revised Indicative Site plan, again, serves to illustrate intent and is merely an expansion on that submitted originally.
- 3.18 Whilst it is acknowledged that the site lies within the corner of an agricultural field, the proposal occupies a similar plot size to adjacent properties, extending no further south into the agricultural land. Indeed, the proposal offers a ‘rounding off’ of the grouping at the south eastern edge and provides an opportunity to form a robust edge in this location.

#### **Residential Amenity**

- 3.19 It is considered that dwelling and garage/ workshop could be developed on the subjects without causing a detrimental impact upon the residential amenity, including overlooking, of the neighbouring properties. The workshop would not give rise to issues of noise as no power tools are used, only sewing machines. There is a reasonable degree of separation between the properties and the workshop does not involve the use of any other noisy equipment. The scale and exact positioning of the house, together with design and materials use can be controlled by the Planning Authority at the next stage in the planning process. Given the location close to the ‘Pentland Hills Special Landscape Area’ it is acknowledged that, at the next stage in the planning process, the proposed house design should be sensitive and appropriate to the surrounding landscape.



#### 4.0 CONCLUSIONS

- 4.1 The submitted Appeal, supported by this Statement, seeks the Council's decision to refuse Planning Permission for the erection of a single dwellinghouse and detached garage on land to the south east of West Tarf House to be overturned and consent be granted for the proposal.
- 4.2 There is an existing 4-unit building group at West Tarf and it has the capacity, in principle, to expand within the current LDP period.
- 4.3 The development proposal is situated within the corner of a field which is already clearly fenced off from the rest of the field and which shares a sense of place with the building group. The site is located in close proximity to two dwellings with the other two dwellings within the building grouping being of greater separation, but still part of the West Tarf building group.
- 4.4 The site on which the new house is proposed is considered to have an appropriate relationship with the building group in the context of policy HD2. The building group is enclosed by the access track, the A702, the West Water burn and existing houses and woodland to the south.
- 4.5 The proposal is justified on the basis of the 'building group' expansion justification, but it should also be noted that the proposal will include, as an ancillary use to the principal residential use, workshop space within the garage for the Appellant's rural business. This should be treated as a material consideration. There is no effective business space in West Linton for small workshop space.
- 4.6 Proposed tree planting and landscaping will help to assimilate the proposal into the landscape setting and enhance the southern boundary of the building group. The Appellant is willing to provide more robust woodland planting such as that shown in the Appellant's submitted Indicative Site Plan, should this be desired by the LRB.
- 4.7 Access can be achieved by way of a high-quality access road. Neither Transport Scotland or the Council's Road's Officer have any objections to access, parking or junction arrangements.



- 4.8 There will be no detrimental impact upon residential amenity – a point accepted by the Planning Authority.
- 4.9 The Appellant will be coming forward, at the next stage of the planning process with a proposal for a sensitively designed house and garage of modest scale which utilises traditional materials including a slated roof. The exact siting and design of the house and garage, together with boundary treatment and landscaping can be controlled by way of suitably worded planning conditions.
- 4.10 The LRB is, therefore, respectfully requested to allow the appeal to provide for the expansion of the existing building group at West Tarf by one dwelling.

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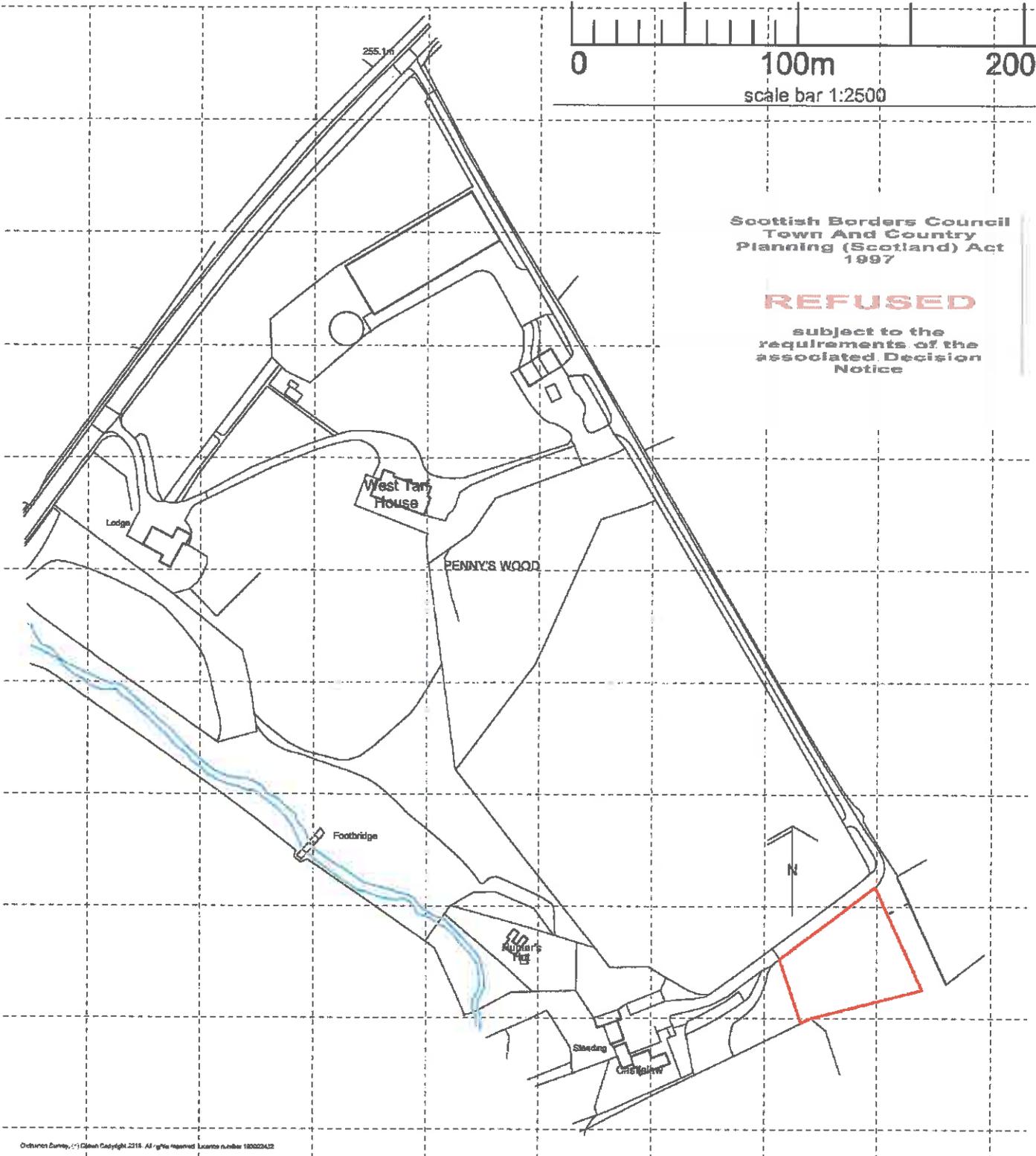
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Scottish Borders Council  
Town And Country  
Planning (Scotland) Act  
1997

**REFUSED**

subject to the  
requirements of the  
associated Decision  
Notice

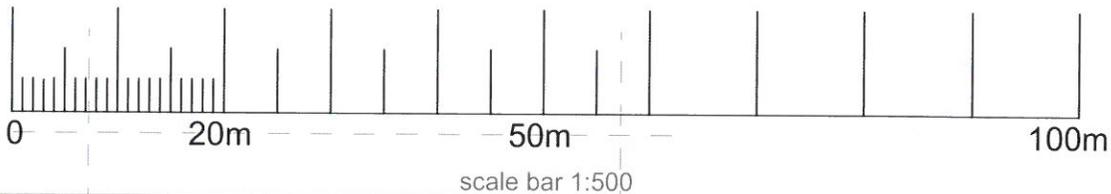


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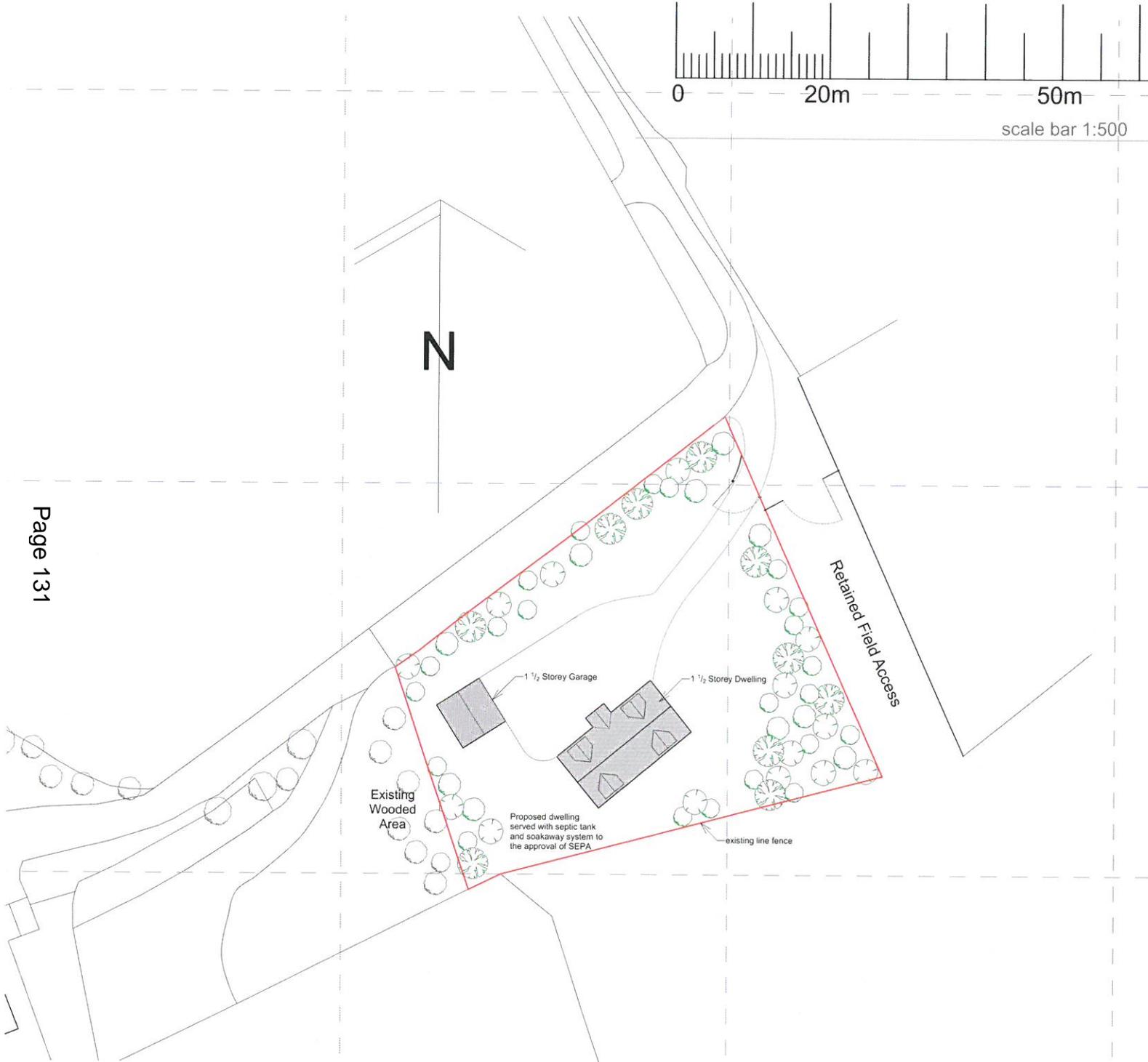
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<b>HUNTER ARCHITECTURE</b> 231 Galashiels Road Slow Galashiels TD1 2RE T :01578730510 E :info@hhunter.co.uk www.hhunter.co.uk	Drawn by <b>FJH</b>	Date	Drawing Name <b>Location Plan</b>
	Checked by <b>HAH</b>	Date	Drawing Status
Project Name <b>Land at West Tart House                  West Linton</b>	 Page 129 SCANDINAVIAN HOMES www.fjordhus.com		Drawing Scale <b>1:2500</b>
Clients Name <b>Erlend and Karen Milne</b>			Layout ID      Status      Revision <b>1344.PL_01__Rev_A</b>

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<p><b>HUNTER ARCHITECTURE</b></p> <p>231 Galashiels Road Stow Galashiels TD1 2RE T :01578730510 E :info@hhunter.co.uk www.hhunter.co.uk</p> 		
Project Name		
Land at West Tarf House West Linton		
Client Name		
Erlend and Karen Milne		
Drawing Name		
Indicative Site Location Plan		
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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 100138392-001

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 single dwelling and garage, West Tarf, West Linton

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:	Ferguson Planning		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Ferguson	Building Name:	Shiel House
Last Name: *	Planning	Building Number:	54
Telephone Number: *	01896 668 744	Address 1 (Street): *	Island Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Galashiels
Fax Number:		Country: *	Scotland
		Postcode: *	TD1 1NU
Email Address: *	kate@fergusonplanning.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 and Mrs	Building Name:	Shiel House
First Name: *	Erlend	Building Number:	54
Last Name: *	Milne	Address 1 (Street): *	Island Street
Company/Organisation	per Ferguson Planning	Address 2:	
Telephone Number: *		Town/City: *	Galashiels
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	TD1 1NU
Fax Number:			
Email Address: *	kate@fergusonplanning.co.uk		

## 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

651026

Easting

314635

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Site Area

Please state the site area:

2115.00

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)

Fenced corner of agricultural field

## 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: \*

This is a PPP application only, however indicative location of soakaway shown on Indicative Site Plan.

Do your proposals make provision for sustainable drainage of surface water?? \*  Yes  No  
(e.g. SUDS arrangements) \*

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 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 and Mrs J Aitken

Address:

West Tarf House, West Tarf, West Linton, Scotland, EH46 7AA

Date of Service of Notice: \*

27/09/2018

(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:

Ferguson Planning

On behalf of:

Mr and Mrs Erlend Milne

Date:

27/09/2018

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)

Planning Statement

## 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.

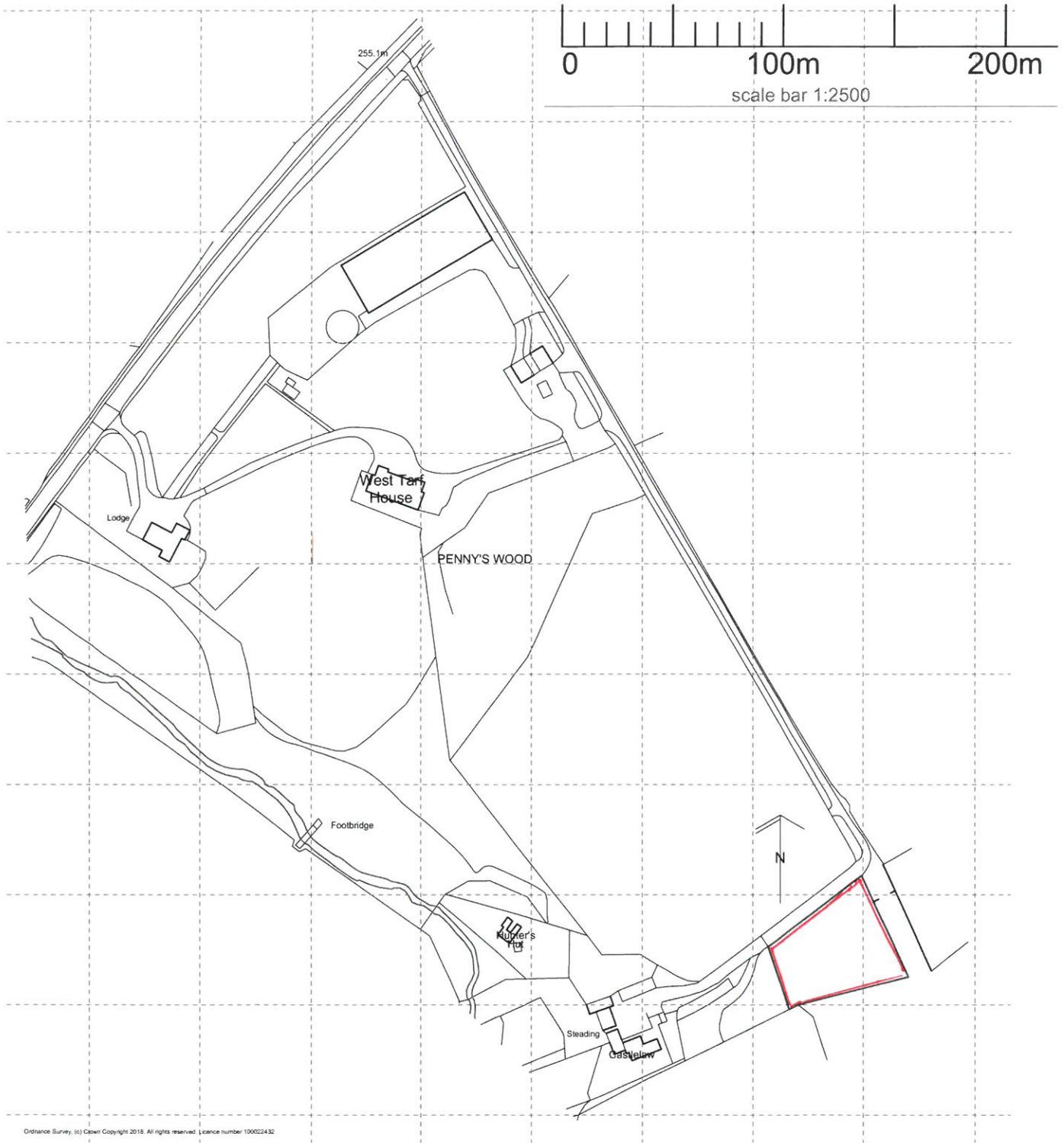
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Declaration Date: 26/09/2018

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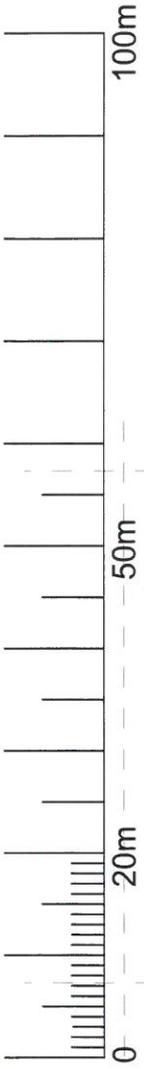
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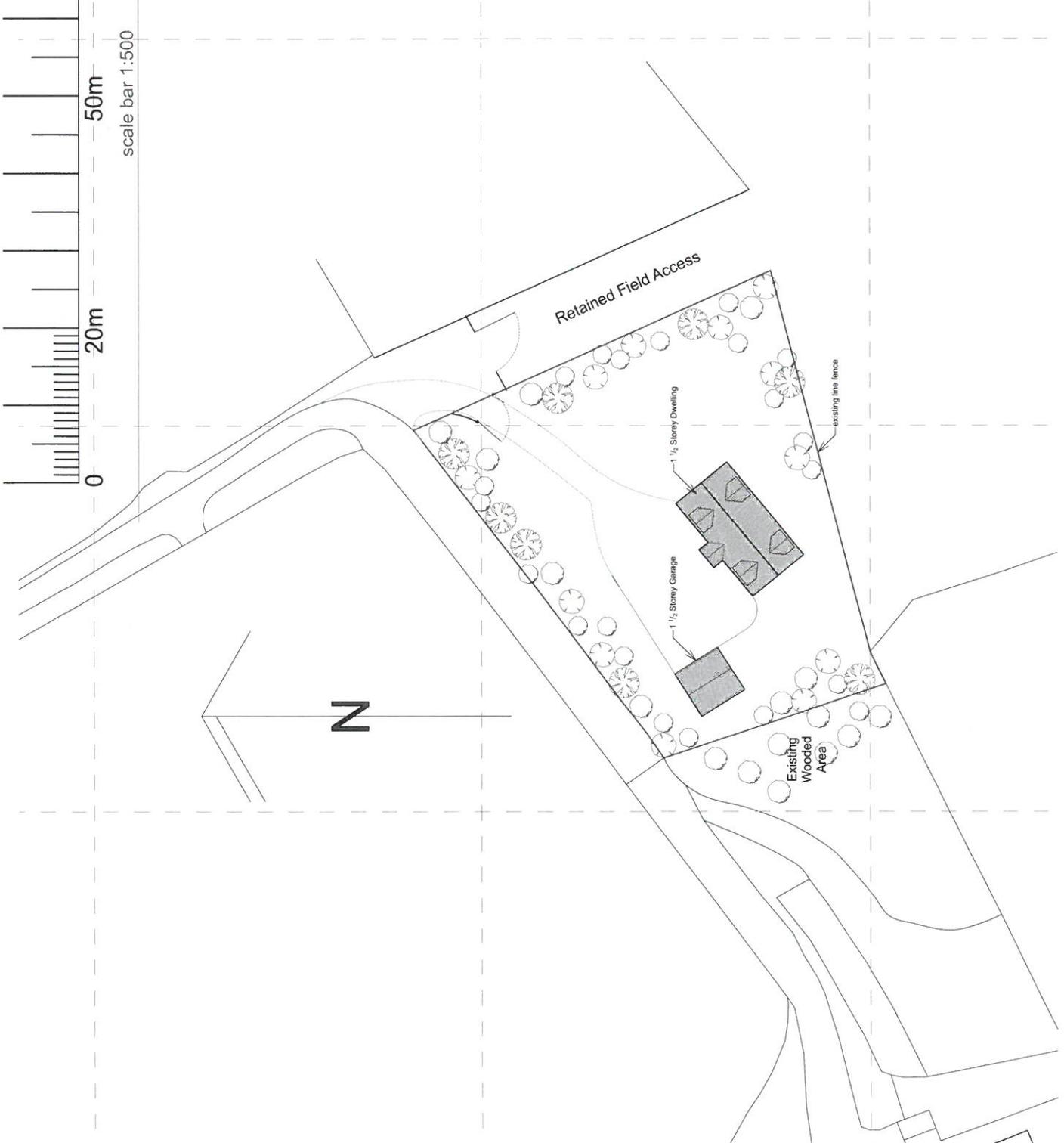
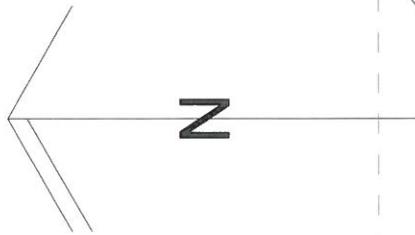


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	Checked by <b>HAH</b>	Date	Drawing Status
Project Name <b>Land at West Tart House          West Linton</b>			Drawing Scale <b>1:2500</b>
Clients Name <b>Erlend and Karen Milne</b>			Layout ID <b>1344.PL_01</b>



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	date	

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<b>Project Name</b>	Land at West Tart House West Linton
<b>Client Name</b>	Erlend and Karen Milne
<b>Drawing Name</b>	Indicative Site Location Plan
<b>Drawing Status</b>	
<b>Drawn by</b>	FJH
<b>Checked by</b>	HAH
<b>Drawing Scale</b>	1:500
<b>Layout ID</b>	1344.PL_02_Rev_A
<b>Status</b>	Revision

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## PLANNING STATEMENT

**SITE ADDRESS: LAND EAST OF CASTLELAW, WEST  
TARF, WEST LINTON.  
EH46 7AA**

**OUTLINE PLANNING APPLICATION FOR  
DEVELOPMENT OF SINGLE DWELLING AND  
GARAGE**

**APPLICANTS: ERLEND AND KAREN MILNE**

**26 SEPTEMBER 2018**

**Main Office:**

Shiel House | 54 Island Street | Galashiels | TD1 1NU

**NI Office:**

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- 1.0 Introduction and Proposal Description
- 2.0 Planning Policy Context and Assessment
- 3.0 Assessment of Development Proposal
- 4.0 Conclusions

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07754 07 973

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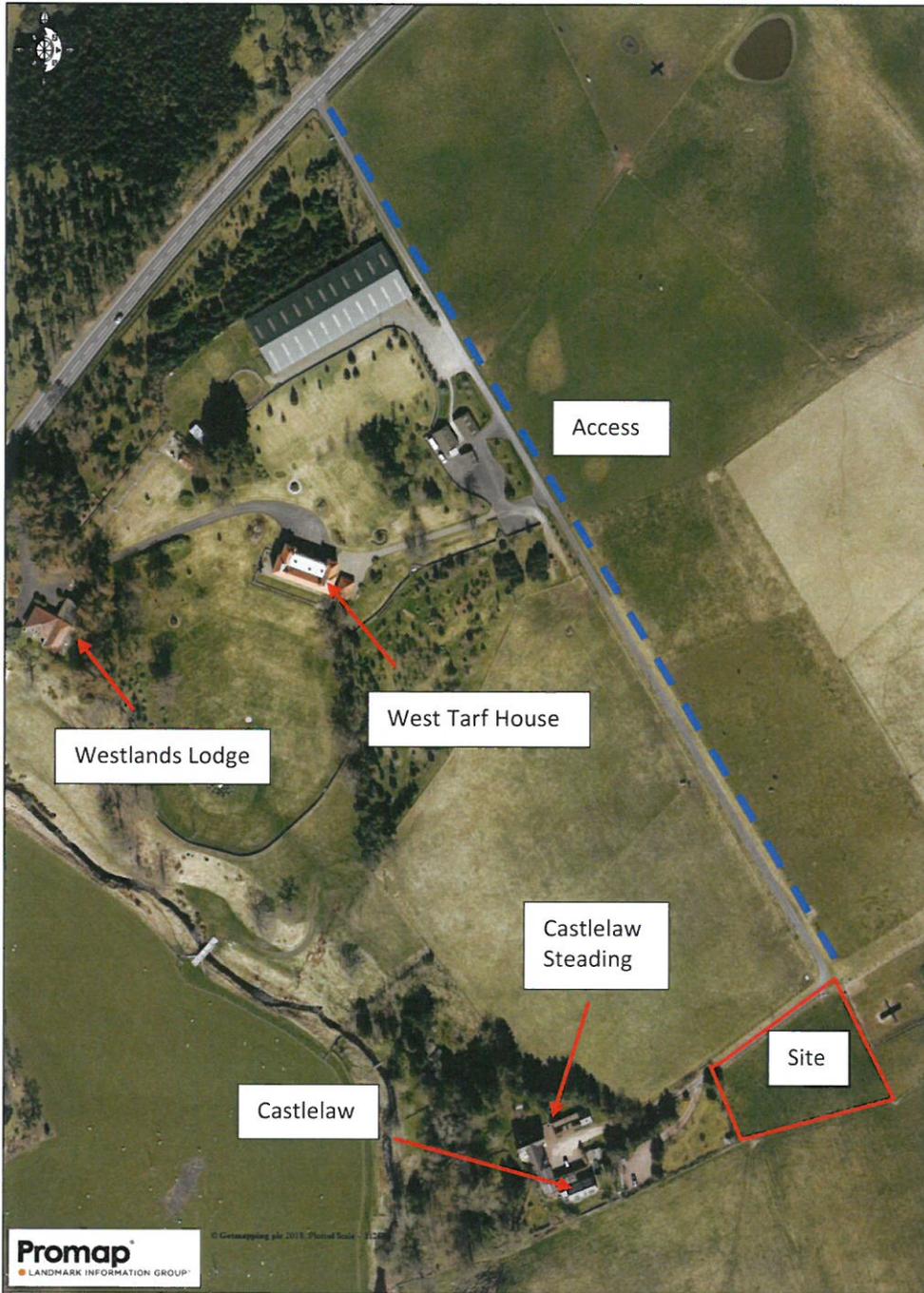
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## 1.0 INTRODUCTION AND PROPOSAL DESCRIPTION

- 1.1 This Planning Statement, prepared by Ferguson Planning, is submitted to Scottish Borders Council on behalf of the Applicants, Erlend and Karen Milne, for planning permission in principle for the development of a single dwelling and garage on land to the east of the dwelling known as 'Castlelaw' at West Tarf.
- 1.2 At West Tarf there is a building group of 4 dwellings: 'Castlelaw', 'Castlelaw Steading', 'West Tarf House' and 'Westlands Lodge'. The first two properties lie immediately adjacent to the subject site, with the remaining two sharing the sense of place created by the overall building group at West Tarf. The relationship of the properties can be seen in the aerial image overleaf.
- 1.3 A Location Plan and Indicative Site Layout Plan, showing the proposed house and garage positions and the relationship of the plot to the building group are included with this submission.
- 1.4 The subject site comprises the corner of a field next to the property 'Castlelaw'. The application site extends to 2,115 sqm (0.52 acre). The land is fairly level.
- 1.5 Access to the plot is obtained from the existing tarmac-surfaced access which extends southwards from the A702. The road is currently used to serve the two dwellings to the west of the plot and the equestrian sheds which lie to the west of the road. West Tarf and Westlands Lodge are understood to take access from the junction further west on the A702.
- 1.6 It is proposed that the new house would be served by private foul and surface water drainage arrangements and mains water supply. The indicative position of the proposed septic tank and soakaway are shown.
- 1.7 This remainder of this statement considers relevant planning policy and thereafter provides a reasoned justification within the policy context.

Fig 1: Building Group at West Tarf





## 2.0 PLANNING POLICY CONTEXT AND ASSESSMENT

2.1 Policy relevant to this proposal is contained within Scottish Planning Policy and the Scottish Borders Local Development Plan (2016).

### SCOTTISH PLANNING POLICY (SPP) 2014

2.2 SPP encourages rural development that supports prosperous and sustainable communities and businesses, whilst protecting and enhancing environmental quality. SPP provides that, where appropriate, the construction of single houses outwith settlements should be supported provided such are well sited and designed to fit with local landscape character, taking account of landscape protection and other plan policies.

2.3 A key focus for SPP is the creation of well-designed, sustainable places and supporting sustainable economic growth and regeneration. SPP creates a presumption in favour of development that contributes to sustainable development. Policies and decisions will be guided by key principles, including:

- *supporting good design and the six qualities of successful places;*
- *making efficient use of existing capacities of land, buildings and infrastructure;*
- *supporting climate change mitigation and adaption;*
- *having regard to the principles of sustainable land use;*
- *protecting, enhancing and promoting access to cultural and natural heritage;*
- *reducing waste, facilitating its management and promoting resource recovery;*  
*and*
- *avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality*

**SCOTTISH BORDERS LOCAL DEVELOPMENT PLAN 2016**

- 2.4 Key policies include (a) **HD2** – Housing in the Countryside and (b) **HD3** – Protection of Residential Amenity.

**(a) Housing in the Countryside Policy**

- 2.5 This policy allows existing buildings groups to expand within a Plan period by 30% or 2 units, whichever is the greater, where suitable sites exist.
- 2.6 The policy requires that the proposed site should be well related to the existing building group and have no detrimental impact upon the character of the group, the landscape or the amenity of the surrounding area. Any development proposal should also be appropriate in terms of scale, siting, design, access and use of materials. Applications for new houses relating to expansion of building groups will be assessed against: a) the presence or, otherwise, of a group; and b) the suitability of that group to absorb new development.
- 2.7 Supplementary Guidance ‘New Housing in the Borders Countryside’ provides additional detail in support of the above policy, setting out requirements where a new house is proposed in association with an existing building group. Requirements which are relevant to the development proposal include: that the scale and siting should reflect and respect the character and amenity of the existing group and the individual houses within the group and the new house should be situated in the area contained by the “sense of place”.
- 2.8 The Guidance notes that the existence of a building group is identifiable by a “sense of place” which will be contributed to by: natural boundaries such as water courses, trees or enclosing landform, or man-made boundaries such as existing buildings, roads, plantations or means of enclosure.

**(b) Protection of Residential Amenity**

- 2.9 This policy requires development to have no significant adverse impact on the amenity of existing or proposed houses. The scale, form and type of development proposed must fit with the residential area and it should not have unacceptable effects in terms of overlooking, loss of privacy or sunlight. There should also be no unacceptable impact on

visual amenity more generally.

Fig 2: Extract from Scottish Borders Local Development Plan Proposals Map



### Access

- 2.10 The ability to achieve safe and satisfactory access is a requirement of the creation of any new housing in the countryside. A vehicular access is required to have visibility splays appropriate to the location and to the speed of traffic on the adjoining road system.



### 3.0 ASSESSMENT OF DEVELOPMENT PROPOSAL

#### **Building group**

- 3.1 There is considered to be a 4-unit building group at West Tarf and the proposed site lies in particular close proximity to two of the buildings which comprise the grouping, namely 'Castlelaw' and 'Castlelaw Steading'. The building group lies with the area of land bordered by the West Water to the west, the A702 to the north, the access road to the east and farmland to the south.
- 3.2 Whilst it is acknowledged that the site lies within the corner of an agricultural field, the proposal occupies a similar plot size to adjacent properties, extending no further south into the agricultural land. Indeed, the proposal offers a 'rounding off' of the grouping at the south eastern edge and includes landscaping as shown on the indicative site plan.
- 3.3 It is noted that part of the garage of the proposed dwelling will be used by the Applicant as a leather-working workshop in connection with his saddlery fitting and repair business. The home-working use of a small part of the development will be wholly ancillary to the principle residential use. The nature of the business is that customers do not visit the premises; it is purely a home-working workshop and products are delivered to Clients.
- 3.4 Whilst the Applicant does not seek to justify the proposal wholly on the basis of "operational requirement" for a dwelling, he does wish to note that the proposal will enable an existing rural business to thrive and will enable home-working. The Applicant has been seeking a property where he can locate his small workshop in the West Linton area, where his customer base is centred, for over 10 years.

#### **Residential Amenity**

- 3.5 It is considered that dwelling and garage/ workshop could be developed on the subjects without causing a detrimental impact upon the residential amenity of the neighbouring houses at Castlelaw. The workshop would not give rise to issues of noise as no power tools are used, only sewing machines. There is a reasonable degree of separation between the properties and the workshop does not involve the use of any other noisy equipment. The scale and exact positioning of the house, together with design and materials use can be controlled by the Planning Authority at the next stage in the



planning process. Given the location close to the 'Pentland Hills Special Landscape Area' it is acknowledged that, at the next stage in the planning process, the proposed house design should be sensitive and appropriate to the surrounding landscape.

### **Flooding**

- 3.6 Review of the web-based SEPA indicative flood maps indicate that the site lies out with the area assessed as having high, medium or low flood risk.

### **Access**

- 3.7 The Applicant made contact with Transport Scotland directly and received a response from Phil Hinchcliff (Area Manager South East, Network Maintenance, Trunk Road and Bus Operations) on 20<sup>th</sup> July 2018. His response was that *"if you are only constructing one house we do not have a problem with the access"*. Transport Scotland have thus indicated that they are content with the existing junction arrangement with the A702 trunk road.
- 3.8 It is understood that at present, the properties which use the proposed access are 'Castlelaw', 'Castlelaw Steading' and 'West Tarf House'. The fourth property, 'Westlands Lodge' uses the junction further south on the A702.
- 3.9 The sheds beside the access road are for private equestrian use only, as opposed to a public/ commercial livery or arena. The facility does not give rise to increased vehicle movements as a result of its wholly private nature.

### **Servicing**

- 3.10 The plot will be serviced by private foul and surface water drainage arrangements with detail to be provided at the next stage in the planning process, although the indicative position of the proposed septic tank and soakaway has been shown on the indicative site plan. Mains water is understood to be available.

### **Landscaping**

- 3.11 It is envisaged that robust areas of landscaping would be provided to provide a strong edge to the south eastern part of the building group. The detailed landscaping plan, with species mix and design, will be presented at the next stage of the planning process. The indicative site plan, however, shows possible siting of tree planting/ landscaping.



## 4.0 CONCLUSIONS

- 4.1 Ferguson Planning has been appointed by Erlend and Karen Milne (the Applicants) to submit an application for planning permission in principle for the development of a single dwelling on land which lies at the south east of the building group and adjacent to properties at Castlelaw.
- 4.2 The development proposals are situated within the corner of a field which is already clearly fenced off from the rest of the field and which lies adjacent to the building group. The site measures 2,115 sqm (0.52 acres) and shares a common 'sense of place' with the building group and the creation of new defensible landscape boundaries are proposed.
- 4.3 The proposal would comply with Housing in the Countryside policy and with policy on Protection of Residential Amenity. The site is of sufficient size to contain the dwelling without having detrimental impact upon the nearest dwellings.
- 4.4 Access to the plot can be achieved by way of the existing tarmac-surfaced access road which runs from the A702 in a southwards direction. The Applicant consulted with Transport Scotland and they have confirmed that they do not have objection based on the proposal for a single dwellinghouse.
- 4.5 The site lies outwith the area shown on SEPA's flood risk maps as having any flood risk.
- 4.6 Satisfactory private drainage arrangements can be achieved, subject to further details to be provided at the next stage in the planning process.
- 4.7 The Planning Authority is respectfully requested to approve this application which will provide for an additional dwellinghouse and home-working workshop on land which shares a sense of place with an existing building group at West Tarf.



*Regulatory Services*

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference : 18/01341/PPP

To : Mr and Mrs Erlend Milne per Ferguson Planning 54 Island Street Galashiels Scottish Borders TD1 1NU

With reference to your application validated on **28th September 2018** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal : Erection of dwellinghouse and detached garage**

**at : Land South East Of Tarf House West Linton Scottish Borders**

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

Dated 19th November 2018  
Regulatory Services  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA

Signed

A large black rectangular box redacting the signature of the Depute Chief Planning Officer.

.....  
Depute Chief Planning Officer

**APPLICATION REFERENCE : 18/01341/PPP****Schedule of Plans and Drawings Refused:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
1344.PL_01	Location Plan	Refused

**REASON FOR REFUSAL**

- 1 The development would be contrary to Policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 in that it would amount to sporadic residential development in a countryside location unrelated to a building group that meets policy definitions and no overriding case for a dwellinghouse has been substantiated.

**FOR THE INFORMATION OF THE APPLICANT**

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

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

**SCOTTISH BORDERS COUNCIL**

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

**PART III REPORT (INCORPORATING REPORT OF HANDLING)**

**REF :** 18/01341/PPP  
**APPLICANT :** Mr and Mrs Erlend Milne  
**AGENT :** Ferguson Planning  
**DEVELOPMENT :** Erection of dwellinghouse and detached garage  
**LOCATION:** Land South East Of Tarf House  
 West Linton  
 Scottish Borders

**TYPE :** PPP Application

**REASON FOR DELAY:**

**DRAWING NUMBERS:**

Plan Ref	Plan Type	Plan Status
1344.PL_01 a	Location Plan	Refused

**NUMBER OF REPRESENTATIONS:** 0

**SUMMARY OF REPRESENTATIONS:**

No representations were received,

Consultation responses were received from:

Roads - no objection. The site is accessed via a section of private road leading from the A702. As the A702 is a Trunk Road at this location, it is the remit of Transport Scotland to comment on the suitability of the access. In terms of the plot itself, no objection providing any detailed application provides parking and turning for two vehicles, excluding any garages; Transport Scotland - does not propose to advise against granting permission; Outdoor Access Officer - there is a claimed right of way across the site. In the event of this proposal being approved in the future there would need to be a formal diversion of the right of way (BT26); community council - supports the application.

**PLANNING CONSIDERATIONS AND POLICIES:**

Scottish Borders Local Development Plan 2016  
 PMD2 - Quality standards  
 HD2 - Housing in the countryside  
 HD3 - Protection of residential amenity  
 EP13 - Trees, woodlands and hedgerows  
 IS2 - Developer contributions  
 IS7 - Parking provision and standards  
 IS9 - Waste water treatment and sustainable urban drainage

The site is not strategic, therefore the policies contained within SESplan have not been considered.

The following council guidance is material:  
Development contributions;  
New housing in the Borders countryside;  
Placemaking and design.

**Recommendation by** - Ranald Dods (Planning Officer) on 19th November 2018

**Site and proposal**

The site is located some 600m south west of West Linton and is within the countryside. Access is gained via a private road and it is 400m off the A702 trunk road. The site is grazing enclosed by a post and wire fence and there are no buildings on the site. The nearest properties to the site are CastleLaw and Castlelaw Steading, some 100m to the south west.

This application is made for planning permission in principle for a house. An indicative site layout was submitted with the application. Although that shows a house and garage, both of which are stated as 1 and ½ storey, no indicative design was provided. The plan indicates that the house could be located towards the southern boundary of the site. A field access would be retained to give access to the fields to the south and the east of the application site. The plan indicates landscaping around the edges of the site but no specification is provided.

**Site history**

There is some planning history associated with this site. 92/01664/FUL (T197/92) for the siting of an animal fodder container was granted in November 1992. No objection was made to the erection of a general purpose agricultural building, reference 93/01729/AGN (AGT005/93). 93/01728/OUT (T036/93) for the erection of a house was refused permission in June 93.

**Principle**

The key policy against which this application is assessed is HD2, housing in the countryside.

The council aims to encourage a sustainable pattern of development focused on defined settlements. That aim does not preclude the development of housing in the countryside. Where rural housing is permitted by policy HD2, the aim is to locate development in appropriate locations. There are three general principles which are the starting point for the consideration of new houses in the countryside. Those are:

- 1) Locations within villages are preferred to open countryside, where permission will be granted in only special circumstances on appropriate sites;
- 2) sites associated with existing building groups and which will not be detrimental to the character of the group or surrounding area and;
- 3) sites in dispersed communities in the southern Borders Housing Market Area (HMA).

In this case, the site is not within a defined settlement. It is not associated with a building group of at least three houses or buildings capable of conversion to residential use. Finally, the site is within the northern and not the southern HMA. The application therefore fails to meet any of the general principles used when assessing whether or not an application for rural housing is appropriate.

The policy sets out 6 further main criteria against which applications are assessed. Those are:

- A) Building groups;
- B) dispersed building groups;
- C) conversions of buildings to a house;
- D) restoration of houses;
- E) replacement dwellings
- F) economic requirement.

Of these, the only possible option is criterion A) building group. This allows for 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. Three tests are set out, being:

a) the council is satisfied that the site is well related to an existing group of at least three houses or buildings 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.

The proposal fails the first test. A building group does not exist as only CastleLaw and Castlelaw Steading are within 100m, both to the south west. The supporting statement submitted with the application claims that there is a building group, comprising: CastleLaw; Castlelaw Steading; West Tarf House and; Westlands Lodge. It cannot reasonably be argued that those properties form a building group. West Tarf House is 270m distant and Westlands Lodge is 309m distant from the Castlelaw properties and all four are physically separated from the site by topography and vegetation and the site does not relate well to them.

Even if a building group did exist, the house would be located in a prominent, exposed and isolated location within the local setting. This would fundamentally change the setting of the area and, even if the first test were passed, the application could be called into question by the second test.

It should be noted that, in relation to criterion F), although the application indicates that the garage would be used for an element of home working, it is stated clearly that this will be wholly ancillary to the principal residential use. It is further stated that the applicant does not propose to justify the application on the basis of operational requirement.

The New Housing in the Borders Countryside supplementary planning guidance (SPG) reinforces the terms of policy HD2. No support for the proposal can be found within the SPG nor has the applicant advanced a case setting out why there is an overwhelming need for the development of the site. No justification has been provided by the applicant which indicates that it may be possible to set aside the terms of the SPG.

Since no supporting case has been submitted in support of the application, this proposal remains wholly inconsistent with planning policy and guidance. There are no material considerations of which I am aware that would suggest that policy provisions should be set aside in favour of the development and granting permission in principle would set an undesirable precedent.

The principle of a house on this site as proposed in this application is not accepted.

#### Amenity and privacy

Notwithstanding above matters regarding the principle of development, the site appears to be reasonably capable of accommodating a modest house. That would, however, need to be balanced by the impact on the visual amenity of the rural location resulting from eventual design of the development. Whilst no drawings have been submitted which show an intended design, if permission in principle were granted, it would be for a future application to demonstrate compliance with policies PMD2 in terms of design and materials. As the proposed house would be isolated from the nearest properties, there is unlikely to be a conflict with policy HD3 in relation to overlooking, privacy and sunlight provision.

#### Roads issues

The site is accessed from the A702 trunk road via a tarmacked private driveway. Transport Scotland has not objected to the application. Roads did not object to the application but would require further applications to provide some additional details.

#### Services

The applicant states that the site will be connected to the public water supply. Foul drainage would be by means of a private system. In order to comply with policy IS9, a future application will have to demonstrate that the site can be serviced adequately in terms of water and drainage.

#### Developer contributions

Contributions would be required for education provision, were the application to be granted. Those would be secured by means of either a section 69 or section 75 agreement.

#### Access issues

A claimed right of way (reference BT26) runs across the site. If permission were to be granted, a formal diversion would have to be put in place.

#### Conclusion

The proposed development is located on a greenfield site within the countryside. Notwithstanding the fact that it may be possible for a future application to show that a house could be accommodated on the site in order to comply with policies relating to design, amenity, parking and drainage, the critical issue with the proposal is that it is outwith the defined settlement envelope of West Linton and does not respect the rural character of the area and neighbouring land uses and would not add to the sense of place. The proposal is therefore contrary to policies PMD2 and HD2 and published guidance on new housing in the countryside. The applicant has advanced no material reasons to set aside the terms of the development plan and it is recommended that planning permission in principle is refused.

#### **REASON FOR DECISION :**

The development would be contrary to Policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 in that it would amount to sporadic residential development in a countryside location unrelated to a building group that meets policy definitions and no overriding case for a dwellinghouse has been substantiated.

**Recommendation:** Refused

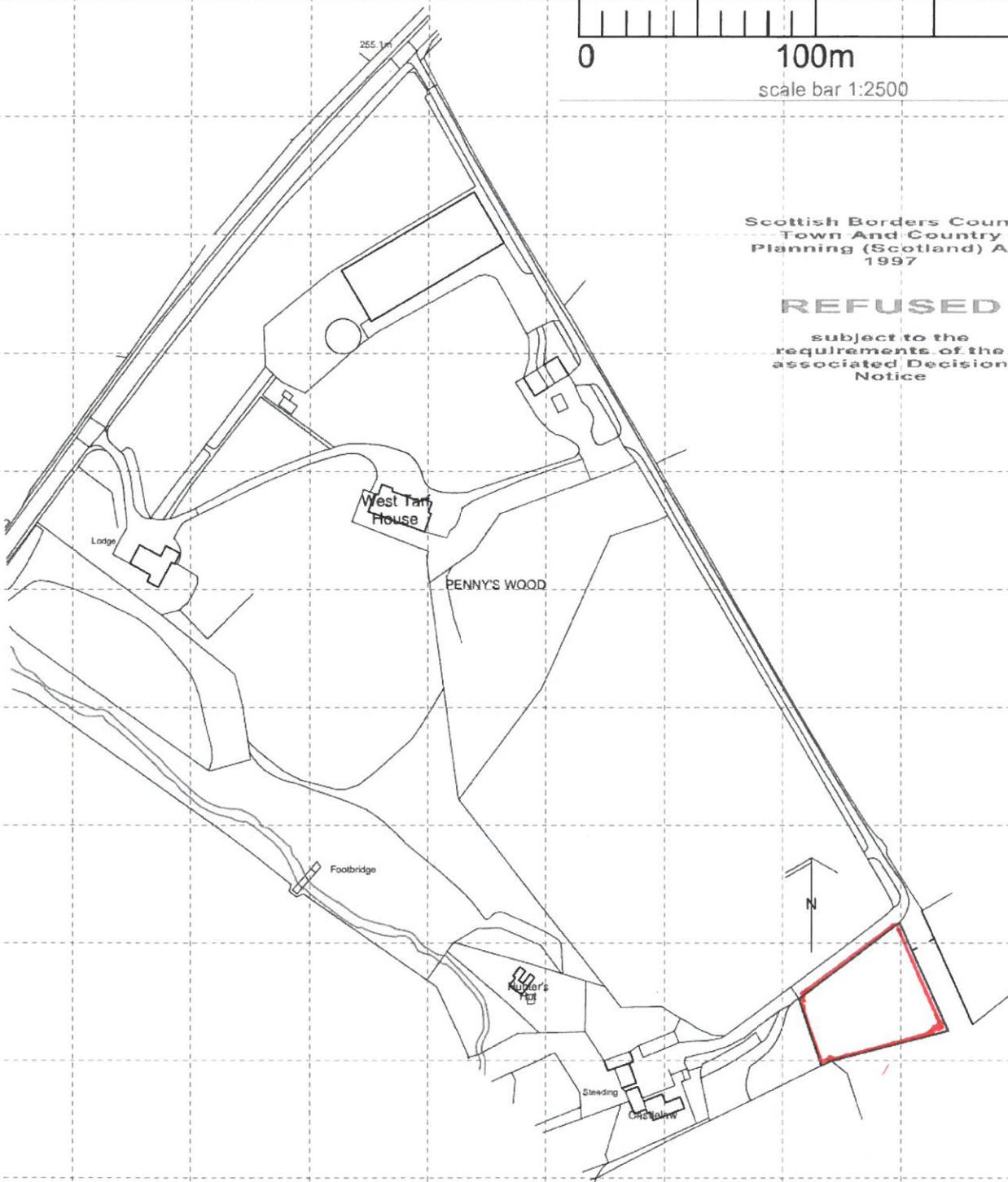
**“Photographs taken in connection with the determination of the application and any other associated documentation form part of the Report of Handling”.**



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

**REFUSED**

subject to the  
requirements of the  
associated Decision  
Notice



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<b>HUNTER ARCHITECTURE</b> 231 Galashiels Road Stow Galashiels TD1 2RE T :01578730510 E :info@hhunter.co.uk www.hhunter.co.uk	Drawn by <b>FJH</b>	Date	Drawing Name Location Plan
	Checked by <b>HAH</b>	Date	Drawing Status
Project Name Land at West Tart House West Linton	 SCANDINAVIAN HOMES www.fjordhus.com		Drawing Scale <b>1:2500</b>
Clients Name Erlend and Karen Milne			Layout ID <b>1344.PL_01</b>





## *West Linton Community Council*

Chairman: Mr Graham Tulloch, 11 Dryburn Brae, West Linton, EH46 7JG

Treasurer: Mrs Carn Peaston, 3 Deanfoot Gdns, West Linton, EH46 7JB

---

16 November 2018

Mr R Dods  
Planning Officer  
Environment and Infrastructure  
Scottish Borders Council  
Council Headquarters  
Newtown St Boswells  
Melrose  
TD6 0SA

Dear Mr Dods

18/01341/PPP Erection of dwellinghouse and detached garage | Land South East Of  
Tarf House West Linton

The West Linton Community Council is Supportive of the above application which  
came before it at our recent meeting.

Yours Sincerely

Graham J Tulloch



Response On Development Affecting Trunk Roads and Special Roads

The Town and Country Planning (Scotland) Act 1997

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

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

To Scottish Borders Council	Council Reference:-	18/01341/PPP
	TS TRBO Reference:-	SE/100/2018

Application made by Mr and Mrs Erlend Milne per Ferguson Planning, 54 Island Street, Galashiels TD1 1NU and received by Transport Scotland on 01 October 2018 for planning permission for erection of dwellinghouse and detached garage located at Land South East Of Tarf House, West Linton affecting the A702 Trunk Road.

Director, Trunk Roads Network Management Advice

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

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

TS Contact:-

Route Manager (A702) 0141 272 7100 Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF
---

Operating Company:-

SOUTH EAST
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Address:-

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

Telephone Number:-

0800 0420188
--------------

e-mail address:-

OCCR.SESCOTLAND@amey.co.uk
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**Transport Scotland Response Date:-** 11-Oct-2018

**Transport Scotland Contact:-** Shaun Phillips

**Transport Scotland Contact Details:-**

Trunk Road and Bus Operations, Network Operations - Development Management

Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF

Telephone Number:

e-mail: [development\\_management@transport.gov.scot](mailto:development_management@transport.gov.scot)

**NB - Planning etc. (Scotland) Act 2006**

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

**CONSULTATION RESPONSE TO  
PLANNING OR RELATED APPLICATION**

<b>Comments provided by</b>	<b>Roads Planning Service</b>	<b>Contact e-mail/number:</b>		
<b>Officer Name and Post:</b>	<b>Paul Grigor Roads Planning Officer</b>	<b><u>pgrigor@scotborders.gov.uk</u> 01835 826663</b>		
<b>Date of reply</b>	26 <sup>th</sup> October 2018	<b>Consultee reference:</b>		
<b>Planning Application Reference</b>	18/01341/PPP	<b>Case Officer: Ranald Dods</b>		
<b>Applicant</b>	Mr and Mrs Erlend Milne			
<b>Agent</b>	Ferguson Planning			
<b>Proposed Development</b>	Erection of dwellinghouse and detached garage			
<b>Site Location</b>	Land South East Of Tarf House West Linton Scottish Borders			
<b><i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i></b>				
<b>Background and Site description</b>				
<b>Key Issues (Bullet points)</b>	<ul style="list-style-type: none"> <li>• Access</li> </ul>			
<b>Assessment</b>	<p>The site is accessed via a section of private road leading from the A702. As the A702 is a Trunk Road at this location, it is the remit of Transport Scotland to comment on the suitability of the access and I note they have been consulted and have duly replied.</p> <p>In terms of the plot itself, providing any detailed application provides parking and turning for two vehicles, excluding any garages, I will not object to this application.</p>			
<b>Recommendation</b>	<input type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input checked="" type="checkbox"/> <b>Do not object, subject to conditions</b>	<input type="checkbox"/> Further information required
<b>Recommended Conditions</b>	Parking and turning (excluding any garage space) for two vehicles shall be provided within the curtilage of the dwellinghouse before the dwellinghouse hereby approved is occupied and must thereafter be retained in perpetuity. Reason: To ensure the provision of adequate off-street parking.			
<b>Recommended Informatives</b>				

**Signed: Alan Scott**



## PLANNING & ECONOMIC DEVELOPMENT

To:	Head of Planning & Regulatory Services			
F.A.O.	Ranald Dods			
From:	Planning & Regulatory Services			
Contact:	Erica Hume Niven	Ext. 6704	Ref: 18/01341/PPP	Date: 7/11/18

Nature of proposal:	Erection of dwellinghouse and detached garage
Site:	Land South East Of Tarf House West Linton Scottish Borders

### Comments: ACCESS

#### Rights of Way

According to the records held in the Planning & Economic Development Section there is one claimed right of way on this area of land, as shown on the attached plan. Details as follows:

Rights of Way Code	Start (Approx. Grid Ref)	Finish (Approx. Grid Ref)	Length
BT26	NT 142 511	NT 151 505	1.2km



Rights of Way are protected by law under the Countryside (Scotland) Act 1967 sec. 46 'It shall be the duty of a...planning authority to assert, protect, and keep open and free from obstruction or encroachment any public right of way which is wholly or partly within their area.'

Please note that Scottish Borders Council does not have a definitive record of every claimed right of way within its area. The Scottish Rights of Way and Access Society, the community council and local residents may have evidence of existence of claimed rights of way that have not yet been recorded by SBC.

### **Land Reform (Scotland) Act 2003**

There are other tracks in the area that the public would have a 'right of responsible access' to under the Land Reform (Scotland) Act 2003. This right also extends to most land and inland water in Scotland.

Please note: There are a number of statutory provisions contained in both public and private Acts under which public paths may be formally diverted. (s.37 Countryside Act 1967, s.199 Town & Country Planning Act 1972, s.9 & 12 Roads Act 1984) The diversion of a path may only be undertaken if the planning authority can be satisfied that the diversion will result in the efficient use of land or that a shorter or more convenient path will be created. It should be noted that formal diversions of paths involve a lengthy legal process.

### **Further comments**

In the event of this proposal being approved in the future there would need to be a formal diversion of the right of way (BT26). The following is a comment from a local resident in West Linton:

*"When we lived at Tarfhaugh we frequently had cause to visit Castlelaw and the route we took to reach Castlelaw did pass between the indicated garage and the indicated house. A bit of tweaking of plans and tweaking of route might overcome any problem, though the new property fence would need to allow passage of people. We occasionally took our bicycles up this way so it could be argued that the route should be available for cyclists also. The route has certainly been used by horses in the past."*

Erica Hume Niven  
Access Ranger

## List of Policies

**Local Review Reference:** 18/00037/RREF

**Planning Application Reference:** 18/01341/PPP

**Development Proposal:** Erection of dwellinghouse and detached garage

**Location:** Land South East of Tarf House, West Linton

**Applicant:** Mr & Mrs Erlend Milne

### Scottish Borders Local Development Plan 2016

#### 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

## List of Policies

wider environment and to meet open space requirements. In some cases agreements will be required to ensure that landscape works are undertaken at an early stage of development and that appropriate arrangements are put in place for long term landscape/open space maintenance,

- g) it considers, where appropriate, the long term adaptability of buildings and spaces.

### Placemaking & Design

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

### Accessibility

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

### Greenspace, Open Space & Biodiversity

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

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

## **POLICY HD2: HOUSING IN THE COUNTRYSIDE**

The Council wishes to promote appropriate rural housing development:

- a) in village locations in preference to the open countryside where permission will only be granted in special circumstances on appropriate sites,

## List of Policies

- 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.

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### (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

## List of Policies

use by an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and

- c) the housing development would help support a business that results in a clear social or environmental benefit to the area, including the retention or provision of employment or the provision of affordable or local needs housing, and
- d) no appropriate site exists within a building group, and
- e) there is no suitable existing house or other building capable of conversion for the required residential use.

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

### **POLICY HD3 : PROTECTION OF RESIDENTIAL AMENITY**

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

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

### **POLICY 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.

### **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:

## List of Policies

- 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.

### **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:

## List of Policies

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

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

Development will be refused if:

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

### SUSTAINABLE URBAN DRAINAGE

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

### OTHER MATERIAL CONSIDERATIONS

- SBC Supplementary Planning Guidance on New Housing in the Borders Countryside 2008
- SBC Supplementary Planning Guidance on Placemaking & Design 2010
- SBC Supplementary Planning Guidance on Development Contributions 2011
- Scottish Planning Policy (SPP) 2014

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Democracy

**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 2013

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

**Use BLOCK CAPITALS if completing in manuscript**

**Applicant(s)**

Name Mr & Mrs Alexis and Rose Kennedy

Address Templehall, Midlem, Selkirk

Postcode TD7 4QB

Contact Telephone 1

Contact Telephone 2

E-mail\*

**Agent (if any)**

Name Architeco Limited

Address 43 Argyll Street, Dunoon

Postcode PA23 7HG

Contact Telephone 1 01369 701988

Contact Telephone 2

E-mail\* admin@architeco.co.uk

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 Scottish Borders Council

Planning authority's application reference number 18/00956/FUL

Site address Land North West of Chapel Cottage, Melrose, Scottish Borders

Description of proposed Erection of dwellinghouse development

Date of application 19th July 2018

Date of decision (if any) 17th September 2018

**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** (tick one box)

- 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: We have included a Tree Report which demonstrates that there are no trees on the application site, and that the siting of the house is outwith the tree siting area. Also included is a sightline plan.

**Site Inspection**

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

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

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

**Statement**

You must state, in full, why you are seeking a review of 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 enclosed Statement

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

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

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. Note: there will be no opportunity to submit further documents to accompany this notice of review.

1. Tree Report
2. Statement
3. Design Statement
4. Supplementary Design Statement
5. Location Plan
6. Site Plan
7. Floor plans
8. Floor Plans
9. Roof Plan
10. Elevations
11. Sections
12. Briefing Document
13. Sight Lines Drawing

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

12-12-18

**The completed form should be returned to the Clerk of the Local Review Body, Democratic Services, Scottish Borders Council, Council Headquarters, Newtown St. Boswells TD6 0SA or sent by email to [localreview@scotborders.gov.uk](mailto:localreview@scotborders.gov.uk)**

Statement – Notice of Review

Application for Planning Permission

Ref: 18/00956/FUL

Applicant: Architeco on behalf of Mr & Mrs Alexis and Rose Kennedy

Site: Land North West of Chapel Cottage Melrose Scottish Borders

12/12/18

### Site History

1. The site had been granted Planning in Principle: Ref. No: 15/00036/PPP
2. We made an application based on this Planning in Principle being supported. Ref. No: 18/00956/FUL
3. The Planning Approval lapsed while our application was under consideration.
4. An application for renewal was renewed, and refused. Ref. No: 18/00644/PPP
5. Our application was refused on the basis of the above refusal: Ref. No: 18/00956/FUL
6. 15/00036/PPP (renewal 18/00644/PPP) was appealed, (18/00030/RREF) and won approval.

We now wish to appeal our applications' refusal, on the basis that the appeal for PPP (15/00036/PPP) was upheld and Planning Approval granted.

Largely, the refusal of our application referred to the now overturned refusal 18/00644/PPP. Thus, much of the refusal is no longer relevant. However, taking each of the Reasons for Refusal in turn:

1. This refers to the refusal noted above. Our Application 18/00956/FUL was refused on the basis that the Planning in Principle application 18/00644/PPP had been refused. As this decision has now been overturned, and PPP granted approval, it follows that our Application should also be granted approval, with the PPP 18/00030/ as a material consideration.
2. With reference to the design.  
The officer would have preferred a design reflective of a traditional gatehouse design. This is not a viable design option for this site, as the trees bordering the site need to be avoided and so the house needs to be sited – and thus designed - differently. We note that the PPP notes that 'high quality contemporary design features that are sympathetic to the context' will be considered.

We posit that the development is in accord with the adopted Local Plan, as it is a modern take on rural housing, with a design complementary to that of traditional rural housing. We note design details like the dormer windows, as well as the overall scale and proportions are well suited to this location and context.

All of our design details are carefully considered to balance aesthetic and practical considerations. For example, the overshadowing dormers are calculated to prevent overheating, and the gables are to protect the wallhead. (A key failure in traditional Scots design is damp to the gables resulting from lack of overhang). The large glazed openings provide solar gain, which assists in achieving PassivHaus low energy standard. Smaller windows, while perhaps more visually 'traditional', would be detrimental to the house's energy performance. Finally, the timber cladding, slate roof and white render are very much typical of Scottish traditional building and echo the architecture of nearby buildings.

We enclose our design statement, as recommended. (Please note that this was not listed in the schedule of plans and drawings, although it was submitted with our application.) We note that some of the objections made regarding the design (the amount of overhang on gables, for example, or the details of the bin store) are relatively small details that could be discussed and revised, as noted in the report of handling.

Also submitted with our application and not listed in schedule, was our supplementary information detailing our plans for a 'hobby farm' run on permaculture principles. As noted in the Local Plan, Hobby Farms are to be considered on an individual basis. This is related to the economic or business case for a farm business, as a Hobby Farm by definition is not attempting to be run on a business basis. It is indeed a 'lifestyle choice', and the fact of it not being presented as a business is surely not to be marked against it?

We note the careful considerations given to the site as a whole, including landscaping, sustainability, design and aesthetics.

3. With regards to impacts on local landscape – specifically Trees and Hedging. We enclose a professional tree report. This shows that there are no mature trees on the site, and none would be lost were the house to be built. The tree report shows that the house curtilage has been carefully positioned to avoid root spread of trees – it is critical to our clients that the trees are preserved. Preservation and care of the landscape are of utmost importance to our clients – hence their appointment of us as specialists in sustainable, ecologically aware architects.
4. We enclose a detail of the visibility splay, and note that proper access arrangements could be a condition on planning approval, and details about potential access would not in themselves normally be grounds for refusal.

# Tree Report & Recommendations

Mr & Mrs Kennedy's Plot

4 Caber House, Linthill, Melrose



View from near the top of proposed house plot towards Tree 1 and the driveway to Linthill



Trees 2 & 3 to North of proposed House plot

Anna Craigen Environmental Services (ACES) – Nov/ Dec 2018

A Report produced by Anna Craigen – Landscape Architecture BA(ord)/ MA(Hons)

**Contents:**

- 2. Contents**
- 3. ACES Relevant Experience & Report Ethos Summary**
- 4. Site Appraisal**
- 5. Tree 1 Information**
- 6. Trees 2 & 3**
- 7. Summary & Conclusion**

**Appendix A – Basic Tree Survey Table**

**Appendix B – RPA Calculator – Tree 1**

**Appendix C – RPA Calculator – Tree 2**

**Appendix D – RPA Calculator – Tree 3**

**Appendix E – Plan prepared by ACES to give accurate location of trees and estimated extent of RPA**

### **Anna Craigen (ACES) - Relevant Experience:**

**1993 – 1998:** BA(ord)/ MA(Hons) Landscape Architecture at Edinburgh College of Art/ Heriot Watt University. With one year professional practice (Landscape Architect Assistant) at Portsmouth City Council (1996-97).

**2000 – 2002:** Complex Plans Examiner (RO2) at Registers of Scotland, Edinburgh. GIS Mapping; Property/ Planning Law; resolving boundary and land ownership conflicts.

**2002 – 2013/ 2015 - Present:** Community Liaison & Education Officer at Borders Forest Trust. A local woodland/ environmental charity that focusses on the conservation/ protection and creation of woodlands in the South of Scotland for the benefit of wildlife and people. Project work involvement included: management of selective tree thinning operations in sensitive sites in the Tweed Valley; recording, surveying and monitoring veteran trees; leading general woodland survey and monitoring activities – tree health and biodiversity, and liaising with the public over a wide array of tree related issues.

ACES (established in 2013): relevant project work has included:

- Leading public/ volunteer team tree health and biodiversity survey events (culminating in written reports to highlight ongoing site management recommendations) on behalf of the Haining Charitable Trust (Sept – Oct 2014).
- Providing advisory services in community woodland/ orchard establishment and ongoing woodland/ tree management to a variety of Borders based Community Groups, e.g. Cove, Craik.
- Leading weekly volunteer team sessions in carrying out a variety of woodland management tasks, e.g. selective thinning, pruning, tree planting etc.
- Woodland management advice/ site visits and recommendations to a variety of Private/ Commercial Sites and Estates in the Borders, e.g. Newhouses; Wilton Mills (Aldi) Hawick
- Risk assessment policy & procedure development, landscape/ woodland management advice and design of natural play areas at Born in the Borders visitor centre, Lanton, nr Denholm.

### Report Ethos:

Coming from a tree conservation, community liaison and landscape design background, this report will provide an honest appraisal and accurate representation of the current tree health and status of the trees closest to the proposed Kennedy family home development at Linthill, Nr Lilliesleaf, Melrose. The clients are keen to retain all current trees on site and aim to do all they can to fully avoid any damage to the trees during the development of their family house. The chief aim of this report is to: highlight and evidence the fact that the proposed position of the house development is out with the canopy and RPA of the existing trees on site; and to also ensure that recommendations for some small amendments to the current draft design plan are presented and noted. Following a visual tree inspection it is also purposeful at this point to recommend that some minor tree surgery work be undertaken by an appropriate qualified tree surgeon to ensure the long term stability and integrity of one of the trees, as noted in this report.

## Site Appraisal & Tree Information

### Proposed Development in relation to Existing Trees and site:

The site is currently used as grazing land, but formerly had a dwelling house/ building (now only evident on close inspection through differences in grass species and colouration). The site is bounded to the West by a mixed mature hedgerow (predominantly beech)/ B6359 road; an area of young mixed woodland to the North, and post and wire fences to the East and South (separating the site from further grazing and arable fields).

From the numerous plans that have been made available to me during this tree report process, it is evident that the design approach and proposal are all very much 'eco'-focussed, landscape sensitive and are true to the sites historical land use layout. It is evident that the overall plan gives consideration to the existing site features (trees and hedge); aspect (to and from the site) and topography.

The Kennedy plot has been sub-divided to create a compartment for their home and garden, with a further area to be retained as is for livestock grazing.

When looking at the entire plot being purchased by the Kennedy's, there are several trees forming an avenue along the hedgerow western edge of the site. The trees surveyed for this report lie out with the house plot boundaries, but are closest to the proposed site of the house development. The other (all) trees on site will remain as they are, with potentially further trees and shrub layer native species being planted near and around these at a later date.

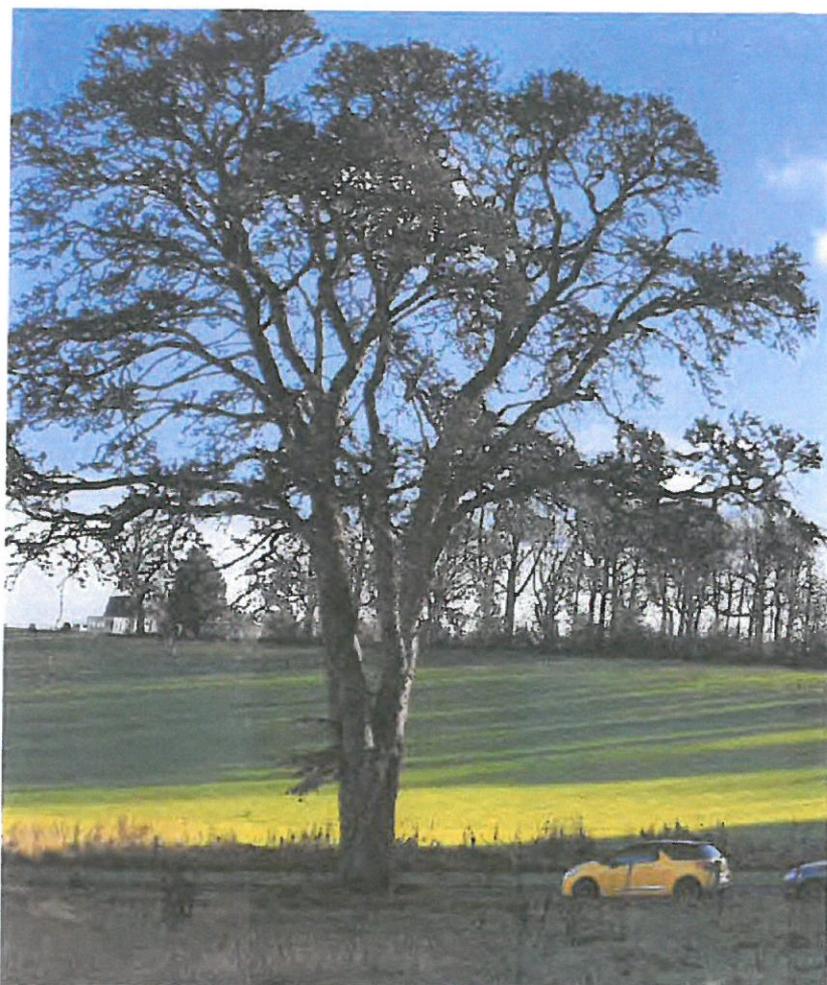
NB: The Kennedy's are very keen to retain and do all that they can to protect all of the trees during the building development process.

### REPORT & SURVEY METHODOLOGY:

A Root Protection Area (RPA) Calculator was used during the process of estimating the root area of each tree. This notes accordance to BS5837:2005 – now outdated by BS5837:2012. From further research and taking into account the Note (highlighted in yellow) on Appendices B – D, the RPAs have been plotted at the recommended 'capped' distance of 15m radius, which when looking at other references appears to be a generous provision.

## Trees – Closest to Proposed Development:

### Tree 1:



Description: Large mature sycamore (*Acer pseudoplatanus*). In apparent good health, with great shape and structure. Large amount of epiphytic growth. Please See Appendix A for more information about each of the trees.

TO BE RETAINED and any compaction of the area within the RPA is to be minimised during construction (see notes below and Appendix E – Sketch Plan produced by ACES).

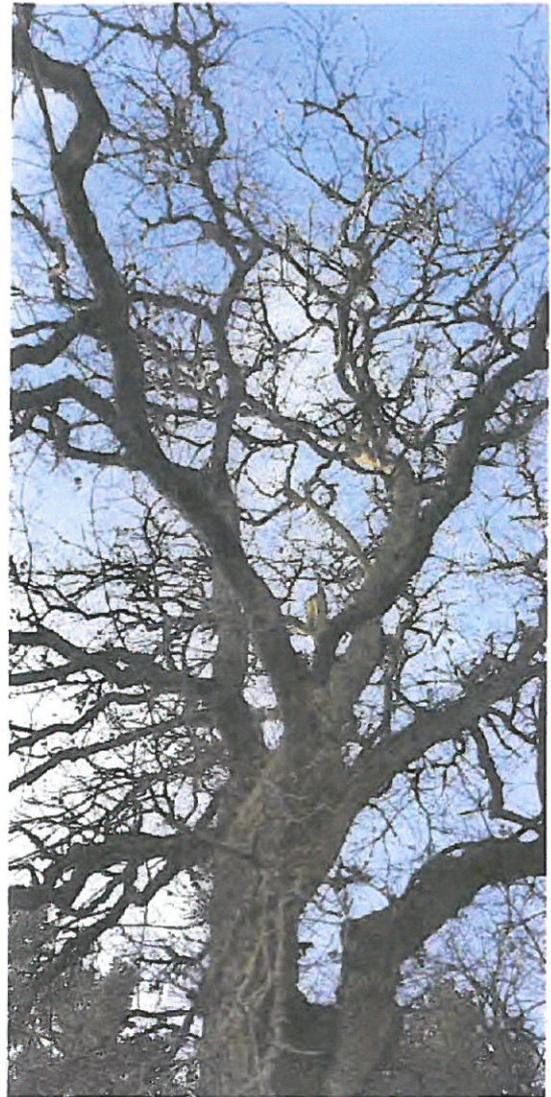
Recommendation for site layout design amendment: Following discussion with Mr & Mrs Kennedy they are very keen to move the proposed site access point and driveway on Architect Plans – Drawing No: 1427-02-03 to a point closer to the main Linthill Estate entrance as per suggested/ annotated dotted line on ACES Appendix E. NB: This will enable clear safe sight lines in and out of the site, but is safely out of the extents of the RPA. Architect to amend design plan to show hard landscaping amendments.

Recommendation for during construction process: Erect temporary fencing around trees to be retained at the outer limits of the crown-spread or at a distance of half the height of the tree (approx. 11 – 12m), whichever is greater. Fencing should be at least 1.2 metres high cleft chestnut pale and well braced to resist impacts. Ensure that the fencing is maintained during development and that all contractors know the ground within the fenced area is protected.

**Trees 2 & 3:**



Trees 2 & 3



Tree 2

Both Trees 2 and 3 are mature Sessile oak (*Quercus petraea*). Both trees are still reasonably youthful and have a good life expectancy.

Tree 2 has a greater amount of standing deadwood within the canopy, but otherwise appears to be in good health. It does have some apparent weak areas in structure and form, i.e. low horizontal side branching with damp hollow at trunk. It is recommended that these trees are assessed by a qualified tree surgeon with an eye to some crown cleaning and reshaping work in the future.

Tree 3 is slightly smaller in stature than Tree 2, however it has less apparent deadwood within its canopy. This tree is completely out with any risk from the proposed development. It would also benefit from a crown clean to ensure longevity and ongoing site safety.

Recommendation for during construction process: As with Tree 1 - Erect temporary fencing around trees to be retained at the outer limits of the crown-spread or at a distance of half the height of the tree (approx. 10m), whichever is greater. Fencing should be at least 1.2 metres high cleft chestnut pale and well braced to resist impacts. Ensure that the fencing is maintained during development and that all contractors know the ground within the fenced area is protected.

Post Construction Recommendation: careful attention needs to be made to avoid any root damage within RPA when it comes to fencing the house plot garden area after the construction process.

## Summary & Conclusion

In conclusion, with some small amendments to the site access point/ positioning of the hard landscaping and mindful site management during construction - none of the trees within the vicinity of the proposed house development will suffer any ill affect during and after building work.

Careful planning and attention needs to be made to ensuring that the RPA areas are protected from compaction during the construction process by adherence to the recommendations set out in this document and as per comments, instructions and advice offered by SBC Planning Department staff.

It is recommended that a qualified tree surgeon is employed after the house is constructed, but prior to any garden development taking place - to advise on any beneficial tree crown cleaning/ stabilising structure work on Trees 2 and 3 to ensure their longevity and future safety.

# ROOT PROTECTION AREA (RPA) CALCULATOR

**Single stem trees**

Diameter at 1.5m above ground level  
 millimetres

RPA  m<sup>2</sup> See Note

equates to circle with radius of  m

equates to square with approx  m sides

20% Offset  m

Site:

Reference:

Date:  Surveyor:

▶ Enter field mensuration data into red boxes to commence calculation.  
 ▶ All results to be read with reference to the recommendations set out in the *BS5837:2005 Trees in Relation to Construction* and corrections/variations made accordingly.

**Multi stem trees**

Basal diameter above root flare  
 millimetres

RPA  m<sup>2</sup> See Note

equates to circle with radius of  m

equates to square with approx  m sides

20% Offset  m

**Multi stem trees using the Helliwell Method**

Measure each stem diameter at 1.5m above ground level to calculate basal area in mm<sup>2</sup>

Stem 1	<input type="text" value="0"/> millimetres	0	RPA <input type="text" value="0.0"/> m <sup>2</sup> See Note equates to a circle with radius of <input type="text" value="0.0"/> m equates with a square with approx <input type="text" value="0.0"/> m sides 20% Offset <input type="text" value="0.0"/> m
Stem 2	<input type="text" value="0"/>	0	
Stem 3	<input type="text" value="0"/>	0	
Stem 4	<input type="text" value="0"/>	0	
Stem 5	<input type="text" value="0"/>	0	
Stem 6	<input type="text" value="0"/>	0	
Stem 7	<input type="text" value="0"/>	0	
Stem 8	<input type="text" value="0"/>	0	
Stem 9	<input type="text" value="0"/>	0	
Stem 10	<input type="text" value="0"/>	0	

Total Basal Area (mm<sup>2</sup>):

Total Basal Diameter (mm):

**NOTE: Calculated RPA should be capped to 707m<sup>2</sup> which is equivalent to a circle with a radius of 15m or a square with 26m sides**

▶ Tree Number:

▶ Species:

▶ Notes:

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# ROOT PROTECTION AREA (RPA) CALCULATOR

## Single stem trees

Diameter at 1.5m above ground level  
 millimetres

RPA  
 m<sup>2</sup> See Note

equates to circle with radius of  m

equates to square with approx  m sides

20% Offset  m

Site:

Reference:

Date:  Surveyor:

- ▶ Enter field mensuration data into red boxes to commence calculation.
- ▶ All results to be read with reference to the recommendations set out in the *BS5837:2005 Trees in Relation to Construction* and corrections/variations made accordingly.

## Multi stem trees

Basal diameter above root flare  
 millimetres

RPA  
 m<sup>2</sup> See Note

equates to circle with radius of  m

equates to square with approx  m sides

20% Offset  m

## Multi stem trees using the Helliwell Method

Measure each stem diameter at 1.5m above ground level to calculate basal area in mm<sup>2</sup>

Stem 1  millimetres

0

Stem 2

0

Stem 3

0

Stem 4

0

Stem 5

0

Stem 6

0

Stem 7

0

Stem 8

0

Stem 9

0

Stem 10

0

RPA  
 m<sup>2</sup> See Note

equates to a circle with radius of  m

equates with a square with approx  m sides

20% Offset  m

Total Basal Area (mm<sup>2</sup>):

Total Basal Diameter (mm):

**NOTE: Calculated RPA should be capped to 707m<sup>2</sup> which is equivalent to a circle with a radius of 15m or a square with 26m sides**

▶ Tree Number:

▶ Species:

▶ Notes:

# ROOT PROTECTION AREA (RPA) CALCULATOR

**Single stem trees**

Diameter at 1.5m above ground level  
 millimetres

RPA  m<sup>2</sup> See Note

equates to circle with radius of  m

equates to square with approx  m sides

20% Offset  m

Site:

Reference:

Date:  Surveyor:

▶ Enter field mensuration data into red boxes to commence calculation.  
 ▶ All results to be read with reference to the recommendations set out in the *BS5837:2005 Trees in Relation to Construction* and corrections/variations made accordingly.

**Multi stem trees**

Basal diameter above root flare  
 millimetres

RPA  m<sup>2</sup> See Note

equates to circle with radius of  m

equates to square with approx  m sides

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Measure each stem diameter at 1.5m above ground level to calculate basal area in mm<sup>2</sup>

Stem 1	<input type="text" value="0"/> millimetres	0	RPA <input type="text" value="0.0"/> m <sup>2</sup> See Note equates to a circle with radius of <input type="text" value="0.0"/> m equates with a square with approx <input type="text" value="0.0"/> m sides 20% Offset <input type="text" value="0.0"/> m
Stem 2	<input type="text" value="0"/>	0	
Stem 3	<input type="text" value="0"/>	0	
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Stem 8	<input type="text" value="0"/>	0	
Stem 9	<input type="text" value="0"/>	0	
Stem 10	<input type="text" value="0"/>	0	

Total Basal Area (mm<sup>2</sup>):

Total Basal Diameter (mm):

**NOTE: Calculated RPA should be capped to 707m<sup>2</sup> which is equivalent to a circle with a radius of 15m or a square with 26m sides**

▶ Tree Number:

▶ Species:

▶ Notes:

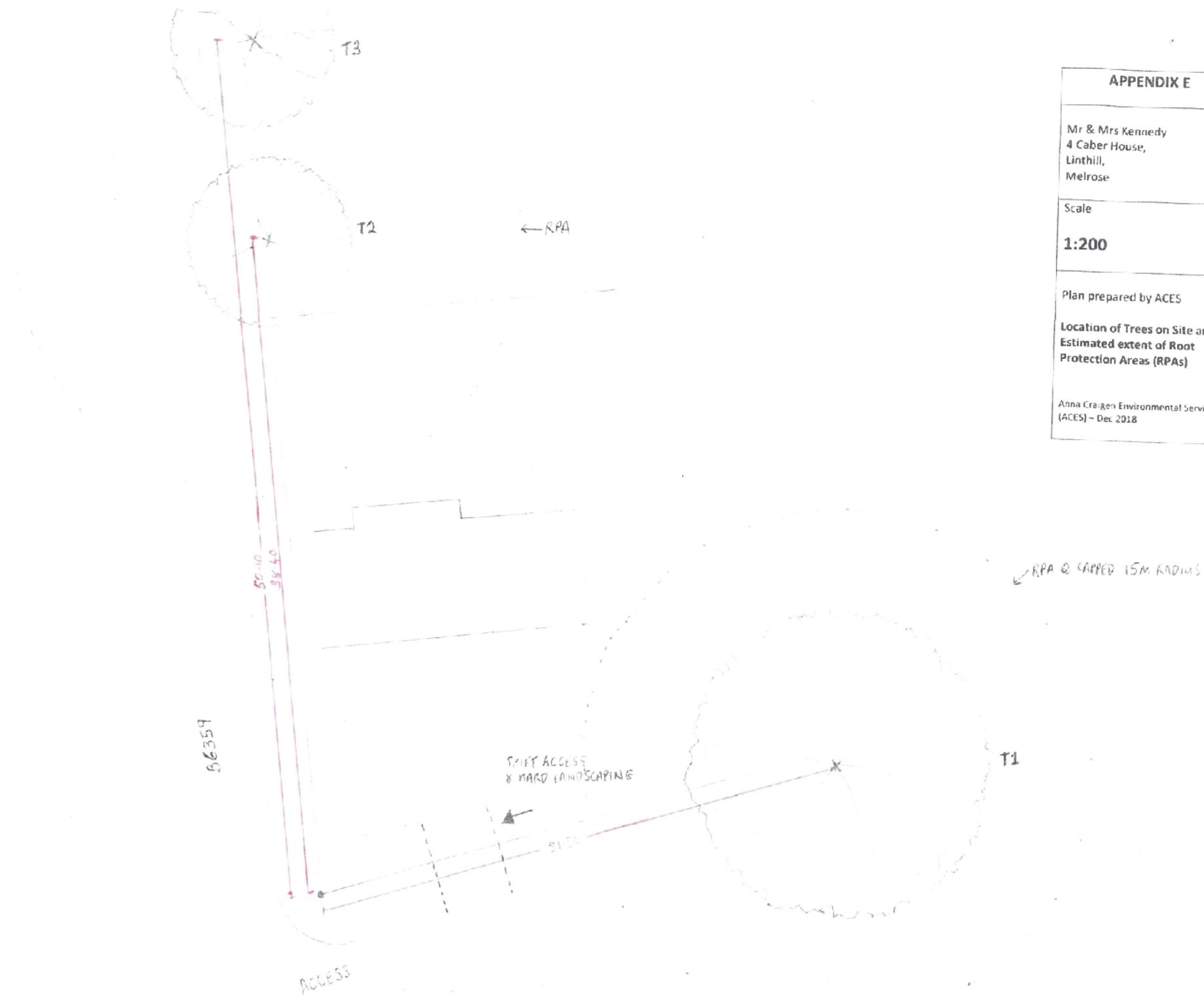
TREE NO:	SPECIES	APPROX. HEIGHT (m)	TRUNK DIAMETER (m)	BRANCH SPREAD (m)				AGE CLASS	GENERAL OBSERVATIONS & RECOMMENDATIONS	FUTURE LIFE EXPECTANCY
				Approx						
				N	E	S	W			
1	Sycamore (Acer pseudoplatanus)	28	3.85					mature	Good shape and form, fantastic epiphytic growth – lichens etc. To be retained. NB: Design of driveway to be amended to avoid root compaction.	>50 years
2	Sessile Oak (Quercus petraea)	24	2.75		9.65	5		mature	Some standing deadwood within canopy, but otherwise appears to be in good health. Would benefit long term (stability & safety etc.) from some crown reshaping, i.e. removal of large horizontal side branching.	>50 years
3	Sessile Oak (Quercus petraea)	20	2.30		5	5		mature	In good health – some standing deadwood in canopy	>50 years

**Kennedy’s Plot, Linthill Estate, Nr. Lilliesleaf**

NOTES: Anna Craigen

Site Visit – simple measuring equipment and visual inspection on 30/11/18

APPENDIX E	
Mr & Mrs Kennedy 4 Caber House, Linthill, Melrose	
Scale	<b>1:200</b>
Plan prepared by ACES	
Location of Trees on Site and Estimated extent of Root Protection Areas (RPAs)	
Anna Craigen Environmental Services (ACES) - Dec 2018	



## DESIGN STATEMENT

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*Project:* Caber House, Proposed Low Energy Dwelling, Melrose, Scottish Borders

*Client:* Mr & Mrs Kennedy

*Reference number:* 1427

*Date:* 16 July 2018

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## The Site

The Site is located in Melrose off the B6359 to Dingleton.

The site is included in outline Planning Permission for the erection of a dwellinghouse. Reference: 15/00036/PPP. Address: Land South West Of Linthill Cottages, Linthill, Melrose.

Subsequent to the outline permission, the client consulted the planning authorities who agreed the site boundary to be adjusted to allow the footprint to avoid roots of the mature trees.

The site is around 732 sqm and is accessed via a private track. The site will require connection to water supply from existing water main and will have a private waste water treatment tank to soak-away.

There is a Farm to the East, open countryside to the South and Linthill Cottages to the North.

The proposed access to the site is determined by the existing private track running parallel to the site boundary. Access to the field is to be built in accordance with SD08/002.

## The Proposal

The proposal is for a low-energy 4-bedroom house for Mr & Mrs Kennedy.

The form of the house is long and thin, with a 45° roofpitch, to be in keeping with the rural location. Strong gables echo the typical vernacular of nearby buildings.

The house has been thoroughly designed. Every aspect of the building, from each stage of construction and build, through to the use and future potential has been carefully considered to make an efficient, warm, dry, light filled and beautifully practical building that will fit in to the environment, whilst minimising impact on the wider environment.

We have taken a fabric first approach, using a fully insulated SIP kit to provide a well insulated, air tight construction. (SIP - Structural Insulated Panel). Design is based on Passivhaus principles. Preliminary energy modelling indicates a heating requirement close to the Passivhaus standard, and certainly improves on the Low Energy standard.



The design makes use of natural resources: Orientation takes best advantage of solar gain. Passivhaus detailing eliminates cold-bridging, whilst also inhibiting condensation and mould growth. A draft lobby forms an air-lock to avoid losing heat when entering, further protected by an entrance canopy. High performance windows complete the insulation envelope. Fresh air is provided through a Mechanical Heat Recovery Ventilation Unit, retaining heat from the extracted stale air.

Open plan spaces and reduced internal partitions make best use of materials and also provide a spacious, light, living environment.

The construction dimensions take full advantage of standard sizes to reduce cutting and avoid waste. Storey-and-a-half construction provides maximum accommodation between minimum slab and roof areas.

### **Location on the Site**

The house has been sited to be parallel with the edge set by the adjacent road. The orientation takes advantage of solar gain and views.

The entrance to the house is located to the rear elevation to provide shelter from the wind.

### **Finishes**

To be in keeping the surrounding rural properties, the gables to this proposal are finished in white render. Larch cladding front and rear complete the facade finishes.

The windows are high performance triple glazed timber to keep out the cold and wind. There are no trickle vents to ensure there are no drafts.

The roof is to be metal standing seam, echoing the traditional metal roofing of nearby buildings.

### **Summary**

We believe this proposal provides an appropriately sited, designed, detailed and finished dwelling that will be of its place and provide excellent, sustainable accommodation for Mr & Mrs Kennedy.

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## DESIGN STATEMENT

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**Project:** Caber House, Proposed low energy dwelling & hobby farm incorporating Permaculture design linked to One Step Borders programme.

**Client:** Mr & Mrs Kennedy

**Reference number:** 1427

**Date:** 7 September 2018

---

### **The Site:**

The Site is located off the B6359 to Dingleton from Melrose and is accessed via a private track.

The site is included in outline Planning Permission for the erection of a dwelling house.

Reference: 15/00036/PPP. Address: Land South West Of Linthill Cottages, Linthill, Melrose. Subsequent to the outline permission, the client consulted with the planning authorities who agreed the site boundary to be adjusted to allow the footprint to avoid roots of the mature trees.

The house plot is around 732 sqm with associated land of around 4.6 ha to be developed into a hobby farm. The site will require a connection to a water supply from existing water main and will have a private wastewater treatment tank to soak- away.

There is a Farm to the East, woodland to the west, open countryside to the South and Linthill Cottages to the North.

The proposed access to the site is determined by the existing private track running parallel to the site boundary. Access to the field is to be built in accordance with SD08/002.

### **The Proposal:**

The proposal is for a low-energy 4-bedroom house for Mr & Mrs Kennedy.

The form of the house is long and thin, with a 45° roofpitch, and is in keeping with the rural context. Strong gables echo the typical vernacular of nearby buildings.

The house has been thoroughly designed. Every aspect of the building, from each stage of construction and build, through to the use and future potential has been carefully considered to make an efficient, warm, dry, light filled and beautifully practical building that will fit in to the environment, whilst minimizing the impact on the wider environment.

We have taken a fabric first approach, using a fully insulated SIP kit to provide a well insulated, air tight construction. (SIP - Structural Insulated Panel). The design is based on Passivhaus principles. Preliminary energy modelling indicates a heating requirement close to the Passivhaus standard, and certainly improves on the Low Energy standard.

The design makes use of natural resources: Orientation takes best advantage of solar gain. Passivhaus detailing eliminates cold-bridging, whilst also inhibiting condensation and mould growth. A draft lobby forms an air-lock to avoid losing heat when entering, further protected by an entrance canopy. High performance windows complete the insulation envelope. Fresh air is provided through a Mechanical Heat Recovery Ventilation Unit, retaining heat from the extracted stale air.

Open plan spaces and reduced internal partitions make best use of materials and also provide a spacious, light, living environment.

The construction dimensions take full advantage of standard sizes to reduce cutting and avoid waste. Storey-and-a-half construction provides maximum accommodation between minimum slab and roof areas.

The proposal, besides from the dwelling, extends to the management of a hobby farm, which will be informed by permaculture principles, for sustainable living. This will also be linked to the continued work our clients do with One Step Borders.

It is crucial to recognize the important work that will be made viable on site, linked to the hobby farms resources.

One Step Borders works with young people and families in the Scottish Borders to support young people who are experiencing emotional or mental health pressures and those who are caring for someone with such challenges along with many more issues. This social enterprise has been providing crucial care to those in need.

The hobby farm will link into this support by making an available space for struggling individuals to relax within nature and interact on a health basis with the animals and gardens on site.



#### **Location on the Site:**

The house has been sited on the site of the original gatehouse of Linthill estate. This historic reference grounds the proposal in the history of the site.

The siting is also parallel with the edge set by the adjacent road. The orientation takes advantage of solar gain and views.

The entrance to the house is located to the rear elevation to provide shelter from the prevailing wind.

#### **Finishes:**

To be in keeping the surrounding rural properties, the gables to this proposal are finished in white render. Natural larch cladding front and rear complete the facade finishes.

The windows are high performance triple glazed timber to keep out the cold and wind. There are no trickle vents to ensure there are no drafts.

The roof is to be metal standing seam, echoing the traditional metal roofing of nearby buildings.

**Summary:**

This proposal for a house and hobby farm has great potential to create a special area of well-managed land serving as an exemplar for how sustainable living can be implemented and well engrained into its location and community. Every aspect of this plot feeds and supports another, all linking back to how the inhabitants work with the land. The work our client's do with social outreach will provide allow a space for this to develop within the plot aiding the further community.

We believe this proposal provides an appropriately sited, designed, detailed and finished dwelling that will be of its place and provide excellent, sustainable accommodation for Mr & Mrs Kennedy.

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## Briefing Document

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*Project:* Hobby Farm incorporating Permaculture design linked to One Step Borders programme.

*Client:* Mr & Mrs Kennedy

*Reference number:* 1427

*Date:* 7 September 2018

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*Note: Permaculture is an on-going learning and adaptation to the natural world. Certain strategies implemented may require observation, review and continued development.*

### 1 Table of Contents

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## 2 Project Overview

This proposal is for a new low energy dwelling located near Melrose as part of a sustainable living proposal linked to the upkeep of a hobby Farm. The strategy to achieve this is by the design & construction of a low energy modern dwelling, located within a land management area, using permaculture techniques and principles.

The dwelling has been designed to fit within the rural setting. This hides the extensive energy modeling and site-specific optimization that has been carried out. We also hope to get as close to zero carbon as possible setting this as an example of the high standard homes.

The site is on the site of the original gatehouse of Linthill estate close to the river Aie. Access to the site is via an existing track leading to the estate house and buildings.

The plot is well defined by woodland on the North-East and North-West sides and by the main road on the South-West and access track along the South-East.

The proposal, besides from the dwelling, extends to the proposed management of a hobby farm and improvement following the principles of permaculture, for sustainable living.

### House Design:

The house has been designed as a future proof design with all the ground floor accommodation suitable for alteration into a fully accessible living accommodation space.

The building uses sympathetic design and materials and it will be super- insulated, including high performance, triple glazed doors and windows.

An extremely high level of air tightness is aimed for. A heat recovery ventilation system will be installed. The house will have coppicing rights to the adjacent woodland, which will provide heating and potentially, additional energy for the proposal.

### Heat Load = 4.5kW:

Preliminary energy modeling indicates that the design could have a heat load of just 4.5kW. This ensures the coppice will be able to meet the requirements for heating demand.

### Zero Carbon:

Further to this the house will aim to be as close to zero carbon as possible. All of the heating will be produced on site via resources such as the coppiced woodland and solar panels. Energy production is to be further investigated for on site capabilities.

### Working the Land:

The proposed hobby farm will provide for the occupants large amounts of fruit, vegetables and other animal products dependent of availability. Chickens will be part of the management plan, as they will provide eggs, meat and ground maintenance with the use of a chicken tractor. Ponies will also be kept on site and will continue to be used for social enterprise aiding the welfare of children and those struggling with mental health and wellbeing difficulties.

### Materials:

In keeping with the sustainable living, a simple palette of materials is proposed. Walls will be finished in render to the gables, with timber cladding to the North & South elevations. The roof proposal is for profile metal sheet to be in keeping with the rural context. This material has a high-recycled content and is fully recyclable at the end of its life. Windows require to be high performance triple glazed for energy efficiency and internal comfort.



(Images are indicative of material palette.)

### **3 Permaculture Principles**

"Permaculture is about creating sustainable human habitats by following natural patterns." It derives its name from "PERMANent agriCULTURE"

In this case we are designing a full plot, which can continuously, all year round provide for the inhabitants, reducing the reliance on external factors. The majority of the inhabitant's requirements for food shall be provided for. The surplus product can be used to support other avenues within the plot such as rare breed animals, chickens and sale of produce to local outlets. There are potential local outlets such as:

**Melrose(6.8m)** - The Fruit Shop, Country Kitchen Deli, various supermarkets and café's.

**Selkirk (6.4m)** - Down to Earth Foods LTD, various supermarkets and café's.

**Lillesleaf (0.8m) and Midlem (1.7m)** - hold potential for the creation of local outlets / markets.

One way of seeing permaculture is as a DESIGN SYSTEM, of looking at how elements are placed in relation to each other in order to maximize their efficiency in creating a self-sustaining, low input/high output, non exploiting whole.

This is not only beneficial for inhabitants but ensures a balanced ecosystem where every animal, insect and plant can benefit from each other within a loop cycle.

This will also involve fully understanding the disadvantages and benefits of each aspect of the garden and finding systems to work in place of energy intensive continual maintenance.

### **4 Local Trade and Support**

Supporting the local community and industry wherever possible is important for the integration of the design.

The decision to use Structural Insulated Panels (SIPs) construction was thoroughly thought through. Using local knowledge and skill is an important consideration within permaculture principles and linking this to all aspects of this project is desirable.

Looking at the construction industry and local trades within the area, JML Contracts based in Auchterarder, Perthshire offer the perfect mix of locality, energy efficient construction and sustainable materials. SIPs are manufactured and processed under factory controlled conditions and can be fabricated to minimize waste for even complex designs.

The polyurethane (PUR) core of insulation in Structural Insulated Panels is CFC/HCFC-free with zero Ozone Depletion Potential and has a low Global Warming Potential (GWP). The outer skins of SIPs panels are manufactured from Orientated Strand Board (OSB). This is made from young fast growing trees, which are deliberately grown in plantations accredited by the Forest Stewardship Council (FSC). Young trees produce oxygen and remove more carbon dioxide from our atmosphere than mature trees and are renewable, recyclable, biodegradable and non-toxic. Unparalleled thermal efficiency combined with high build-speed and low site wastage makes SIPs a very cost effective, and sustainable way of achieving up to passive house standards.

### **5 Zone and design Strategy**

The plot has been divided into zones for organizing the use and requirements of each. Zones closer to the house will be those which require frequent upkeep and observation while those further will be less intensive and frequented less.

**Zone 0:** The house itself and immediate exterior. The principles that can be observed here have more to do with conservation of heating, energy and water. As we have proposed a highly insulated and airtight design with an estimated heat load of just 4.5kW, it can be seen that a lot can be designed into the fabric itself. The decision to look into the use of a wood gasifier to supply energy and hot water for the property means that the coppiced woodland can support the house and its inhabitant's energy needs. However if this is not opted for the dwelling will still be supported with solar panels on the south roof elevation, reducing the reliance of power from the grid connection, along with all of the space heating supplied by the coppiced woodland via a wood burning stove, further creating a fully sustaining plot, linked to the surrounding land.

Grey water harvesting will feed into a filtration system along with, rain water collection from the roof will be used for plant watering, there will be little input needed from the mains connection for garden maintenance.

**Zone1:** This zone surrounds the house and will predominantly be planted with herbs and other short growing plants and flowers. Crops such as strawberry or raspberry's can be grown within this area. If a greenhouse is desired it is best suited to being close to the house for maintenance, attention to the surrounding context is important for the placement of a greenhouse as it will require good sunlight.

**Zone2:** Perennial plants will typically be planted here and if interested would be an ideal spot for placing bee hives, a Polly-tunnel and large compost bins as it is within a central spot with good access to both zone 1, 2 and 3. Current bushes and orchard trees are ideal to be planted here. These will be planted with companion plants, which will help the soil to be maintained yearly and reduce the potential of soil degradation. It is a good idea to include the seven layers of planting:

Canopy: large fruit & nut trees

Low tree layer: dwarf fruit trees

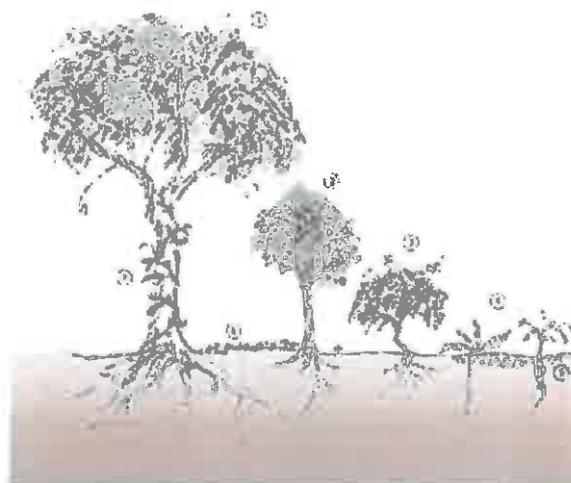
Shrub layer: currants & berry bushes

Herbaceous: comfrey, beets, herbs

Rhizosphere: root vegetables

Ground cover: strawberry's etc

Vertical layer: climbers & vines



(Modified from: Quercusrobur at the English language Wikipedia, CC BY-SA 3.0, <https://commons.wikimedia.org/w/index.php?curid=5965340>)

Crop beds will also be placed here for longer growing fruit and vegetables. A 3-year crop cycle will be implemented for this area, which will be based on a three-plot rotation. It is suggested to split the site into 8 plots keeping two asides for specialist planting and have two groups of three. The first year Plot 1- Brassicas, Plot 2- Legumes and salad crops and Plot 3- Root vegetables. Mulching will be the main care and maintenance proposed.

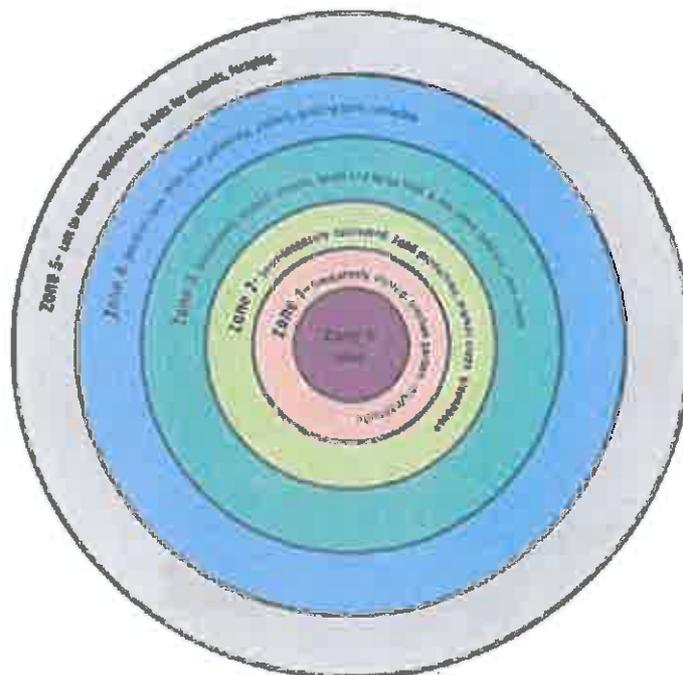
**Zone3:** Main crops will be planted here. As the area provided will be more than enough to produce crops for the inhabitants. The surplus can be used for trade purposes. This area will be diverse with a variety of grains, fruit or vegetables again planted with companion plants to aid the maintenance of soil year on year.

**Zone4:** This area is to be very low maintenance. It includes a large grazing area for ponies, which are to be used in conjunction with a social enterprise for the care and welfare of those struggling with wellbeing and mental health difficulties. These animals have already worked with One Step Borders within this capacity, and this proposal will allow the continued and potential expansion of this resource for the wider community.

The Kennedy's are currently involved with One Step Borders. One Step Borders seek to work with young people and families in the Scottish Borders to support young people who are experiencing emotional or mental health pressures and those who are caring for someone with such challenges along with many more issues. This social enterprise has been providing crucial care to those in need.

A section of the woodland will be used for sustainable coppicing to provide the house with all of the energy and heat requirement's, further ingraining the connection with house and place, along with offering management of the woodland. It is worth noting that this woodland is close to reaching maturity and is ready for coppicing from this area will provide ample resources.

**Zone5:** This area is not to have any human intervention. It is to be left to nature and enjoyed and appreciated for such. Natural ecosystems will be set up and it will encourage animals to inhabit the area and nurture connections between nature the garden and house. Mushrooms may be able to grow within this area, which can be foraged for. This area has been set up to surround the site ensuring that the well-defined edge is maintained even after coppicing and more importantly that existing wildlife have a safe area to flourish.



(Architecco, 2017)

**Sectors:** Considering the energy's (wind, water, sun, shade, etc.) that flow through the site can drastically affect the way we use the land. Wind barriers are naturally sited around the site and no hard walls have been used to separate areas as these could lead to frost pockets forming. The house benefits from the southeast orientation for solar heat gain. The access track provides ease of access and movement of supplies for the animals. This is also directly next to the

grazing area and unmanaged area. Monitoring the site over the first year will give a good basis for how to carry forward any design revisions, which have been noted due to specific monthly energy factors.

## 6 Drainage Design

The standard drainage test is to dig a square hole one spade deep, fill it with water and note the time to drain away. In a dry period this should not be longer than 1 hour. There is a problem if it takes any longer. Fill the hole a second time to get a more accurate account of soil drainage. On a site basis, a drainage system of pipes below the growing strata can be inserted on an oblique grid or herringbone grid draining to the lowest point. For clay soils the herringbone grid should have a maximum spacing of 4m with up to 8m spacing for other soils. Be careful that any water problems are not transferred to the neighbouring land. It may be advisable to consult SEPA\* about the final run-off/outflow. (Minister's Forward 2013)

A soil investigation should still be carried out to fully assess soil condition and inform the best drainage practice.

## 7 Access

The site paths are 1m wide with a material that will allow the use of wheelbarrows and such allowing access to all areas of the site. The paths should be arranged to for minimum interference with the site. These paths will have auxiliary routes to allow access into specific growing areas throughout the site, these paths will be less defined and more on a desire line basis.

It may be desirable to have some paths covered with arched trellis, which vine plants can grow. This allows an otherwise unplanted area to support growth, while also adding a shaded and dry area within the garden.



There is a vehicle road right up to the house and one that follows the site's long edge. This route allows for easy harvest and transport of produce from the main growing area.

## 8 Planting Strategy

Within each zone different planting techniques can be implemented. Intermittent planting can save whole areas of crop from being hit all at once by any specific disease or invasive bugs or insects.

Issues that do arise can be dealt with implementing a new system to maintain balance rather than more invasive pesticides and chemicals.

**Herb spirals-** allows for a variety of micro conditions suitable for a variety of species.



**Raised beds with mulching and subsequent no-dig planting-** can aid the growth and health of the plants and soil.

**Keyhole beds-** maximizes the edge condition to the planting area providing easy access to all plants while minimizing the compaction of the usable soil, creates a good habitat.

**Agroforestry-** where fruit trees are planted, companion agricultural and horticultural crops to create a diverse mixture of planting that aid and maintain each other.

**Swales-** shallow ditches that collect water, usually dug out along a contour to sink water. Hydrates the soil and prevents water running downhill and eroding the landscape.

**Berms-** raised plots that prevent runoff. Designed along with swales the two can direct water to plant beds. This conserves water and prevents soil erosion.

**Terraces-** layered steps into the sloping hillside to prevent water running downhill, gives a flat area for easy access and planting.

**Composting-** Hot composting can be used. Typically this is done with three boxes one for new material, one with material composting and the last with usable compost. While the materials are composting it radiates heat this can be utilized for other uses such as heating spaces or aiding the growth of seedlings.

## 9 Year Round Food

As being completely self-sustaining is a desire, it is important to ensure the garden is providing crops all year round with surpluses that can be used as an income stream to pay for maintenance. Within the UK we have four seasons and as such requires careful consideration of when we plant what and how we can benefit from that yield for the short and long term.

### Example plots:

"A single person could just about manage with half an acre of rich land"(A & G Bridgewater p11)

"Two people in this day and age would need more like two acres"(A & G Bridgewater p11)

"We could quite comfortably provide for ourselves and our family on 15 acres of reasonable ground. Some people manage very well with a lot less." Dot & Tim North Wales, (Tott, 2016)

"Five acres of medium to good land in a temperate climate, and the knowledge, you could grow all the food necessary for a large family." (Seymour, 2009)

"Five acres of good well-drained land, you could support a family of, say six people and have occasional surpluses to sell" (Seymour, 2009)

From these examples it can be seen that the land available here will be far more than what is required to feed a family of three. This means that there should be a surplus that can be sold or putting back into the garden via livestock or composting.

This table is not exhaustive and only provides examples of potential plants and seeds that can be used each month, dependent on location, soil and climatic conditions.

Month	Sow	Plant	Available
Jan	Broad Beans	Bare rooted fruit trees, bushes, garlic.	Cabbage, savoy, broccoli, brussels sprouts, kale, leeks, salsify, spinach, lettuce, celeriac, (beets, carrots, onions, parsnips, potatoes, shallots, swedes, tomatoes, garlic, apples, pears)
Feb	Peppers, Cabbage, leeks, broad beans.	Bare rooted fruit trees, bushes, garlic.	Cabbage, savoy, broccoli, brussels sprouts, kale, leeks, salsify, spinach, lettuce, celeriac, rhubarb. (beets, carrots, onions, parsnips, potatoes, shallots, swedes, tomatoes, garlic, apples, quinoa)
Mar	Cabbage, tomatoes, leeks, carrots, lettuce, peppers, pears, onions, turnips, broad beans, spinach, celeriac, salads	Bare rooted fruit trees, bushes, onions & potatoes.	Broccoli, cabbage, kale, salsify, chickweed, (Beets, parsnips, garlic, potatoes, tomatoes, turnips, apples)

Apr	Carrots, brassicas, leeks, radishes, peas, beans, spinach, beets, lettuce, parsnips, swedes, squash, courgettes, salads.	Onions, potatoes, perennial herbs & vegetables.	Broccoli, cabbage, leeks, spring onions, spinach, rhubarb, salsify, herbs, nettles, (beets, onions, tomatoes, garlic, quinoa, potatoes)
May	Beets, brassicas, lettuce, runner beans, salads, sweetcorn, spinach, squash, turnips, quinoa.	Squashes, sweetcorn, perennial herbs & vegetables.	Broccoli, cabbage, lettuce, spinach, nettles, spring onions, (onions, garlic, potatoes, tomatoes)
Jun	Beets, brassicas, salads, spinach, peas, turnips	Leeks, tomatoes, sweetcorn, runner beans, squash, peppers, perennial herbs & vegetables.	Broad beans, carrots, cauliflower, cabbage, lettuce, onions, potatoes, peas, radish, spinach, turnips, gooseberries, rhubarb, strawberries, nettles, herbs, edible flowers, (quinoa, tomatoes)
Jul	Beets, brassicas, carrots, Swedes, spinach, lettuce	Runner beans, sweetcorn, squashes, leeks, perennial herbs & vegetables.	Beans, beets, carrots, lettuce, cabbages, lettuce, peas, onions, potatoes, spinach, garlic, radishes, gooseberries, cherries, plums, blackcurrants, herbs, (tomatoes)
Aug	Brassicas, spring onions, spinach.	Cabbages, perennial herbs & vegetables.	Beans, beets, carrots, lettuce, cabbages, lettuce, peas, onions, potatoes, spinach, garlic, radishes, squashes, marrows, gooseberries, raspberries, blackcurrants, vegetables & herbs, (quinoa, tomatoes)
Sep	Brassicas, beets, lettuce, salads.	Cabbages, perennial herbs & vegetables.	Beans, cabbage, beets, carrots, cauliflower, lettuce, squashes, marrows, onions, potatoes, peppers, peas, spinach, tomatoes, plums, apples, blackberries, peaches, vegetables and herbs, quinoa, (garlic)
Oct	Broad beans, salads.	Bare rooted fruit trees, bushes, garlic, onions.	Runner beans, cabbage, leeks, beets, lettuce, squashes, onions, potatoes, spinach, tomatoes, pears, apples.

Nov	Broad beans	Bare rooted fruit trees, bushes, garlic.	blackberries, (quinoa) Beets, broccoli, cabbage, carrots, leeks, onions, potatoes, parsnips, spinach, apples, pears, (quinoa, garlic, tomatoes)
Dec	Broac beans	Bare rooted fruit trees, bushes	Broccoli, cabbage, carrots, celeriac, leeks, kale, onions, potatoes, parsnips, salsify, swede, turnip, parsnip, (beets, garlic, tomatoes)

(Burnett, 2016)

### Companion Planting Chart

The following is a guideline for companion planting vegetables. Keep in mind that companion planting is not the same for everyone, everywhere; it will require experimentation to find what works best in your area.

Vegetable	Companion	Antagonist	Insight
Asparagus	Basil, Coriander, Dill, Parsley, Carrots, Tomatoes, Marigolds	Garlic, Potatoes, Onions	Mangolds, Parsley, Tomato protect from asparagus beetles
Beans	Beets, Brassicas, Carrot, Cabbage, Cauliflower, Cucumber, Celery, Chards, Corn, Eggplant, Peas, Potatoes	Alliums (chives, garlic, leeks, onions), Peppers, Tomatoes For Broad Beans: Fenne	Corn is a natural trellis, and provides shelter for beans Beans provide nitrogen to soil.
Beets	Brassicas (ie. broccoli, Brussels sprouts, cabbage, cauliflower, collard greens, kohlrabi, turnip), Kohlrabi, Garlic, Lettuce, Onion, Sage	Pole and Runner Beans	The beans and beets compete for growth. Composted best leaves add magnesium to soil when mixed.
Broccoli	Basil, Bush Beans, Chamomile, Cucumber, Dill, Garlic, Lettuce, Marigold, Mint, Onion, Potato, Radish, Rosemary, Sage, Thyme, Tomato	Grapes, Mustard, Oregano, Strawberry, Tomato	Rosemary repels cabbage fly. Dill attracts wasps for pest control.
Brussels Sprouts	Dill, Potato, Thyme	Strawberry, Tomato	
Cabbage	Beets, Bush Beans, Celery, Chamomile, Dill, Mint, Onion, Potato, Oregano, Rosemary, Sage	Beans (Pole and Runner), Mustards, Peppers, Strawberry, Tomato	Celery, onion and herbs keep pests away Rosemary repels cabbage fly.
Carrots	Beans (Bush and Pole), Garlic, Lettuce, Onion, Parsley, Peas, Rosemary, Tomato	Dill, Parsnip	Beans provide nitrogen in soil, which carrots need. Onion, parsley and rosemary repel the carrot fly
Cauliflower	Beans, Celery, Oregano, Peas, Tomato	Strawberries	Beans provide the soil with nitrogen, which cauliflower needs

<b>Celery</b>	Bush Beans, Cabbage, Dill, Leeks, Marjoram, Tomatoes	Parsnip, Potato	--
<b>Chives</b>	Basil, Carrots, Mangold, Parsley, Parsnip, Strawberries, Tomato	Beans	--
<b>Corn</b>	Beans, Cucumbers, Marjoram, Parsnip, Peas, Potatoes, Pumpkin, Squash, Zucchini	Tomato	Tomato worm and corn earworm: like both plants Beans and peas supply nitrogen.
<b>Cucumber</b>	Beans, Celery, Corn, Dill, Lettuce, Peas, Radish	Potato, Sage, strong aromatic herbs, Tomato	Cucumbers grow poorly around potatoes and sage.
<b>Dill</b>	Cabbage, Corn, Cucumbers, Dill, Fennel, Lettuce, Onions	Cilantro, Tomato	Cross-pollinates with cilantro, ruining both. One only a few plants that grows well with Fennel.
<b>Eggplant</b>	Beans, Marjoram, Pepper, Potato	--	--
<b>Kohlrabi</b>	Beets, Lettuce, Onions	Strawberries, Pole Beans, Tomato	Lettuce repels earth flies.
<b>Leek</b>	Carrots, Celery, Lettuce, Onions	Beans, Peas	Companion attributes are the same as garlic, onion, chives (alliums).
<b>Lettuce</b>	Beans, Beets, Carrots, Corn, Marigold, Onions, Peas, Radish, Strawberries	Parsley	Mints repel slugs (which feed on lettuce).
<b>Marigold</b>	Brassicas (broccoli, etc), Cucurbits (cucumber, etc), Peppers, Tomato, and most other plants	--	It is said that you can plant Marigolds throughout the garden, as they repel insects and root-attacking nematodes (worm-like organisms).
<b>Onions</b>	Beets, Cabbage, Carrots, Lettuce, Marjoram, Rosemary, Savory, Strawberry, Tomato	Beans, Peas	Repels aphids, the carrot fly, and other pests.
<b>Parsley</b>	Asparagus, Beans, Radish, Rosemary, Tomato	Lettuce	Draws insects away from tomatoes
<b>Peas</b>	Beans, Cabbage, Carrots, Celery, Corn, Cucumber, Lettuce, Marjoram, Parsnip, Potato, Sage	Alliums (Onions, Garlic, Onion, Shallots)	--
<b>Potato</b>	Beans, Cabbage, Corn, Eggplant, Horseradish, Marjoram, Parsnip	Celery, Cucumber, Pumpkin, Rosemary, Strawberries, Tomato	Cucumber, tomato and raspberry attract harmful pests to potatoes. Horseradish increases disease resistance.
<b>Pumpkin</b>	Beans, Corn, Radish	Potato	--
<b>Radish</b>	Cabbage, Corn, Cucumber, Eggplant, Lettuce, Marjoram, Parsnip	--	Radish is often used as a trap crop against some beetles (flea & cucumber).
<b>Sage</b>	Beans, Cabbage, Carrots, Peas, Rosemary, Strawberries	--	Repels cabbage fly, some bean parasites.
<b>Salmon</b>	Beans, Lettuce, Peas, Strawberries	--	Natural shade is provided by beans and peas, for

Squash	Fruit trees, strawberries	--	spinach Similar companion traits to pumpkin
Strawberries	Borage, Bush Beans, Caraway	Broccoli, Cabbages	The herb, Borage, is likely the strongest companion
Tomatoes	Alliums, Asparagus, Basil, Borage, Broccoli, Carrots, Cauliflower, Celery, Mangold, Peppers	Brassicas, Beets, Corn, Dill, Fennel, Peas, Potatoes, Rosemary	Growing basil about 10 inches from tomatoes increases the yield of the tomato plants.
Turnip	Peas		

(VegetableGardeningLife, 2015)

## 10 Crop Requirements

Human Energy Requirements and growing capacity from the garden.

The number of calories a person needs per day is specific to the individual. Height, weight, gender, age and activity level all affect your requirement. Three main factors are required to calculate how many calories your body needs per day.

1. Basal metabolic rate (BMR) this is the amount of energy your body requires to function at rest.
2. Physical activity that takes into account your daily activities, and inputs such as weight, height etc.
3. The thermic effect of food is also considered which is the energy required to breakdown the food you eat.

For the purpose of this exercise we will average the amount of calories required by the family of three to the basic NHS recommendation of 2500kcal for men and 2000kcal for women. (Choices, 2016)

Taking these figures for the year a single person would require:

Kcal total per year per person

Male (250 x 365 = 912,500 kcal)

Female (2000 x 365 = 730,000 Kcal)

On average 146kg of fruit and veg of food is required per year per person. (Hugo, 2017) Taking 2 kg of produce per square meter (How many m<sup>2</sup> you need to cultivate in order to be self-sustainable? 2017) for one person would require an estimate of around 73m<sup>2</sup> of garden space. This is based on a supplemented diet with nuts and meat, which should be considered. This is all dependent on crop, yield and individual species etc.

The list below demonstrates one account of how many plants a family may require for a years worth of food. This is subjective as to what you may prefer to eat but can be used as a starting point for planting quantities.

**Asparagus:** about 10-15 plants per person

**Beans (Bush):** about 15 plants per person

**Beans (Pole):** 2-4 poles of beans per person

**Beets:** about 36 plants per person.

**Broccoli:** 3-5 plants per person

**Cabbage:** 2-3 plants per person

**Carrots:** about 100 seeds per person (1/4 oz would be plenty for a family of six)

**Cauliflower:** 2-3 plants per person

**Collards:** about 5 plants per person

**Corn:** start out with 1/2 lb. seeds for the family and adjust as needed

**Cucumbers:** 3-6 plants per family  
**Eggplant:** 3-6 plants per family  
**Lettuce:** 4-5 plants per person  
**Okra:** 3-4 plants per person  
**Onions:** 12-15 plants per person  
**Parsnips:** 12-15 plants per person  
**Peas:** about 120 plants per person  
**Peppers:** 3-5 plants per person  
**Spinach:** about 15 plants per person  
**Squash (including Zucchini):** about 10 per family  
**Sweet Potatoes:** about 75 plants per family  
**Tomatoes:** about 20 plants per family  
**Turnips:** about 1/4 lb seeds per family

The Table below gives an average of how many kg of produce can be obtained from a hectare of land. This is one account and in practice a variety of factors may affect the outputs however it can be used as a broad estimate of what to expect.

Wheat	8,000 kg/ha
Barley	7,000 kg/ha
Potatoes	45,000 kg/ha
Beet	70,000 kg/ha accounting for approximately 11,000kg of sugar
Onion	46,000 kg/ha
Winter Rape	5,000 kg/ha
Peas	4,000 kg/ha
Beans	3,000 kg/ha
Carrots	40,000 kg/ha
Tomatoes	5,000 kg/ha
Chicory	350,000 kg/ha
Leek	30,000 kg/ha
Brussels Sprouts	20,000 kg/ha
Broccoli	8,000 kg/ha
Courgette	3,000 kg/ha
Cabbage	30,000 kg/ha
Flax	6,600 kg/ha of straw and 900 kg grain/ha
Apples	40,000 kg/ha (13yrs, from 5 <sup>th</sup> yr)
Pears	25,000 kg/ha (35yrs, from the 7 <sup>th</sup> yr)

## 11 Livestock

Rare breed animals will be a beneficial addition to the plot. Looking at the input and outputs of keeping such animals helps to evaluate their success within a plot.

**Inputs:** Time/care, food, water, medicine/vaccines, space, other variants dependent on animal.

**Outputs:** Manure, plot maintenance/grassing, pest control, food, offspring, income, enjoyment, and other variants dependent on animal.

With livestock the possibility of hot composting is very viable. This can aid many other activities within the garden as the compost radiates heat. Seed maturing, heating other areas such as a shed or greenhouse is achievable.

Different animals will require different amounts of space. Within the plan we have set aside ---m2 roughly for grazing and housing of animals. It would be advantageous to defiantly keep some chickens (six hens is recommended to get started) and one cock if you would like to bead chicks.

Chicken Space- 6m2 roughly

Ducks- 20m2 per bird: Will require a lake or pond.

Geese- 20m2 per bird

Birds will generally be let out over areas of the garden and moved frequently within a bounded area or in a chicken tractor.

Chicken tractors are popularly used as they keep the chickens caged and safe in a designated area while allowing them freedom to move from house to exterior space. Top right is an example of a simple small chicken tractor.

Costs associated with animals such as Horses and Ponies.

Feed cost (£260 - £520).

Hay/Straw £1040 - £1560

Other supplements can vary in price.

Vets fees £70

Insurance £240 - £480

Dentist £50 - £70

Worming £40 - £105

Extras £1000

Annual price basis (Ltd. A.L.)



**Needs:** Shelter, Soil, Dust, Water, Air, Food, Other chickens.

**Products & Behaviour:** Egg, Meat, Feathers, Manure, Scratching, Foraging, Methane, Co2, Breeding, Flying, Fighting



**Needs:** Shelter, Water, Air, Food, open space, Company

**Products & Behaviour:** Enjoyment, Meat, Leather, Manure, Gaiting, Methane, Co2, Breeding



**Needs:** Shelter, Water, Air, Food, Space, Hills, Other goats.

**Products & Behaviour:** Meat, Milk/Cheese, Wool, Hide, leather, Manure, Grazing, Methane, Co2, Breeding

Our Clients have three Ponies currently, which will be required to relocate to the site. The breeds of ponies are Welsh, Connemara and Palomino. These animals have extensive experience working with social care patients and have a proven record for aiding the wellbeing of patients who are given the benefit of their company. This is an essential part of our client's business and will seamlessly integrate into the hobby farm.

Cows, pigs or goats are other viable animals for supporting the plot: for future development. Products from these animals will support the family and farm. There are possibilities of selling the products from the animals for added income. Products like goats cheese could be sold to local product manufacturers setting up a micro business and promoting local produce etc.

## **12 Linked social care - One step Borders**

It is crucial to recognize the important work that will be made viable on site, linked to the hobby farms resources.

One Step Borders works with young people and families in the Scottish Borders to support young people who are experiencing emotional or mental health pressures and those who are caring for someone with such challenges along with many more issues. This social enterprise has been providing crucial care to those in need.

The hobby farm will link into this support by making an available space for struggling individuals to relax within nature and interact on a health basis with the animals and gardens on site.

It has been specifically beneficial for children with additional support needs (ASN) who have been able to feel the benefit of compassion and care from and to these such animals. Teaching them core skills with coping and dealing with the stresses and difficulties of everyday life. Unfortunately this is a rare opportunity for children within Scotland to be able to interact with animals who encourage a caring nature such as ponies. We believe this service should be commended for the work being done and should set a precedent for further study and potential development.

## 13 Energy Usage and production

Energy Calculations Draft.

### Energy Performance Evaluation

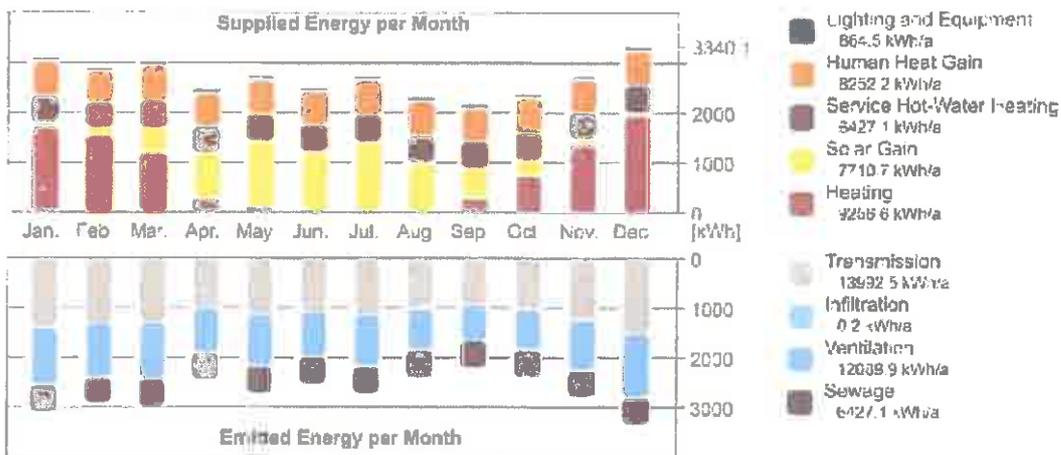
1271 Laver, Auchterarder

# Preliminary

#### Key Values

General Project Data		Heat Transfer Coefficients		U value	[W/m <sup>2</sup> K]
Project Name:	Laver Auchterarder	Building Shell Average		0.32	
City Location:	Auchterarder	Floors:		0.15 - 0.15	
Latitude:	56.29° N	External		0.13 - 1.71	
Longitude:	3.67° W	Underground		—	
Altitude:	131.00 m	Openings		0.70 - 1.33	
Climate Data Source:	Strusoft server	Specific Annual Values			
Evaluation Date:	9 Feb 2017 17:42:51	Net Heating Energy	42.99	kWh/m <sup>2</sup> a	
		Net Cooling Energy	0.00	kWh/m <sup>2</sup> a	
		Total Net Energy	42.99	kWh/m <sup>2</sup> a	
		Energy Consumption:	49.99	kWh/m <sup>2</sup> a	
		Fuel Consumption	49.56	kWh/m <sup>2</sup> a	
		Primary Energy	66.36	kWh/m <sup>2</sup> a	
		Fuel Cost:	—	GBP/m <sup>2</sup> a	
		CO <sub>2</sub> Emission:	1.20	kg/m <sup>2</sup> a	
Building Geometry Data					
Gross Floor Area:	261.8 m <sup>2</sup>				
Treated Floor Area:	215.3 m <sup>2</sup>				
External Envelope Area:	390.4 m <sup>2</sup>				
Ventilated Volume:	538.79 m <sup>3</sup>				
Glazing Ratio:	9 %				
Building Shell Performance Data					
Infiltration at 50Pa:	0.09 AC/h	Degree Days			
		Heating (HDD):	4020.46		
		Cooling (CDD):	395.67		

#### Project Energy Balance



#### Thermal Blocks

Thermal Block	Zones Assigned	Operation Profile	Gross Floor Area m <sup>2</sup>	Volume m <sup>3</sup>
001 GF Thermal Block	7	Residential	137.4	317.51
002 FF Thermal Block	5	Residential	109.7	186.67
003 GF Cold Thermal Block	3	Residential	12.4	33.48
004 FF Cold Thermal Block	1	Residential	1.2	1.12
<b>Total:</b>	<b>16</b>		<b>261.8</b>	<b>538.79</b>

## Energy Performance Evaluation 1271 Laver, Auchterarder

# Preliminary

### 001 GF Thermal Block - Key Values

Geometry Data			Heat Transfer Coefficients		
Gross Floor Area	137.4	m <sup>2</sup>	Floors:	U value	{W/m <sup>2</sup> K}
Treated Floor Area:	115.5	m <sup>2</sup>	External:	0.15 - 0.15	
Building Shell Area:	181.6	m <sup>2</sup>	Underground:	0.13 - 0.23	
Ventilated Volume:	317.51	m <sup>3</sup>	Openings:	0.88 - 1.33	
Glazing Ratio:	14	%			
Internal Temperature			Annual Supplies		
Min. (22:00 Feb. 26):	20.00	°C	Heating:	9256.56	kWh
Annual Mean:	21.57	°C	Cooling:	0.00	kWh
Max. (18:00 Jul. 10):	32.33	°C			
Unmet Load Hours			Peak Loads		
Heating:	0	hrs/a	Heating (23:00 Dec. 21):	4.19	kW
Cooling:	138	hrs/a	Cooling (01:00 Jan. 01):	0.00	kW

### 002 FF Thermal Block - Key Values

Geometry Data			Heat Transfer Coefficients		
Gross Floor Area	109.7	m <sup>2</sup>	Floors:	U value	{W/m <sup>2</sup> K}
Treated Floor Area:	88.7	m <sup>2</sup>	External:	0.13 - 1.71	
Building Shell Area:	181.0	m <sup>2</sup>	Underground:	-	
Ventilated Volume:	186.67	m <sup>3</sup>	Openings:	1.10 - 1.33	
Glazing Ratio:	8	%			
Internal Temperature			Annual Supplies		
Min. (24:00 Dec. 21):	11.82	°C	Heating:	0.00	kWh
Annual Mean:	22.97	°C	Cooling:	0.00	kWh
Max. (19:00 Jul. 15):	46.59	°C			
Unmet Load Hours			Peak Loads		
Heating:	3503	hrs/a	Heating (01:00 Jan. 01):	0.00	kW
Cooling:	1917	hrs/a	Cooling (01:00 Jan. 01):	0.00	kW

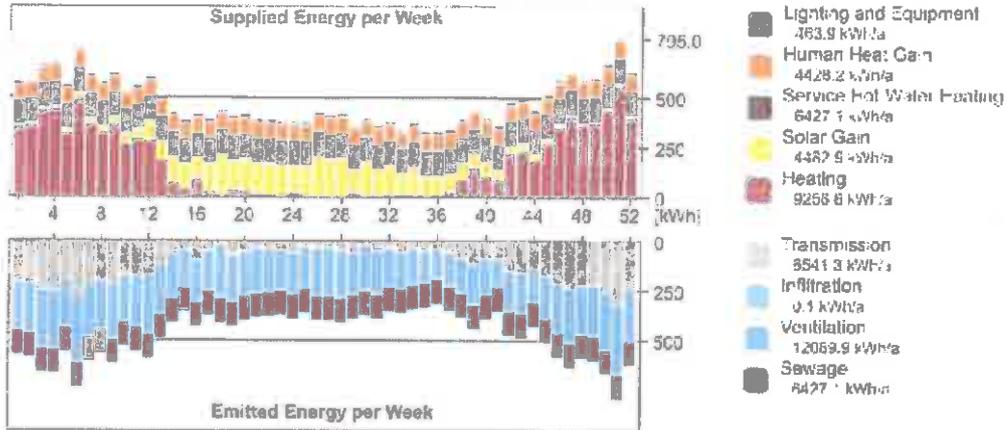
### 004 FF Cold Thermal Block - Key Values

Geometry Data			Heat Transfer Coefficients		
Gross Floor Area	1.2	m <sup>2</sup>	Floors:	U value	{W/m <sup>2</sup> K}
Treated Floor Area:	0.8	m <sup>2</sup>	External:	0.13 - 0.14	
Building Shell Area:	1.9	m <sup>2</sup>	Underground:	-	
Ventilated Volume:	1.12	m <sup>3</sup>	Openings:	-	
Glazing Ratio:	0	%			
Internal Temperature			Annual Supplies		
Min. (11:00 Dec. 22):	12.46	°C	Heating:	0.00	kWh
Annual Mean:	23.36	°C	Cooling:	0.00	kWh
Max. (23:00 Jul. 09):	41.22	°C			
Unmet Load Hours			Peak Loads		
Heating:	3438	hrs/a	Heating (01:00 Jan. 01):	0.00	kW
Cooling:	2218	hrs/a	Cooling (01:00 Jan. 01):	0.00	kW

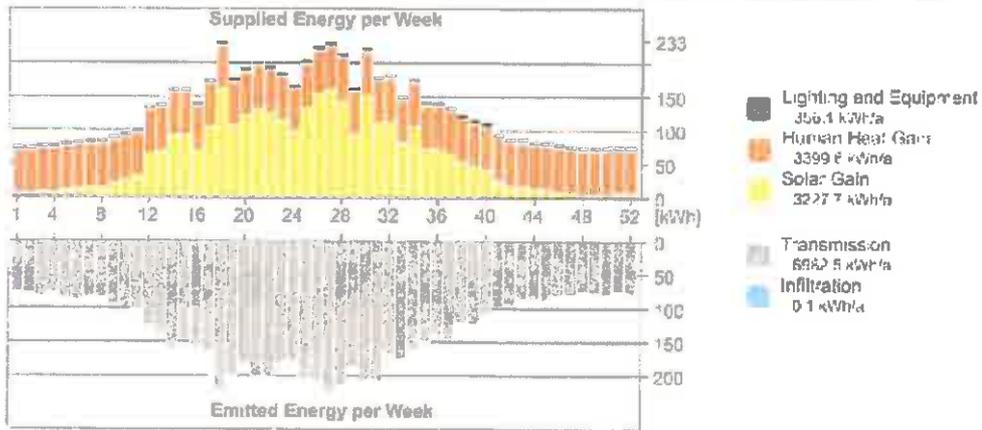
## Energy Performance Evaluation 1271 Laver, Auchterarder

# Preliminary

### 001 GF Thermal Block Energy Balance

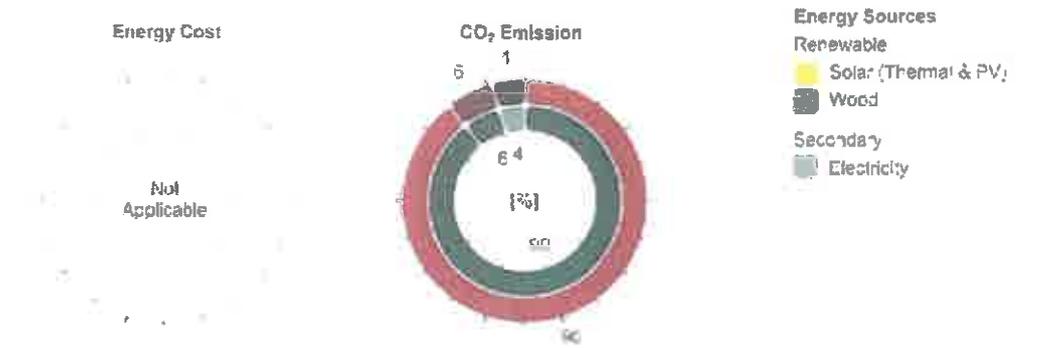


### 002 FF Thermal Block Energy Balance



## Energy Performance Evaluation 1271 Laver, Auchterarder

# Preliminary



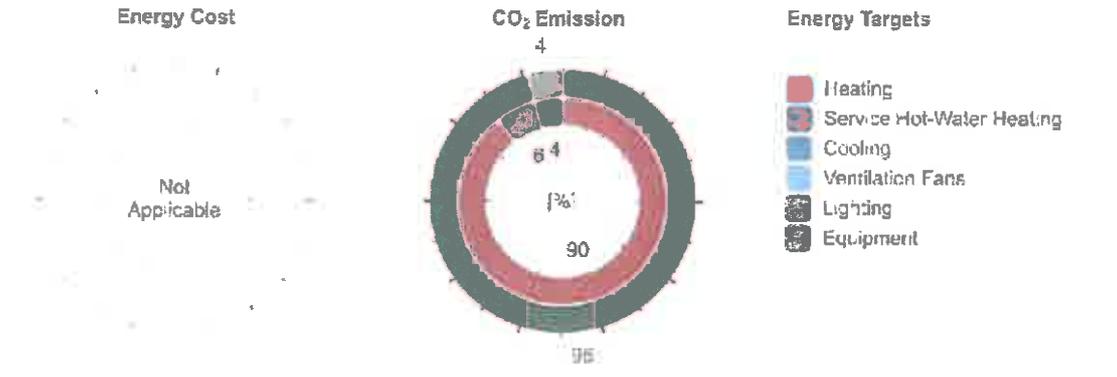
### Energy Consumption by Sources

Source Type	Energy			Cost GBP/a	CO <sub>2</sub> Emission kg/a
	Source Name	Quantity kWh/a	Primary kWh/a		
Renewable	Solar (Thermal & PV)	92	92	NA	0
	Wood	9899	11879	0	247
Secondary	Electricity	772	2317	-	11
<b>Total</b>		<b>10763</b>	<b>14288</b>	Not Applicable	<b>259</b>



## Energy Performance Evaluation 1271 Laver, Aughterarder

# Preliminary



### Environmental Impact

Source Type	Source Name	Primary Energy kWh/a	CO <sub>2</sub> emission kg/a
Renewable	Solar (Thermal & PV)	92	0
	Wood	11879	247
Secondary	Electricity	2317	11
<b>Total:</b>		<b>14288</b>	<b>259</b>

Co2 emissions from Coppice- reabsorbed allowing zero carbon to be achieved.

## Energy Performance Evaluation 1271 Laver, Aughterarder

# Preliminary

### Renewable Building System Summary

Building System	Annual Energy Generated kWh	Renewable Energy Cost GBP
☀ Photovoltaic System	92	0.0
🔥 Biofuel-based Heating	9899	0.0
Total LEED Renewable Energy	9991	0
<b>Total</b>	<b>9991</b>	<b>0</b>

### Thermal bridging:

The design has ensured that thermal bridging is kept to a minimum to ensure no energy is wasted from heat escaping and cold entering the house. Our calculations highlight risk areas, so that the design can resolve any possibility of unnecessary thermal bridges ensuring the building is as efficient as possible.

This also allows us to evaluate whether the wall build chosen is best suited to the chosen site and design. Doing this at an early stage helps us to make more informed decisions to ensure a building that is as sustainable and energy efficient as possible.



A **wood gassifier** is a gasification unit which converts timber or charcoal into wood gas, a syngas consisting of atmospheric nitrogen, carbon monoxide, hydrogen, traces of methane, and other gases, which - after cooling and filtering - can then be used to power an internal combustion engine or for other purposes.

Wood gasification is a very clean way to make biogas. The wood acts as a solar store as wood gas is a form of solar chemistry. It is the perfect complement to solar photovoltaic as you can tap into energy day or night and even during winter, leveling out the issues with peak time energy from solar.

The Gassifier can be used intermittently with the provision of solar panels to ease usage and materials for the gassifier.

Recommended batches run for 2-6 hours dependent on feedstock capacity for the wood. Use in the morning, solar during the day and a fill at night is easy and cost efficient.

**Power output:** 3-20 kilowatts / hr is a realistic output. Each kilowatt-hour requires about 2.5 pounds of dry wood (dependent on machine used).

A 10-kilowatt generator is usually preferred as it is a good blend of power and efficiency.

Below are some examples of gasification units available (others are available, as many gasification units are home made kits, this means they vary on specific technical details)

## L.E.A.F GENERATOR

Here is a simple unit that is cost effective. It can be used to run a 7kW generator.



7kW  
 Down Draft Gasifier  
 Battery charging, household uses,  
 fences  
 wood blocks/chips  
 (2014)

## ALL POWER LABS

Size: 20 kW

Type: Down Draft Gasifier

Uses: Heat and power, can be used to charge batteries, run a house or shop and heat your spaces

Fuel: wood blocks/chips  
(Ewings, 2014)



## VICTORY GASIFIER

This is the complete plug and play unit. It comes with the gasifier, engine and generator. It can create both heat and power.



## 14 Silviculture/Coppicing

The site benefits from a plantation on one edge which is now maturing to coppice age.

Coppicing is a traditional method of woodland management, which produces a highly efficient fast growing, sustainable timber source, without the need to replant. Implementing this can increase biodiversity as well as keeping a traditional craft alive.

Coppicing takes advantage of the fact that many trees make new growth from the stump or roots, if cut down. In a coppiced wood, young tree stems are repeatedly cut down to near ground level. In subsequent growth years, many new shoots will emerge, and, after a number of years the coppiced tree, or *stool*, is ready to be harvested, and the cycle begins again.

Typically coppiced woodland is harvested in sections on a rotation. This ensures there is a crop available each year somewhere in the woodland. Coppicing has the effect of providing a rich variety of habitats, as the woodland always has a range of different-aged coppice growing within it, beneficial for biodiversity. The cycle length depends upon the species cut, the local custom, and the use to which the product is put. (Lawton, 2012)

Alder, Birch coppices poorly, beech coppices better in wetter west.

Most frequently coppiced species are oak, hazel, ash, willow, field maple and sweet chestnut. (Giraffe, 2011)



Cutting rotations take place every 5-25 years, primarily dependent on species of tree and intent.

Some animals can eat the newly growing tree stems before they have matured. This can either be protected or cut higher than the animal can reach to protect the growth.

**Alder:** Opinion varies, works best well seasoned.

**Apple:** Splendid/ It burns slowly and steadily when dry, with little flame, but good heat. Good scent. Must season well

**Ash:** Best burning wood; has both flame and heat, and will burn when green, as it has low moisture content. Will burn even better dry.

**Beech:** Best when well seasoned

**Birch:** The heat is good but it burns quickly with a bright flame. Nice smell, works well when mixed with other woods that burn more slowly.

**Cedar:** Good when dry. It gives little flame but much heat, and the scent is beautiful.

**Cherry:** Burns slowly, with good heat. Wood with the advantage of scent and does not spit.

**Chestnut:** Mediocre. Apt to shoot embers. Small flame and heating power??

**Cypress:** Burns well but fast when seasoned, and may spit

**Douglas Fir:** Poor. Little flame or heat.

**Elder:** Mediocre. Very smoky. Quick burner, with not much heat.

**Elm:** To burn well it needs to be kept for two years. Even then it will smoke. Very high water content – more water than wood.

**Hawthorne:** burns well

**Hazel:** Good, burns fast without spitting. but has other uses, so you might not want to burn it

**Holly:** Good, will burn when green, but best when kept a season.

**Hornbeam:** Good, burns well

**Horse Chestnut:** Good flame and heating power but spits a lot.

**Laburnum:** Totally poisonous tree, acrid smoke, taints food and best never used.

**Larch:** Crackles and spits, scented, and fairly good for heat. Oily soot in chimneys

**Laurel:** Has brilliant flame.

**Lime:** Poor. Burns with dull flame.

**Maple:** Good.

**Oak:** Dry oak is excellent for heat, burning slowly and steadily with a good heat. Seasoned for 2 - 3 years is best.

**Pear:** Slow and steady, good heat and a good scent.

**Pine:** Burns with a splendid flame, but apt to spit. Needs to be well seasoned. Gives off a large number of resins.

**Plane:** Burns pleasantly, but is apt to throw sparks if very dry.

**Plum:** Good heat and scent.

**Poplar:** Burns slowly with little heat – better for making matchsticks

**Rhododendron:** The thick old stems, being very tough, burn well.

**Robinia (Acacia):** Burns slowly, with good heat, but with acrid smoke.

**Rowan:** Burns well

**Spruce:** Burns too quickly and with too many sparks.

**Sweet chestnut:** burns well when seasoned but sends out sparks. Only for use in a stove with door closed!

**Sycamore:** Burns with a good flame, with moderate heat. Useless green.

**Walnut:** Good, and so is the scent. Aromatic wood.

**Willow:** Poor. It must be dry to use, and then it burns slowly, with little flame. Apt to spark.

**Yew:** Last but among the best. Burns slowly, with fierce heat, and the scent is pleasant.  
(Davis, 2012)

Density (kg/m <sup>3</sup> )	Softwood Species	Hardwood Species
>800		Hawthorn,
710-800		Ash, Beach, Apple, Pear
610-700	Yew,	Birch, Cherry, Oak, Walnut, Sycamore,
510-600	Cedar, Douglas fir, Larch, Pine,	Chestnut, Elm,
410-500	Hemlock, Spruce,	
<400	Willow, Alder	

## Woods Calorific Value (CV)

There are three factors which affect woods CV or the amount of available heat per unit of fuel:

1. Species Choice
2. Wood Density
3. Moisture Content

General differences in species are that hard woods are denser and soft woods tend to contain more resin. When compared at the same moisture content CV species shows little variation. The main differences between species are moisture content when the timber is green, at the time of felling, and the rate at which this moisture is lost during seasoning.

For the above table it can be seen that the wood density of Hawthorn is twice as much as willow.

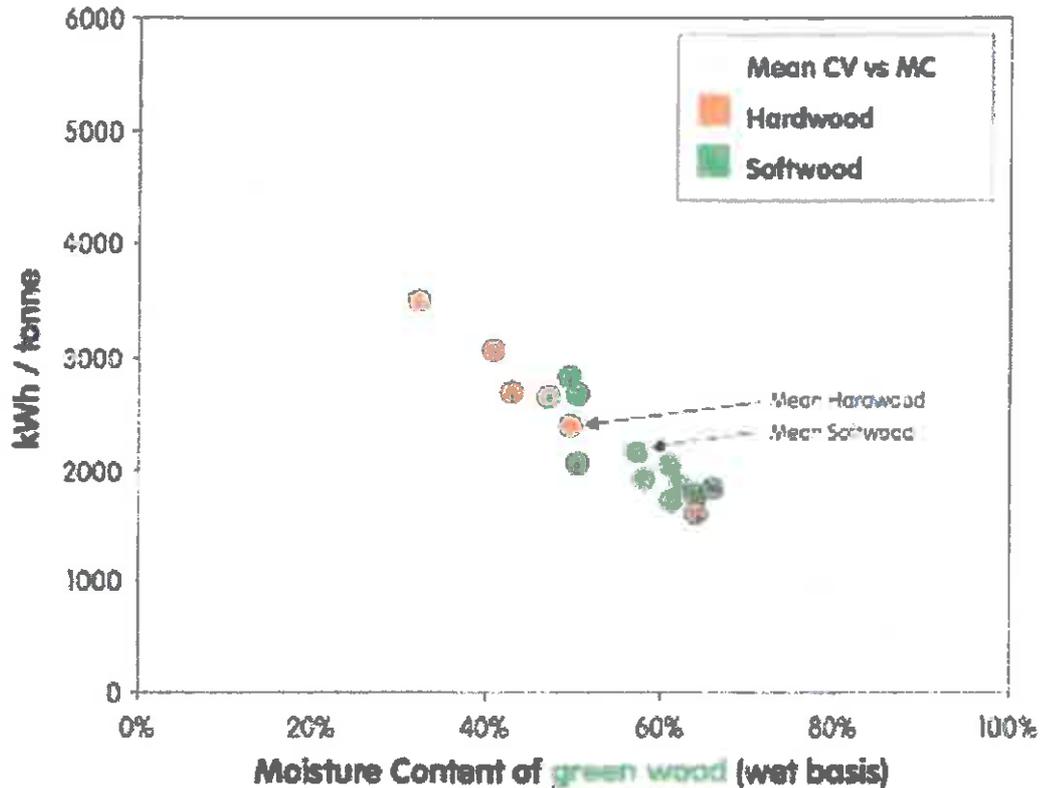
"As hardwood species are generally denser than softwood species, a tonne of hardwood logs will occupy a smaller space than a tonne of softwood logs. Dense woods will burn for longer than a less dense woods, this means you will need fewer top ups to keep a log stove burning. If you measure wood by volume you will generally receive more kilowatt hours (kWh) of heat from a cubic metre (m<sup>3</sup>) of hardwood than softwood. However, softwoods are often cheaper and easier to source." (HM Government, 2010)

Wood Moisture Content is the weight of water in a piece of wood, expressed as a percentage over the dry weight of wood. Fresh cut trees can have wood moisture contents over 200%, while completely dried wood will have wood moisture contents of 0%.

Weight of water in a given sample  $\times 100 = \text{MC\% (wet basis)}$   
 Total weight of the sample

For example if a freshly sawn timber weighted 50lbs and once dried weighted 20lbs you would divide 30lbs (weight of water) by 20lbs (dry wood weight)  $\times 100 = 150\% \text{ MC}$

As Calorific value relates to specific batches and drying conditions among others, it can be difficult to compare x to x however the table below gives a general concept of how each species can perform.



Graph Reference No.	Species	Green MC (wet basis)	kWh per Green tonne
1	Ash	22%	3442
2	Softwood	47%	3044
3	Birch	43%	2668
4	Oak	47%	2635
5	European Larch	50%	2722
6	Douglas Fir	53%	2396
7	Japanese Sugi Pine	53%	2650
8	Birch	54%	2715
9	White Birch	55%	2468
10	Western Hemlock	56%	2547
11	White Fir	62%	2653
12	Poplar	64%	1842
13	W Red Cedar or Chinese Cypress	64%	1738
14	European Larch	67%	1785

(HM Government, 2010)

In general there are some species that have been proven through experience to work better for burning within wood gasification than others.

Most frequently coppiced species are: oak, hazel, ash, willow, field maple and sweet chestnut. (Giraffe, 2011)

"Yields of 20 tonnes of firewood per hectare per year are feasible." (andrews, graham)

The area of woodland coppicing is 3,236m<sup>2</sup>. By using a woodland coppicing rotation it can be expected to achieve around 6.5 tonnes per year from the designated woodland area. This includes time for cut specimen to grow and mature ensuring the woodland is maintained appropriately.

## 15 Water management and harvesting

Water management will be an important factor for the permaculture garden. Attention to the details of this setup will be vital as maintaining the right balance for crop diversity is important. A drip system with a manual close will be perfect as it offers a slow steady exposure of water which is easily turned on and off.

Grey water reclamation from the home will be implemented to feed into any water strategy. Reducing the waste of water from the home while also adding to the irrigation system to be set up for the crops within the garden.

## 16 Conclusion & Summary

This proposal for a hobby farm and house has great potential to create a special area of well-managed land. An example of how sustainable living can be implemented and well engrained into its location and community. Every aspect of this plot feeds and supports another, all linking back to how the inhabitants work with the land.

- **Design Aesthetic** – A mainstream zero carbon house. Although it may look normal extensive energy modeling and site-specific optimization has gone into ensuring the design achieves zero carbon.
- **Design Detail** – The building uses sympathetic design and materials and will be super-insulated, including high performance, triple glazed doors and windows. Thermal bridging is kept to a minimum dramatically reducing the waste in heat escaping and cold entering the house. An extremely high level of air tightness is aimed for and a heat recovery ventilation system will be installed. Every aspect of the house is designed to be as sustainable and energy efficient as possible.
- **Local Trades** – the project is designed to benefit from the knowledge of local trades and support the businesses within the area. Exemplifying the possibilities of good design and local trades within the area of the Scottish Borders.
- **On site produce** – All the required food for the family can be cultivated from the designated land with ample produce to spare for resale to outlets such as farmers markets. This also provides an additional income for the family.
- **Energy generation** – The coppiced woodland supplemented with solar panels will provide all of the required energy and heating for the house year round. This allows zero carbon to be achieved.
- **Waste Management** – Gray water will be collected and fed into a filtration system and linked to ponds and irrigation for the planting area. Food, animal and garden waste will be composted creating a waste cycle to minimizing the output from the household.
- **Permaculture principles** - will allow the land to be nourished, maintained and build a natural ecosystem for the area.
- **Social Outreach work** – further benefiting those in greatest need in the local community.

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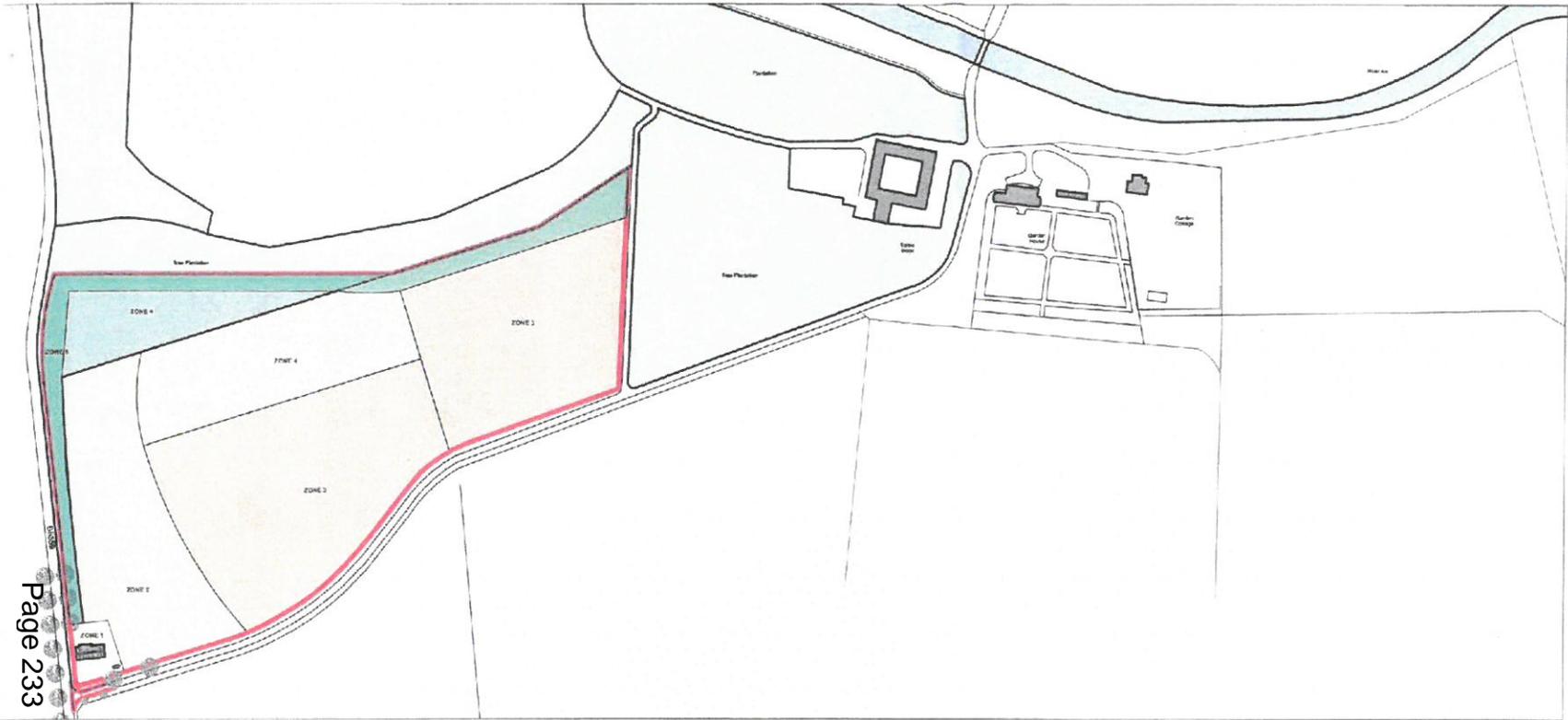
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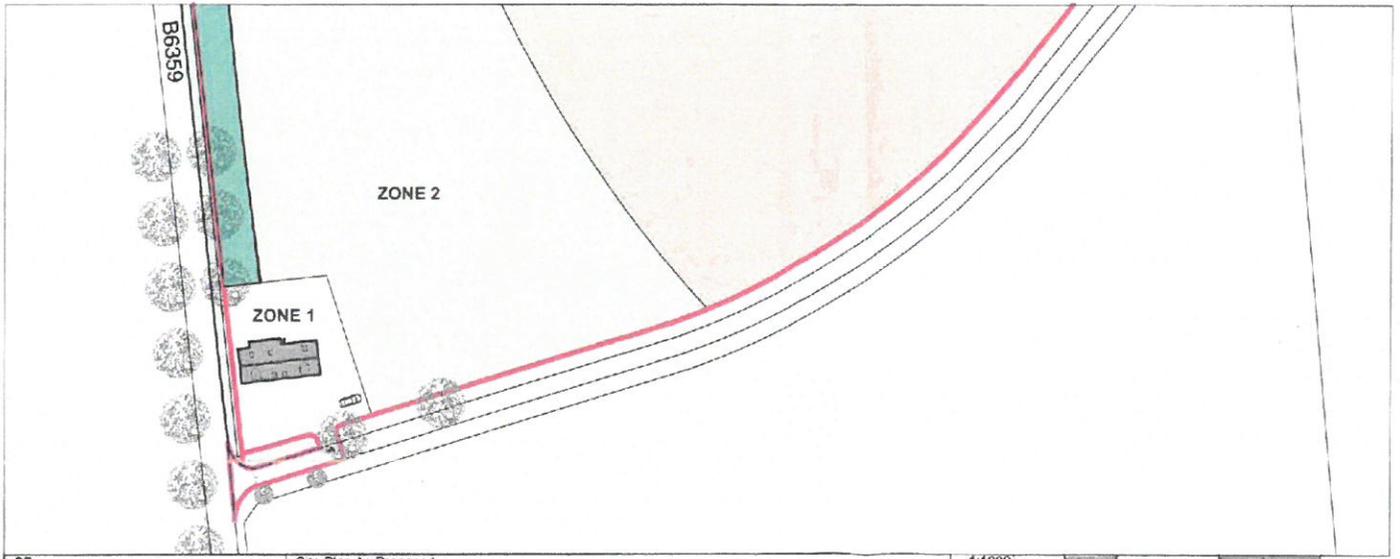
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LP Location Plan As Proposed 1:2500 0 50 100 150 200 250m



SP Site Plan As Proposed 1:1000 0 20 40 60 80 100m



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**Revision History**

Revision	Date	Descriptor	Modified By

**Project**  
 Mr & Mrs Kennedy  
 A | 4 Caber House  
 Melrose  
 Linthill

**Drawing Name**  
 Permaculture Zoning Plan

**Drawing Status**  
 Planning

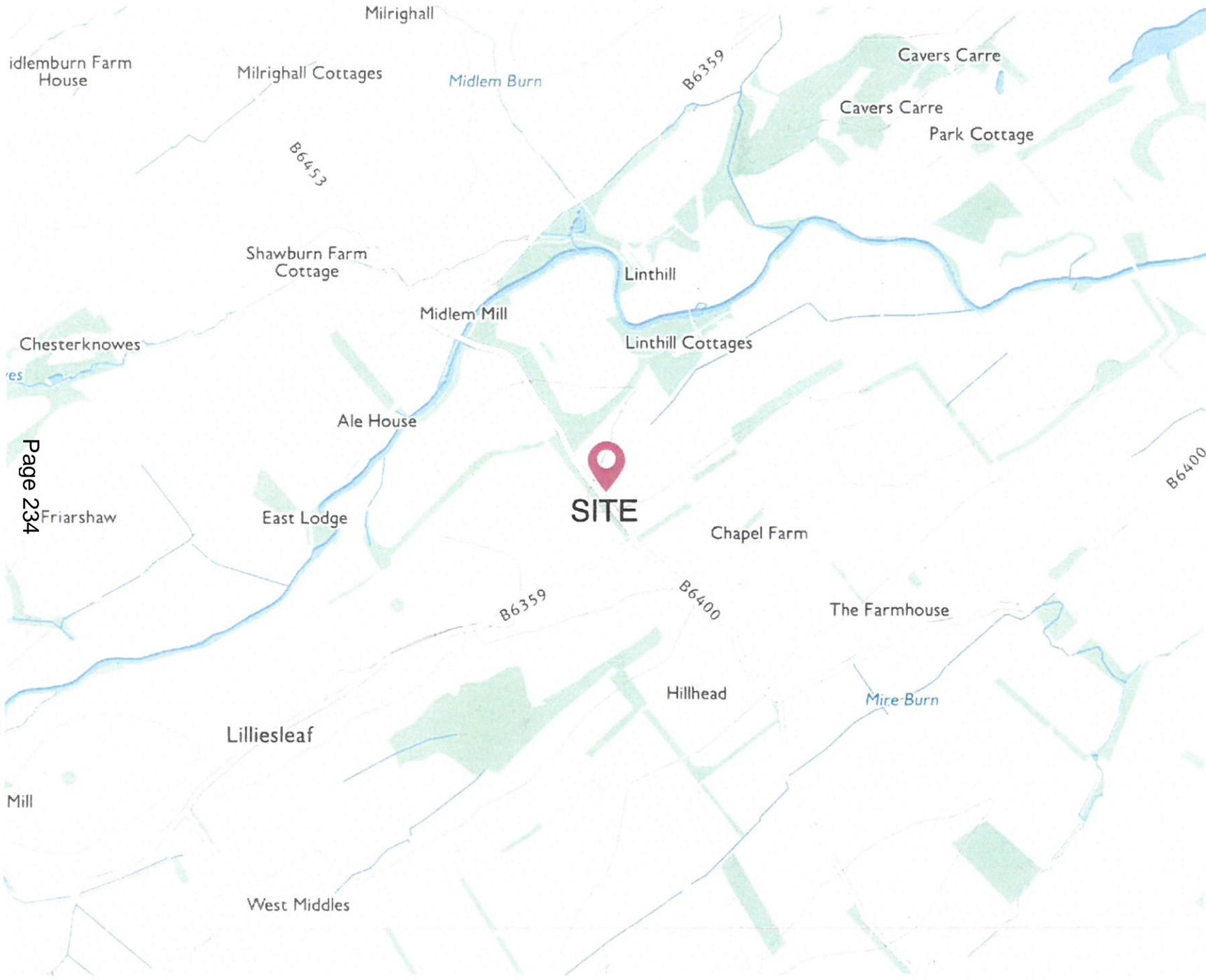
**Modified by** D.W.H **Date** 12/12/2018

**Checked by** C.L.P.

**Drawing Scale**  
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**Drawing Number**  
 1427-02-18

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Revision	Date	Description	Modified by

Project  
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 Melrose  
 Linthill

Drawing Name  
**Location Plan**

Drawing Status  
**Planning**

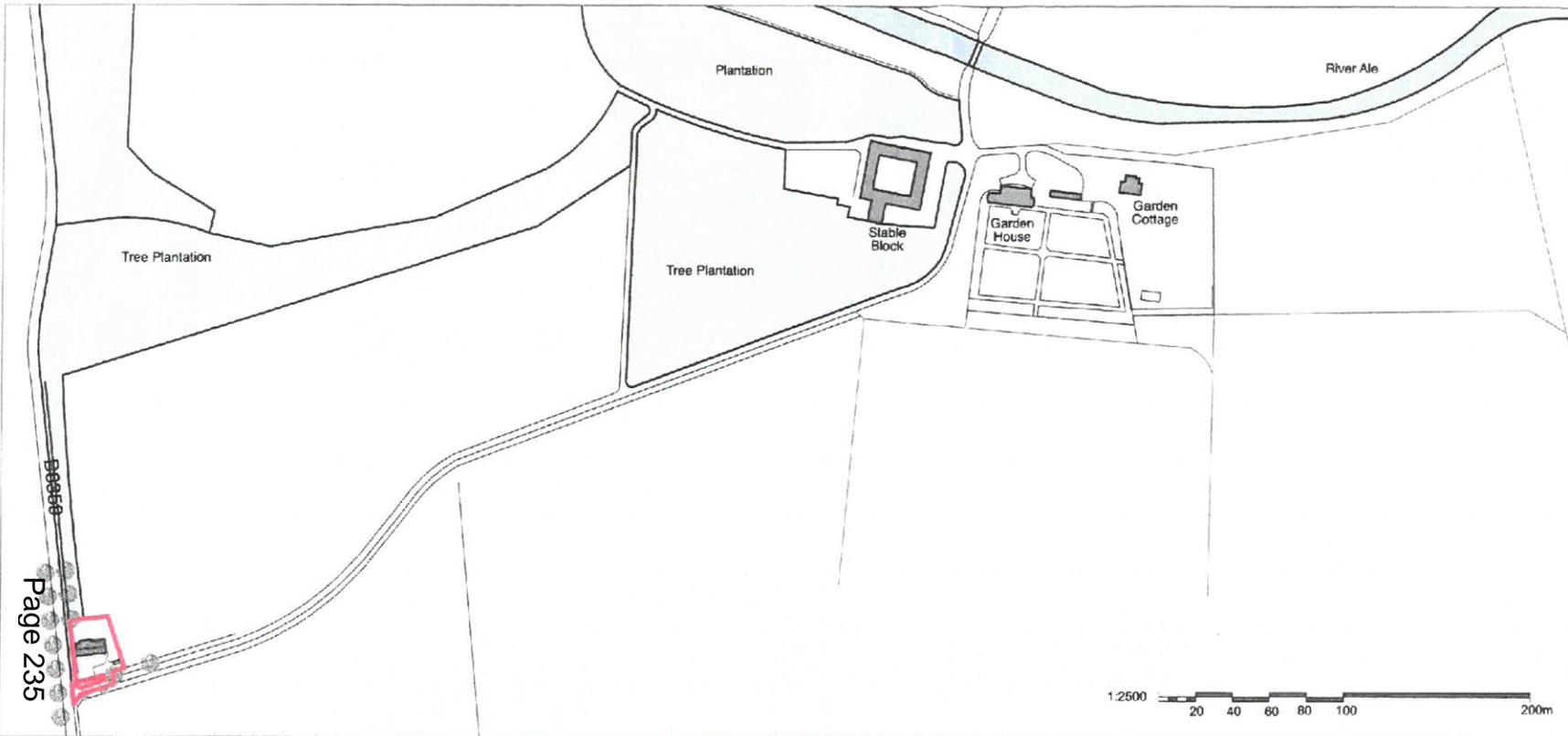
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**A.C.G** Date  
12/12/2018

Checked by  
**C.L.P.**

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Drawing Number  
**1427-02-01**

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LP 1:2500 Location Plan As Proposed

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**Revision History**

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1427-02-01-A	14/08/2018 16:41	House position amended	A.C.G.
1427-02-01-B	07/09/2018 16:40	Land Management included	D.W.H.

**Project**  
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 A | 4 Caber House  
 Melrose  
 Linthill

**Drawing Name**  
 Location Plan As Proposed

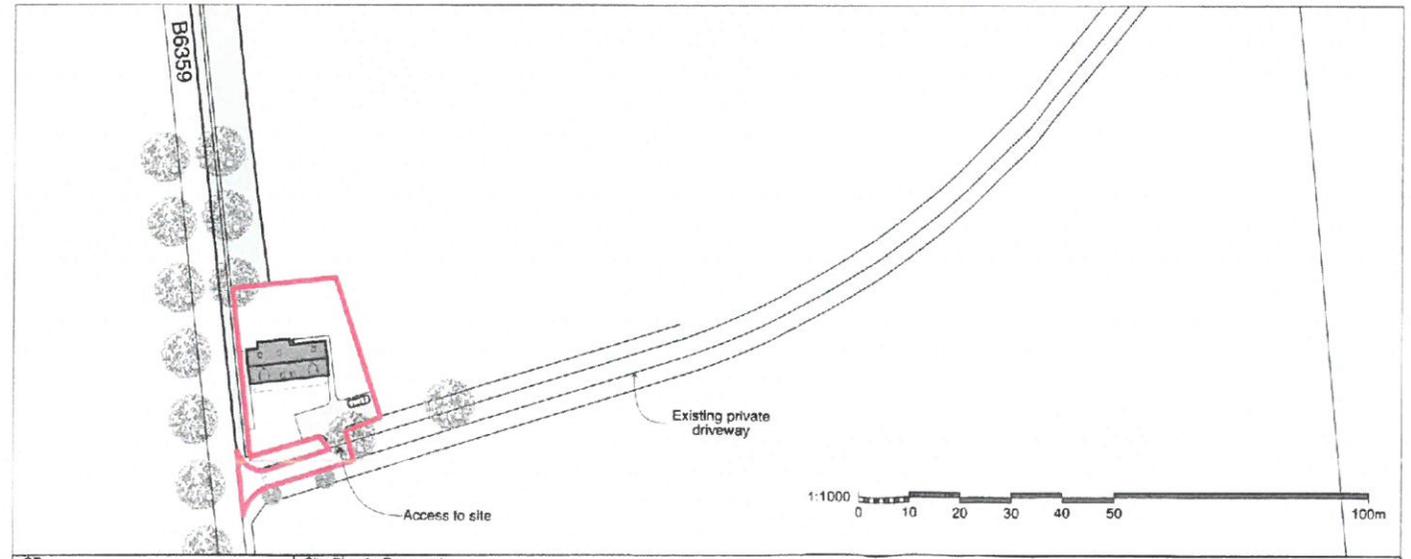
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 D.W.H. **Date**  
12/12/2018

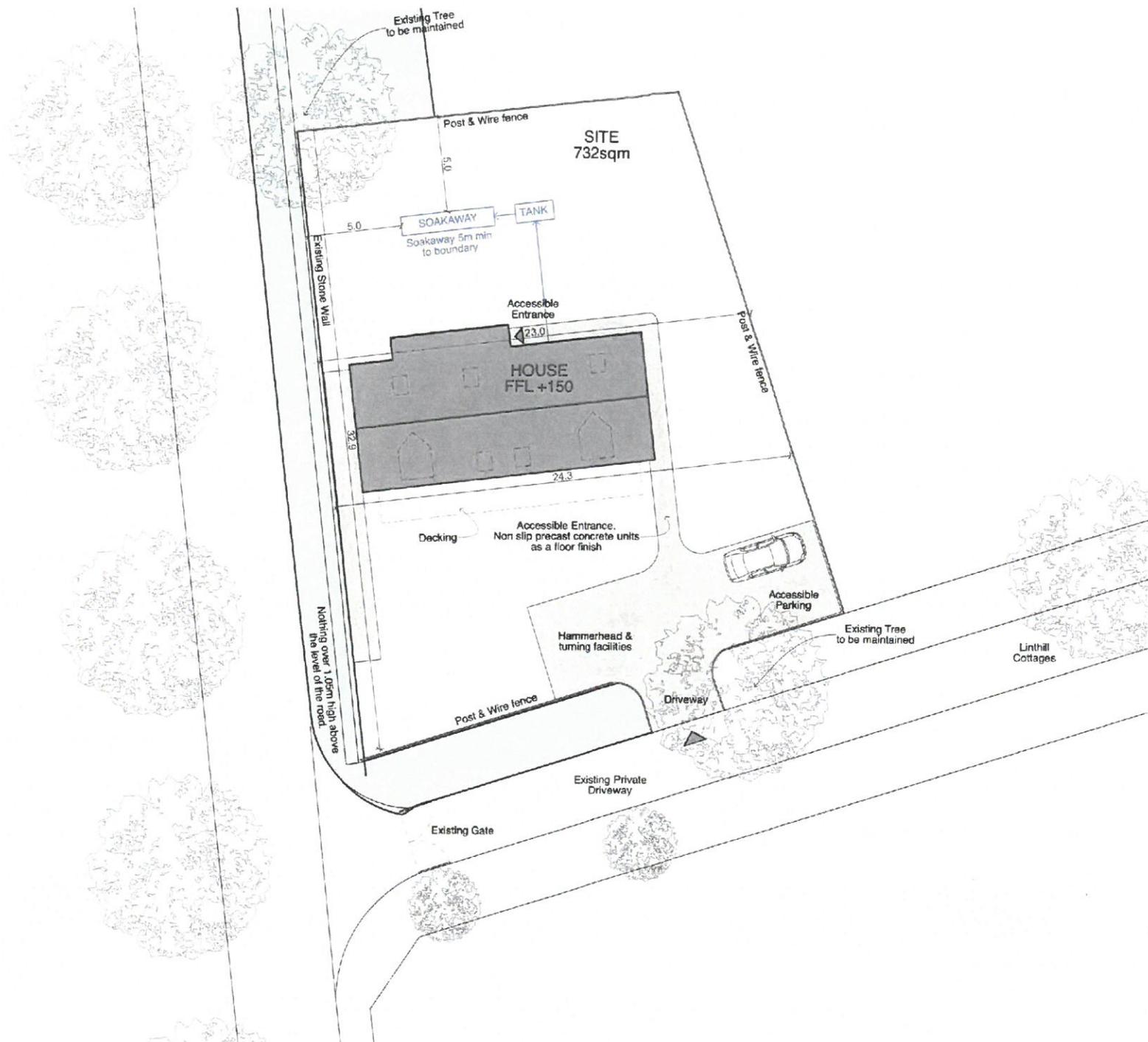
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**Drawing Number**  
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SP 1:1000 Site Plan As Proposed



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**Project**  
 Mr & Mrs Kennedy  
 A | 4 Caber House  
 Melrose  
 Linthill

**Drawing Name**  
 Site Plan As Proposed

**Drawing Status**  
 Planning

**Modified by**  
 D.W.H

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 12/12/2015

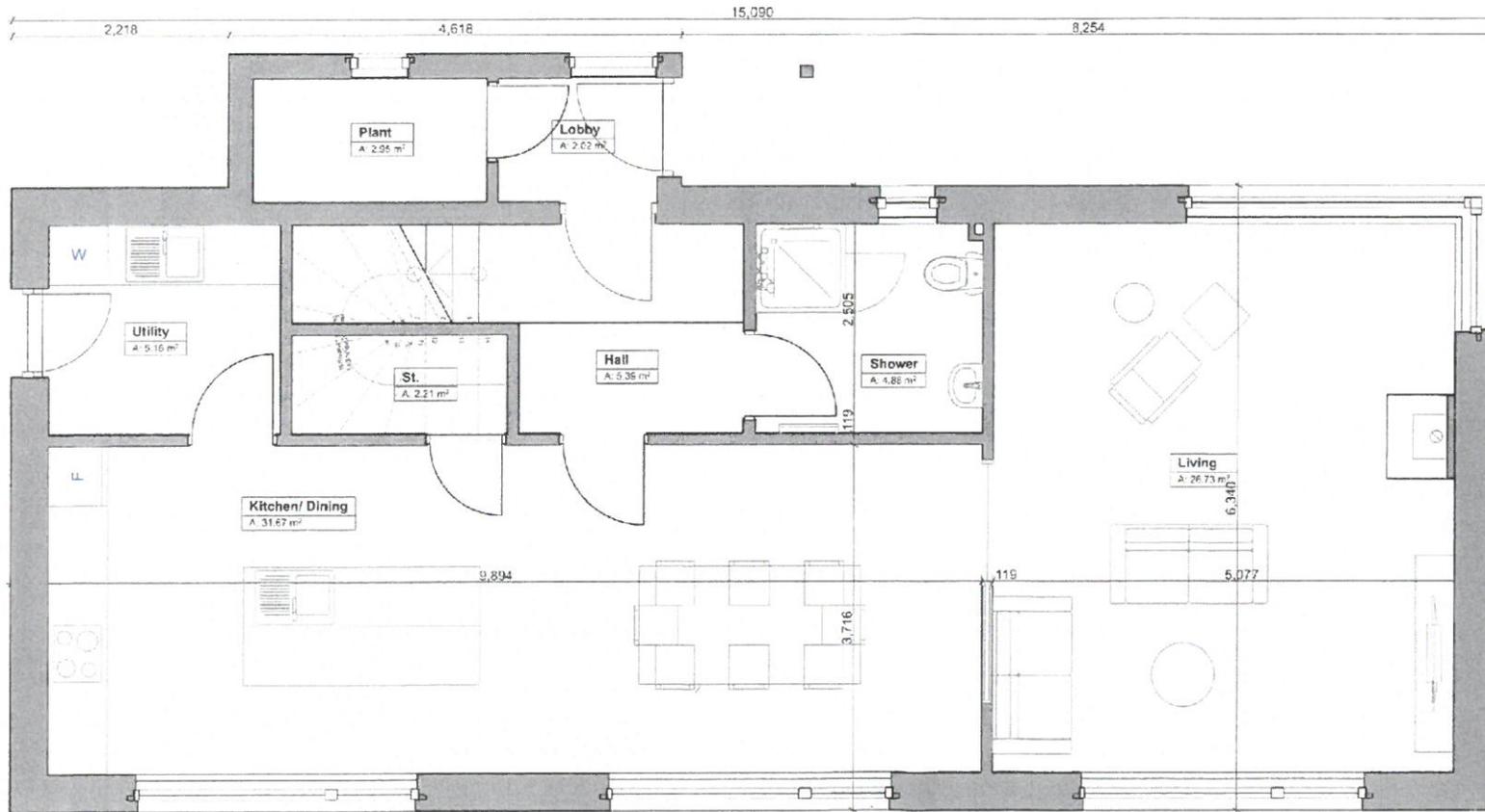
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0	Ground Floor
1:50	



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 A | 4 Caber House  
 Melrose  
 Linthill

**Drawing Name**  
**Ground Floor**

**Drawing Status**  
**Planning**

**Modified by**  
 A.C.G

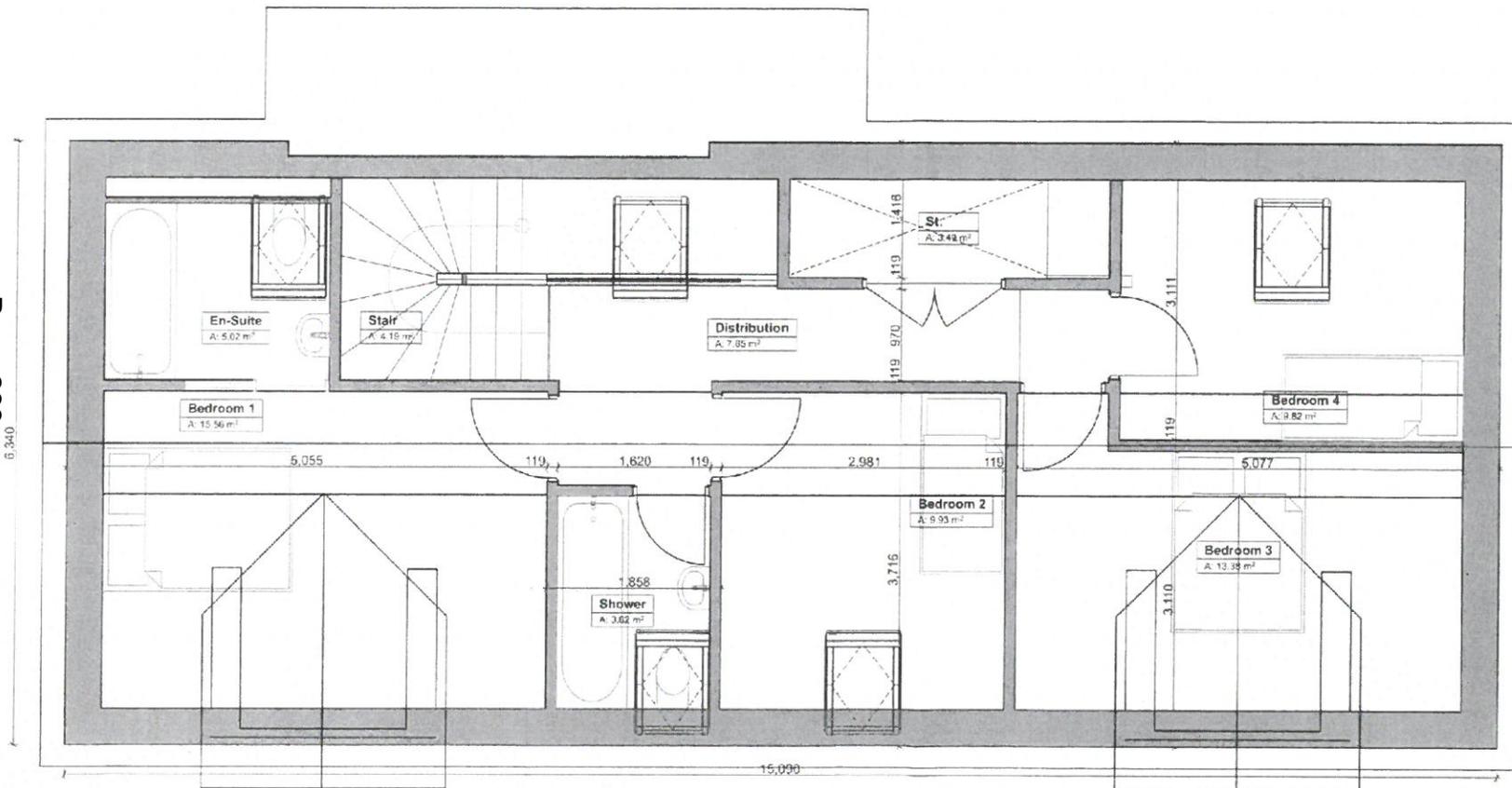
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**1427-02-04**

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 A | 4 Caber House  
 Melrose  
 Linthill

**Drawing Name**  
**First Floor**

**Drawing Status**  
**Planning**

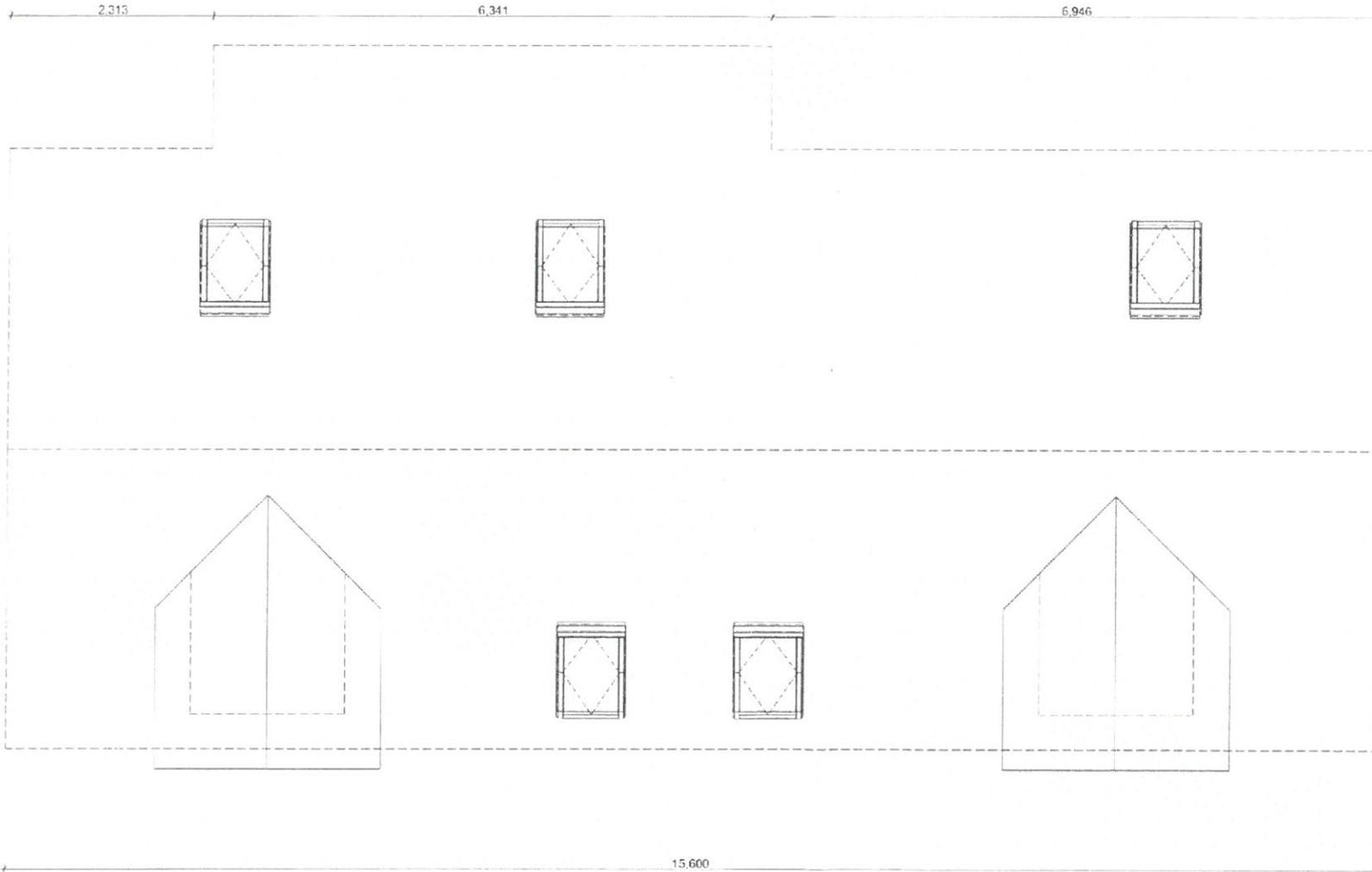
Modified by: A.C.G. Date: 12/12/2018

Checked by: C.L.P.

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**Drawing Number**  
**1427-02-05**

1.	First Floor
1:50	



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2	Roof Plan
1:50	



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 Melrose  
 Linhill

**Drawing Name**  
 Roof Plan

**Drawing Status**  
 Planning

**Modified by**  
 A.C.G

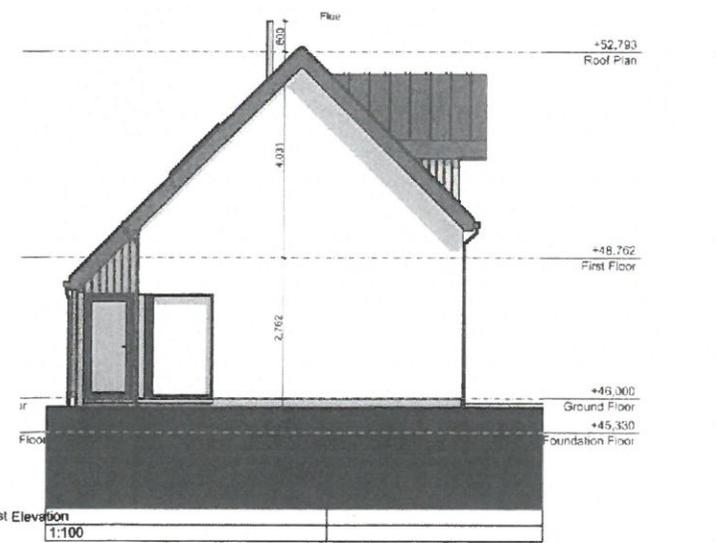
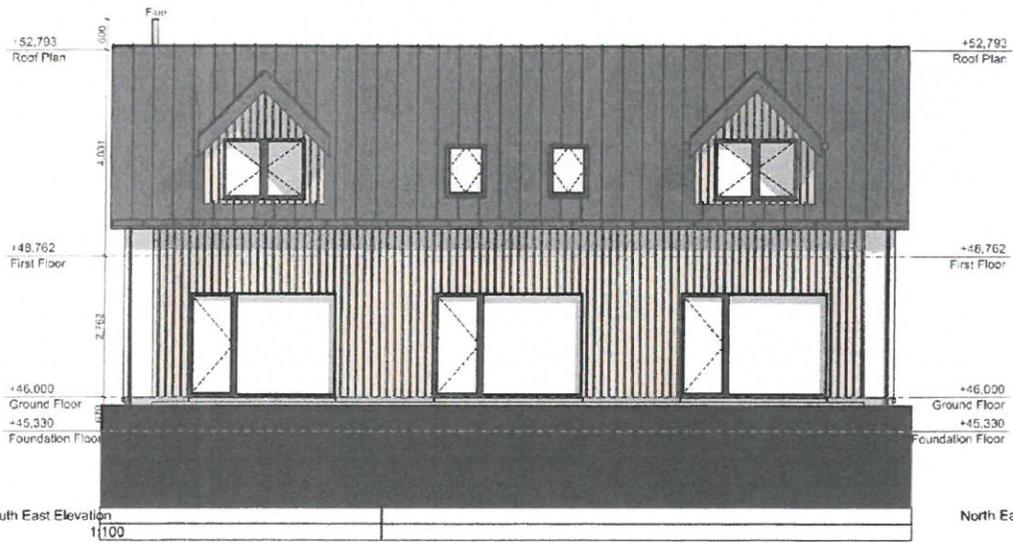
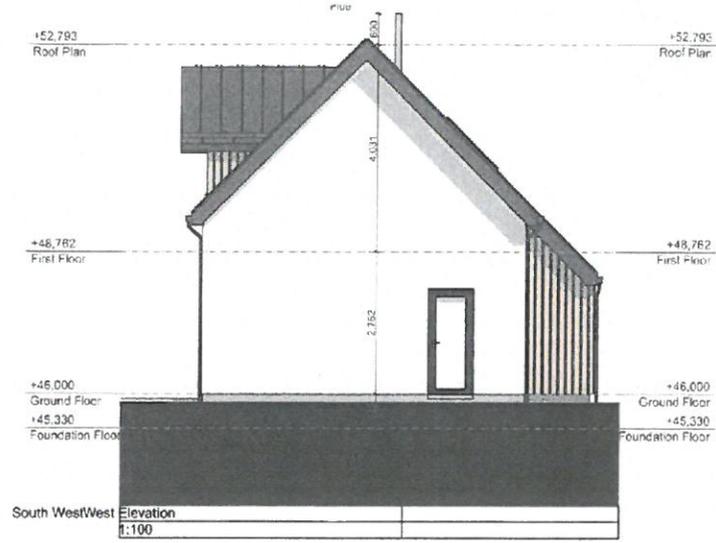
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 12/12/2018

**Checked by**  
 C.L.P.

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**Drawing Number**  
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**Revision History**

Revision	Date	Description	Modified by

**Project**  
 Mr & Mrs Kennedy  
 A | 4 Caber House  
 Melrose  
 Linthill

**Drawing Name**  
**Elevations**

**Drawing Status**  
**Planning**

**Modified by**  
 A.C.G

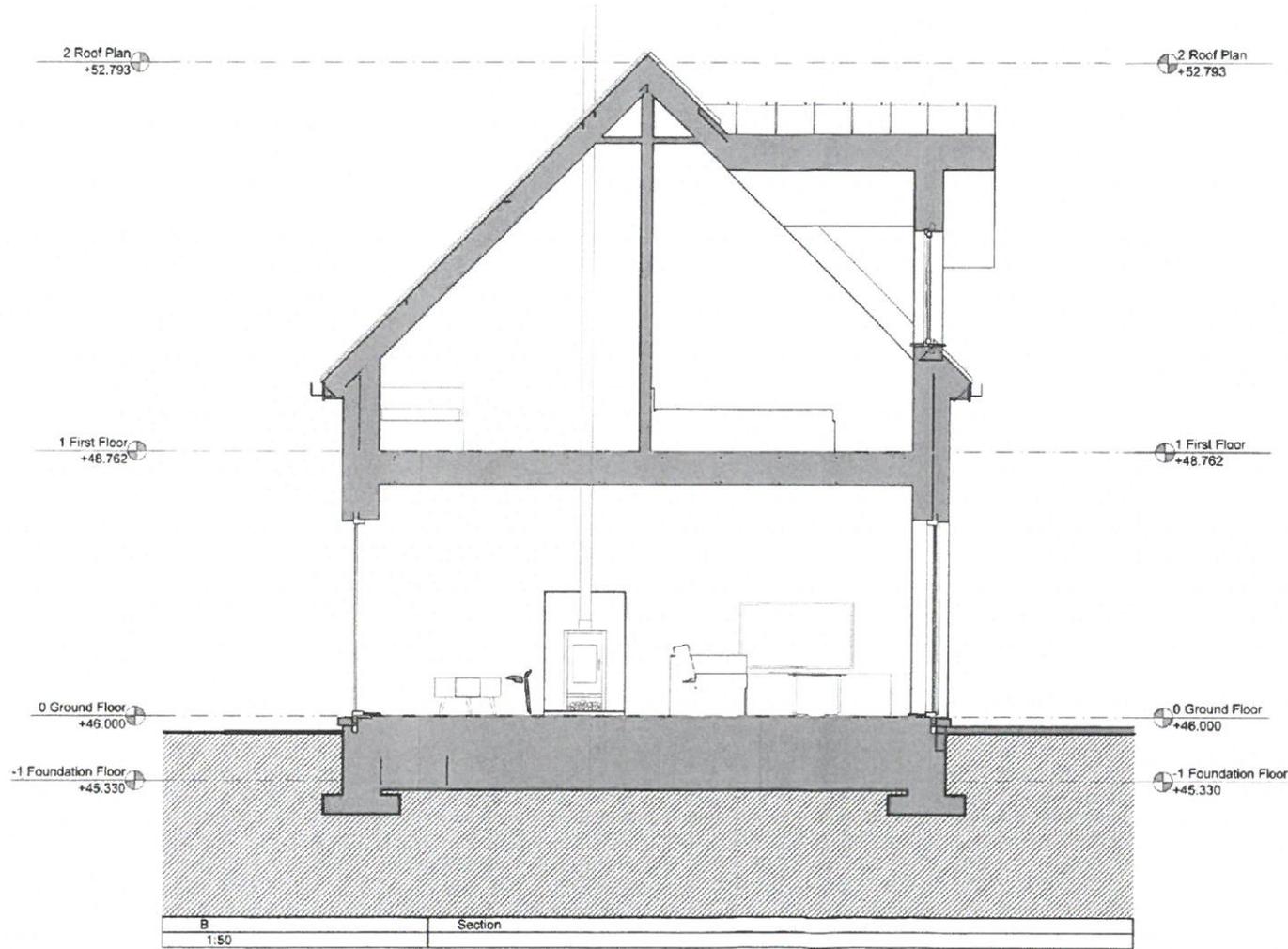
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**Revision History**

Revision	Date	Description	Modified by

**Project**  
Mr & Mrs Kennedy  
A | 4 Caber House  
Melrose  
Linhill

**Drawing Name**  
Section

**Drawing Status**  
Planning

Modified by  
A.C.G

Date  
12/12/2018

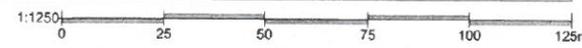
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**Drawing Number**  
1427-02-08



VL	Visibility Site Line
1:1250	



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**Revision History**

Revision	Date	Description	Modified by

**Project**  
 Mr & Mrs Kennedy  
 A | 4 Caber House  
 Melrose  
 Linhill

**Drawing Name**  
**Visibility Sight Lines**

**Drawing Status**  
**Planning**

**Modified by**  
 D.W.H

**Date**  
 12/12/2018

**Checked by**  
 C.L.P.

**Drawing Scale**  
**1:1250**

**Drawing Number**  
**1427-02-19**



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*Regulatory Services*

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

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

**Application for Planning Permission**

**Reference : 18/00956/FUL**

**To : Mr & Mrs Rose and Alexis Kennedy per Architeco Ltd Per Colin Potter 43 Argyll Street  
Dunoon Argyll PA23 7HG**

With reference to your application validated on **19th July 2018** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal : Erection of dwellinghouse**

**At : Land North West of Chapel Cottage Melrose Scottish Borders**

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

**Dated 17th September 2018  
Regulatory Services  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**Signed**



.....  
**Depute Chief Planning Officer**

**APPLICATION REFERENCE : 18/00956/FUL**
**Schedule of Plans and Drawings Refused:**

Plan Ref	Plan Type	Plan Status
02A	Location Plan	Refused
03	Site Plan	Refused
04	Floor Plans	Refused
05	Floor Plans	Refused
06	Roof Plan	Refused
07	Elevations	Refused
08	Sections	Refused

**REASON FOR REFUSAL**

- 1 The proposed development is contrary in principle to Adopted Local Plan Policy HD2 and the advice of Supplementary Planning Guidance - New Housing in the Borders Countryside (December 2008) in that it lies out with the Development Boundary, and: (i) the site is not well-related to any existing rural building group (let alone to any building group capable of augmentation in accordance with the requirements of Policy HD2, Section A, 'Building Groups'); and (ii) the Applicant has not demonstrated that there is any operational need for a new dwellinghouse to be located at the site as a direct operational requirement of any agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside.
- 2 The proposed development is contrary in principle to Adopted Local Plan Policies HD2, PMD2, EP10 and the advice of Supplementary Planning Guidance - New Housing in the Borders Countryside (December 2008) and Supplementary Planning Guidance - Place-Making and Design (January 2010), in that it is not in keeping with the sense of place of the countryside character and setting of the site and the surrounding area, principally through the introduction of an unsympathetic and suburban form of development into an isolated rural location, which would be harmful to the visual amenities of the site and surrounding area; including the Linthill Designed Landscape.
- 3 The proposed development is contrary to Adopted Local Plan Policies HD2, PMD2, EP10 and EP13, in that it has not been demonstrated satisfactorily that the development would not have any unacceptable impacts upon the local landscape, principally that it would not cause the loss of, or serious damage to, existing mature trees and hedging which contribute to the landscape value of the Linthill Designed Landscape.
- 4 The proposal does not comply with Adopted Local Development Plan Policy PMD2 in that the access arrangements are unsuitable to serve the development and inadequate provision has been made for the accommodation of appropriate visibility splays, such that there would be adverse impacts upon road safety as a result.

**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.

**SCOTTISH BORDERS COUNCIL**

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

**PART III REPORT (INCORPORATING REPORT OF HANDLING)**

**REF :** 18/00956/FUL

**APPLICANT :** Mr & Mrs Rose and Alexis Kennedy

**AGENT :** Architeco Ltd

**DEVELOPMENT :** Erection of dwellinghouse

**LOCATION:** Land North West Of Chapel Cottage  
Melrose  
Scottish Borders

**TYPE :** FUL Application

**REASON FOR DELAY:**

**DRAWING NUMBERS:**

Plan Ref	Plan Type	Plan Status
02A	Location Plan	Refused
03	Site Plan	Refused
04	Floor Plans	Refused
05	Floor Plans	Refused
06	Roof Plan	Refused
07	Elevations	Refused
08	Sections	Refused

**NUMBER OF REPRESENTATIONS: 0**

**SUMMARY OF REPRESENTATIONS:**

No representations.

Roads Planning Section: advises that the principle of a dwelling on this site has already been accepted by Roads Planning Service via application 15/00036/PPP. With regards the current proposal, Roads would have no objections, provided conditions are attached to any approval issued to require parking and turning for two vehicles; have the existing gates set back a minimum of 6m from the public road verge; have visibility splays achieved and maintained at the junction of the access road with the B6359; have the hedgerow realigned to achieve the requisite visibility splays; and have the bin store area relocated out of the visibility splays.

Environmental Health Section: no land contamination comments. Seeks the imposition of a planning condition to require that no water supply other than the public mains should be used.

Landscape Section: objects on the basis that a tree survey has not been provided in support of the application, and advises that without a tree survey first being conducted and reported, this application cannot be supported. It is specifically advised that there is a need to establish the extent of the RPAs of adjacent trees and on the Site Plan as Proposed (Dwg No 1427-02-03) the proposed location of the site access and much of the parking area appears to be located within the RPA of the adjacent sycamore tree. Without the requested Tree Survey information, the Landscape Section cannot support

this application. As well as the tree survey information, Landscape would want to see detail of how the development proposals can be accommodated WITHOUT impacting on adjacent mature trees. This might include a no-dig method of driveway construction, if it cannot be wholly removed from the tree's RPA. The position of the site access and the parking area may need to be located further along the SE boundary. It is not clear from the Site Plan as Proposed how the communal bin store would be accessed. Landscape would not want to see it located closer than 1m from the face of the adjacent hedge. It is suggested that to assimilate the proposed development into the immediate landscape a hedge, in association with the post and wire fence, along the three open boundaries may be more appropriate than a post and wire fence on its own. It is noted that there is in fact no stone wall where the Proposal Drawings advise that there is one. Despite objecting on the basis of a lack of information, Landscape does identify conditions to require protective fencing for trees and hedges, and to require that there should be no development closer than 1m from the existing beech hedge.

Archaeology Section: there are no known archaeological implications of this proposal.

Education and Lifelong Learning: advises that no contributions would be sought towards local schools, for this application at this time.

The Community Council and Scottish Water have both been consulted at the time of the public consultation, but have not responded.

#### **PLANNING CONSIDERATIONS AND POLICIES:**

LOCAL DEVELOPMENT PLAN - Adopted Scottish Borders Local Development Plan (2016)

PMD1: Sustainability  
PMD2: Quality Standards  
HD2: Housing in the Countryside  
HD3: Protection of Residential Amenities  
EP8: Archaeology  
EP10: Gardens and Designed Landscapes  
EP13: Trees, Woodlands and Hedgerows  
IS2: Developer Contributions  
IS7: Parking Provision and Standards  
IS9: Waste Water Treatment and Sustainable Urban Drainage

#### **SUPPLEMENTARY PLANNING GUIDANCE**

- New Housing in the Borders Countryside
- Placemaking and Design
- Trees and Development
- Landscape and Development
- Householder Development
- Development Contributions
- Waste Management

**Recommendation by** - Stuart Herkes (Planning Officer) on 17th September 2018

#### **BACKGROUND**

This application proposes full detailed planning consent for a new house on a site for which planning permission in principle for a new house was refused on 23 July this year. The latter - Planning Application 18/00644/PPP - was refused for the following reason:

"The proposed development is contrary in principle to Adopted Local Plan Policy HD2 and the advice of Supplementary Planning Guidance - New Housing in the Borders Countryside (December 2008) in that it lies out with the Development Boundary, and: (i) the site is not well-related to any existing rural building group (let alone to any building group capable of augmentation in accordance with the requirements of Policy HD2, Section A, 'Building Groups'); and (ii) the Applicant has not demonstrated that there is any

operational need for a new dwellinghouse to be located at the site as a direct operational requirement of any agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside".

The Report of Handling on Planning Application 18/00644/PPP sets out the assessment which informed the above noted decision. This assessment is maintained in full and the Report of Handling on Planning Application 18/00644/PPP, should be read as a supporting document in conjunction with the present Report of Handling (18/00956/FUL).

The current application (18/00956/FUL) was registered on 19 July; that is, just before the aforementioned PPP application was determined on 23 July. The current Applicant became aware of the refusal of Planning Application 18/00644/PPP during the course of the current application, and has provided additional details in support of the current application. These additional details consist specifically of a Design Statement and a further document, entitled "Briefing Document". Both documents refer to a "Proposed low energy dwelling & hobby farm incorporating Permaculture design linked to One Step Borders Programme".

#### PLANNING PRINCIPLE

The assessment within the Report of Handling on Planning Application 18/00644/PPP with respect to the principle of this site being developed to accommodate a new-build house, is maintained in full, and should be referred to directly. In summary though, the latter PPP application was refused because the current version of the Housing in the Countryside Policy no longer allows support for the principle of a new-build house in situations where the pre-existence of a house can be demonstrated with historical documents. The site is essentially a paddock without any building surviving above ground level, let alone to wall head height. I would add that I am aware that the New Housing in the Borders Countryside SPG of 2008, still retains a version of a previous (now superseded) housing in the countryside policy ('D2') in which historical evidence of the pre-existence of a house was admitted as a possible basis of support. However, not only does current planning policy take precedence over the guidance of SPGs, but the reference clearly occurs relative to a superseded version of the policy. As such, I am content that the assessment of the principle of this proposal is and remains as it was detailed within the Report of Handling on Planning Application 18/00644/PPP.

Accordingly, with respect to the principle of this site being developed as is now proposed under the current application (18/00956/FUL), the matters before the Planning Authority are therefore whether the Applicant's additional supporting information provides any new material considerations that would be so significant in themselves as to outweigh the need to determine the current application in strict accordance with the Council's New Housing in the Countryside Policy.

The Applicant's Design Statement is predominantly advice with respect to the intended low energy credentials and low impact nature of the design and layout; and its concern that the development should facilitate a sustainable lifestyle for the Applicants, while providing an exemplar of sustainable living. However, notwithstanding the merits or otherwise of the specific design details, or the underlying intentions, there is no provision within the Council's New Housing in the Countryside Policy to allow that a particular design or layout of dwellinghouse might in itself have sufficient merit as to be able to allow the proposal to be made the subject of an exceptional approval. This is regardless of whether or not the design fulfils or addresses any particular energy considerations, or even if it would be a sensitive accommodation within the landscaping of the site, and/or serve as an example of a better more sustainable lifestyle. Regardless then of any design merits of this proposal, such considerations do not reasonably outweigh the need for this proposal to be determined in strict accordance with the Council's New Housing in the Countryside Policy. It might be added that where planning policy strongly resists housing development on a particular site, it is not then reasonably or logically maintained ulterior to this position, that the siting of a house there (however sensitive or sustainable its design) should nonetheless be considered more beneficial to the site and surrounding area than the same land simply not to be developed at all.

Notwithstanding its history as the site of a lodge house, the land has the appearance of a field or paddock, with no discernible trace of development, and there is no sense at all that development might bring any environmental benefit to this specific site or surrounding area by addressing any long-term eyesore or other negative impact currently prevailing there. I would be clear that had any such circumstance been applicable, it would not reasonably have allowed this Authority to take any different view on the principle of this proposal. However, I consider that it is important to note, at least where the Applicant places so much emphasis on the environmental credentials of their scheme, that the 'greenfield' nature of this particular site

is very strong indeed regardless of its history. Accordingly, it does not reasonably allow the Applicants to maintain that they are bringing any actual environmental benefit to the site or the surrounding area through this proposal. As such, if there are environmental benefits to be derived from this development, then these are not to be derived by the site or surrounding landscape that would accommodate it.

The specific design and layout of this proposal are considered in more detail below, but it is suffice here to note at this stage that these do not in general, or in the specific, constitute any basis that would, or should, allow this Authority to make this proposal the subject of an exceptional approval.

## SUPPORTING INFORMATION

Additional considerations that the Applicants raise in support of their proposal, are that they intend to run a hobby farm and work with 'One Step Borders', which is identified as a social enterprise that works with young people and families in the Scottish Borders to support young people who are experiencing emotional or mental health pressures and those who are caring for someone with such challenges.

The precise link between the house, the hobby farm and the social enterprise are not clearly explained in any precise way at any point but the hobby farm appears to be proposed at least in part, as a facility to support the aforementioned social enterprise. The 'Briefing Document' also suggests that the house is linked to, or required for the upkeep of, the hobby farm; and reiterates the Applicants involvement with 'One Step Borders'. However, the precise roles that the Applicants have in 'One Step Borders' are not detailed, and there is no business case provided.

In common with the Design Statement, the Briefing Document is mostly about explaining and justifying the proposed design, materials and layout in terms of sustainability rather than establishing any economic need or requirement for the Applicants, or any business or other enterprise they run or manage, to be located in this specific countryside location. Some advice is given with respect to what the hobby farm would grow, and in relatively general or generic terms, how it might operate on a year-round basis. This however is not financial information. There are otherwise no details of any business case or any economic justification for either the house, the hobby farm or the social enterprise facility. Instead, the 'Briefing Document' seems concerned to demonstrate the advised sustainability of the lifestyles the proposal would support (rather than the economic viability of any of the proposed ventures).

Ultimately, it is not particularly clear whether or not there is in fact any actual business or enterprise being proposed here at all, but the critical point is that none is evidenced. Where the upkeep of the site is discussed, it is in terms of the plants and animals grown being sufficient to sustain the occupants and/or their guests or visitors. The intention to sell cheese to local product manufacturers is mentioned, but does not occur within any actual business model; and may simply be a stated intention. Ultimately a 'hobby farm' is in any case reasonably understood to be a private endeavour liable to provide little or no economic return to its operators, and the description given within the supporting documents does not describe anything that would merit description as a farm business so much as a lifestyle choice that the Applicants would wish to pursue.

With respect to 'One Step Borders', it is advised that the hobby farm has potential to assist in the treatment, recuperation and education of people involved in the scheme, but there is no actual evidence or demonstration of any formal framework here (i.e. this is not an application being made by the social enterprise on its own behalf). On the contrary, this appears to be the Applicants' own private and charitable concern to support this social enterprise. What is proposed is a new house, not the headquarters or premises for a social enterprise. As such, it would appear that the proposal would simply be the Applicants' own private home, notwithstanding that they themselves would choose to operate a hobby farm, and would seek to offer the hobby farm as a facility and resource, on some basis (presumably at their discretion) to people within the 'One Step Borders' programme. This is entirely laudable, but no account can be taken of the hopes and intentions of applicants as particular private individuals in this situation. Any approval on these terms, would ultimately run the risk of being undermined by the house (or even land, if the house were not built) being sold on to a third party who may have no equivalent intentions to maintain or implement what the Applicants are proposing to operate.

It might be added that as far as the hobby farm and social enterprise are concerned, given that there is in fact no such existing enterprise on site, there is no obvious or particular concern that what is described within the application's supporting details could not in fact be accommodated as readily on a site elsewhere,

and not necessarily within a new-build property. Ultimately the social enterprise must be functioning without this facility at present, and it cannot be overlooked that the application is not being made by 'One Step Borders' itself, so much as by the Applicants as private individuals, regardless of the extent of their involvement within this organisation.

Policy HD2: Housing in the Countryside, Section F, allows that a new house might be supported where there is a demonstrated operational requirement for it to be located on the particular site identified, for the purpose of supporting the operation of an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and which is for the accommodation of a worker predominantly employed in the enterprise, whose presence on site is essential to the operation of that enterprise. However, the Applicants have provided insufficient evidence of any economic requirement for a house to be situated at the site, in relation to their proposal, and for this reason, I consider that the proposal would only reasonably be refused in principle, and for exactly the same reason as Planning Application 18/00644/PPP was refused.

I note that the SPG on New Housing in the Borders Countryside (2008) does include advice that hobby and part time farm proposals might be considered where account can be taken of the physical characteristics of the unit and of the contribution of the farming element to the overall household income. The details provided by the Applicants do not though reasonably demonstrate the contribution of the advised farm unit to their own income in financial terms; and in any terms which indicate the long-term viability of what is being proposed; hobby or otherwise. There is generic information about what foods might be grown (on site?) and consumed, and the potential contributions of such foods towards diet on a yearly basis. However, this is not the detailed financial case that would have been required to evidence that the proposed house and any associated farming or horticultural unit might be operated viably and successfully in the long-term. As such, the advice provided in terms of sustainability does not itself address the concern of planning policy that an economic justification for the proposal be established. As such, and notwithstanding the explicit admission of hobby farms within the advice of the SPG, there is still a requirement that any enterprise should be viable in terms that address the provisions of Policy HD2, Section F, and this is patently not met here.

## DESIGN AND LAYOUT

Ultimately the position noted above with respect to the principle of what is proposed, would negate the position that might be reached with respect to what is specifically proposed here with respect to the design and layout of the site; notwithstanding the considerable detail that the supporting documents go into, in terms of establishing the sustainable/low energy credentials of the proposal.

When the development of this site was supported under Planning Consent 15/00036/PPP, it was supported on the basis that any house so proposed should reflect and respect the historical building that occupied the site as was required under the now superseded Policy D2: Housing in the Countryside. Given that this context of support no longer exists, the point is now redundant, but I would observe that what is now proposed, is not reflective or respectful of the design of a traditional lodge house. With the roofs overhanging the gables and dormers, and with heavy eaves detailing, and with windows with a very pronounced horizontal emphasis, and with the proposed use of non-traditional materials on the exterior, the proposed design would also not be particularly sympathetic to traditional rural architectural design either. I am aware that the design seeks some justification in terms of low energy credentials, but the site lies immediately adjacent to the public road (B6359) and access road to Linthill, and indeed within the Linthill Designed Landscape; and in something of a 'gateway' to the latter, being sited immediately adjacent to a main access into the Designed Landscape. On this basis, I would still consider that a design reminiscent of the traditional lodge house would have been the more appropriate and sensitive design approach on this particular site (indeed this was sought by an informative attached to Planning Consent 15/00036/PPP), and that this site is not reasonably an opportunity for a stand-alone, non-traditional new-build house, with no particular sense of the site's history or with any particular respect for the site's highly visible location within the Designed Landscape and its environs.

Contrary to the advice of the design statement, the proposed layout is very unsympathetic to the site, in that there would be a bin store presented front and centre at the corner between the public road and the access road; while the parking area would also be at the front of the site, and in no situation that might have allowed it to be more appropriately screened or made acceptably ancillary to the operation of the house. Together the bin store and parking area would make for a very hard and ancillary appearance, which would be quite suburban and certainly non-traditional. Some type of 'cottage garden' would have been a more appropriate setting for any house sited here, rather than for its frontage to be dominated by such mundane and ancillary

domestic features. This would detract unacceptably from the character of the surrounding area, including the aforementioned Designed Landscape. I would add that the lack of an obvious front door and the proposal to accommodate a deck to the front would also contribute to a very ancillary, even 'rear elevation' appearance to the front, and what should be readily understood as the principal elevation of the property rather than there being any suggestion that this is the rear of the site.

Had these design and layout matters been the only concerns, it would have been possible to have investigated revisions to the design and layout with the Applicants, but given that the proposal could not be supported in principle, these matters were not reasonably referred back to them for any further work.

#### OTHER CONCERNS

I note that Roads are content for their particular concerns to be regulated under planning conditions but it is not in fact clear whether or not all of the matters identified lie within the current land owners', the Applicants' and/or Roads' control; specifically the ability to remove the existing main gates and achieve the requisite visibility splays either side of the junction of the access road to Linthill with the B6359, which involves land, a gate and possibly hedging, that lie on land that is now within the site boundary or otherwise identified as being within the intended holding. Again, had this been the only concern, it would have been reasonable to have established with both the Applicant and Roads as to what works could be carried out by the Applicant either on their own land and/or on land within the public road verge, but without any actual description of these works, it is not in fact clear that the site access can in fact be accommodated and maintained to Roads' satisfaction. As proposed though, with the bin store sited as it is, the access arrangements would certainly be unsafe and the application should therefore also be refused on that basis as well as the other reasons for refusal identified within this Report of Handling.

I would note that it would have been possible to impose a suspensive planning condition upon any consent issued effectively requiring the achievement of a safe vehicular access at the site and junction ahead of the commencement of development. This would be reasonable where the land owner is the same either side of the access (as appears to be the case at present). However, even allowing that this is still the case, and that that land owner would be agreeable to the works being carried out, there would still be a concern with respect to future maintenance. It is not at all clear that even if the Applicant were in a position to carry out the works then, whether or not having done so they would have the legal right to maintain the requisite visibility splays in perpetuity thereafter. As such, this point would need to have been resolved with the Applicants ahead of the current application being determined, were it to have been recommended for approval. Again, however, this was not the only point of objection, and its resolution would not have overcome the concern that the proposal does not in its principle comply with planning policy. But without this point being resolved, it is necessarily included amongst the reasons for objection.

Given the set back of the site from all surrounding properties, there are no residential amenity concerns.

Notwithstanding the advised concern to avoid mature trees and hedges, there is, as the Landscape Section points out, in fact no tree survey informing these proposals (trees are only shown indicatively), so it is not in fact clear whether or not the proposals would actually avoid impacting the mature trees at all. Similarly, hedging would also appear liable to be impacted, including by the bin store area. Again, had there been no concern in principle with respect to this proposal, it would have been appropriate to have established with the Applicant exactly what the impacts would be upon surrounding trees and hedges. Without a tree survey to demonstrate the accommodation on the site without the loss of any trees, this concern would also require to be included among the reasons for refusal. The Landscape Section also notes its objection in these terms in so far as it anticipates that there would in fact be impacts upon the Root Protection Areas of specific mature trees and hedges which the Applicants have simply not taken account of, within their proposals.

I note the advice of the supporting statement that: "the planning authorities ... agreed the site boundary [should] be adjusted to allow the footprint to avoid roots of the mature trees". There is no record of any agreement in these terms, but any prospective applicant in any situation, would certainly be given positive encouragement to avoid damaging mature trees wherever possible. However, any such informal and generic advice is not reasonably presented here or in any other context as constituting any specific prior agreement of the Planning Authority to any aspect of this proposal before the application was made. The advice referred to, was likely given in pre-application correspondence or advice, and at some point before Planning Permission in Principle 15/00036/PPP expired.

In the event of approval, there may be an opportunity to require a proper archaeological investigation of the site since any such requirement was unfortunately omitted from the previous PPP consent due to the Archaeology Section not being consulted at that time on that proposal. However, again, given that the principle of the site being developed at all is reasonably resisted, this opportunity is not, I would be clear, a point of positive support for the current proposal. It would merely be appropriate to ensure that appropriate consideration were given to the archaeology of the site this time, were the current proposal to be supported. I note that the Archaeology Section is not objecting and does not on this occasion, identify archaeological implications. On this basis, it would not be reasonable to include impacts upon archaeology amongst the reasons for refusal.

In the event of approval, the parking and turning, drainage and water supply requirements could all be regulated under conditions, including one along the lines proposed by Environmental Health in the case of the water supply. The conditions regulated drainage should be suspensively worded though, to ensure that the detail of these proposals should be demonstrated ahead of the commencement of development.

The drawing showing the proposed layout of the hobby farm is not reasonably or necessarily included amongst the drawings to be cited on the decision notice; similarly the larger scale location plan.

A Waverley contribution has already been collected for this site under a Section 69 agreement. There are no education contributions due. Accordingly, if the application were approved, it could be issued without a legal agreement.

## CONCLUSION

For the reasons noted above, I consider that the current application is only reasonably refused, notwithstanding any sustainability credentials of the specific design and notwithstanding the Applicant's concern to support a social enterprise as private individuals from this site.

Ultimately no appropriate case that would allow this proposal to be supported under any economic requirement for a house in this location has been given, and as an isolated housing proposal with no justification, it is only reasonably refused as being contrary to Policy HD2 for exactly the same reason as Planning Application 18/00644/PPP was recently refused.

I would add that although the matters might have been addressed with the Applicants had the proposals otherwise been capable of support, the current proposal is also reasonably refused on the basis of the fact that its particular design and layout would be highly detrimental to the rural amenity and environment of this site and in particular the Designed Landscape in whose 'gateway' it is. Ultimately such an ancillary and suburban character of development, with no particular concern to reflect rural or traditional architecture, would in itself detract unacceptably from the quality of the Designed Landscape and surrounding countryside. For these reasons, the current application should be refused. As noted above, the access arrangements and impacts upon surrounding trees and hedges have also not been addressed appropriately within the specific form and layout of the proposal and as such, these matters are also necessarily included amongst the reasons for refusal - even although a revised layout; evidence of a right to maintain the visibility splays in perpetuity; and the submission and approval of a professionally conducted and reported tree survey, may have alleviated these particular concerns.

## REASON FOR DECISION :

The planning application should be refused for the following reasons:

1) The proposed development is contrary in principle to Adopted Local Plan Policy HD2 and the advice of Supplementary Planning Guidance - New Housing in the Borders Countryside (December 2008) in that it lies out with the Development Boundary, and: (i) the site is not well-related to any existing rural building group (let alone to any building group capable of augmentation in accordance with the requirements of Policy HD2, Section A, 'Building Groups'); and (ii) the Applicant has not demonstrated that there is any operational need for a new dwellinghouse to be located at the site as a direct operational requirement of any agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside;

2) The proposed development is contrary in principle to Adopted Local Plan Policies HD2, PMD2, EP10 and the advice of Supplementary Planning Guidance - New Housing in the Borders Countryside (December 2008) and Supplementary Planning Guidance - Place-Making and Design (January 2010), in that it is not in keeping with the sense of place of the countryside character and setting of the site and the surrounding area, principally through the introduction of an unsympathetic and suburban form of development into an isolated rural location, which would be harmful to the visual amenities of the site and surrounding area; including the Linthill Designed Landscape;

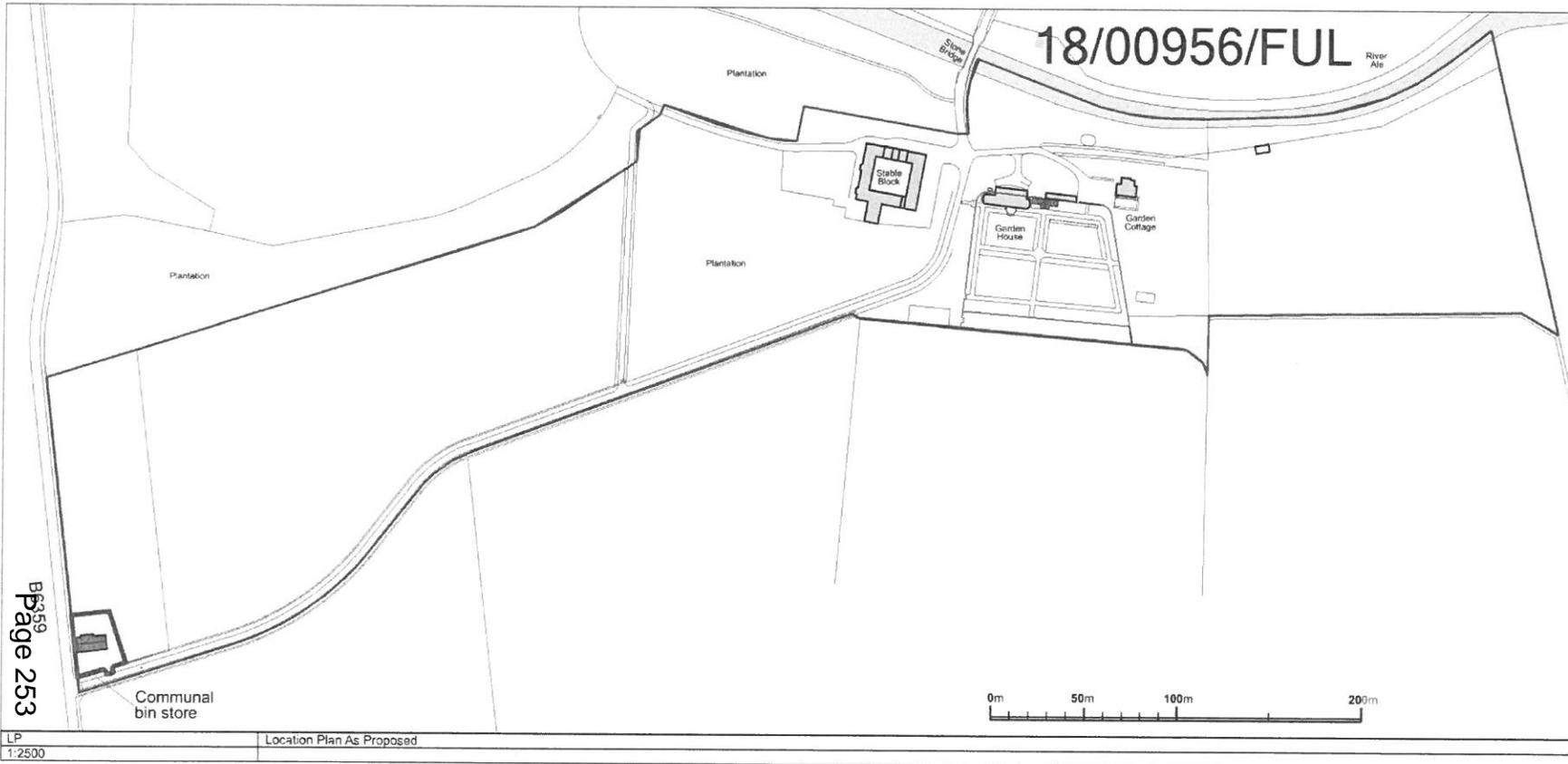
3) The proposed development is contrary to Adopted Local Plan Policies HD2, PMD2, EP10 and EP13, in that it has not been demonstrated satisfactorily that the development would not have any unacceptable impacts upon the local landscape, principally that it would not cause the loss of, or serious damage to, existing mature trees and hedging which contribute to the landscape value of the Linthill Designed Landscape; and

4) The proposal does not comply with Adopted Local Development Plan Policy PMD2 in that the access arrangements are unsuitable to serve the development and inadequate provision has been made for the accommodation of appropriate visibility splays, such that there would be adverse impacts upon road safety as a result.

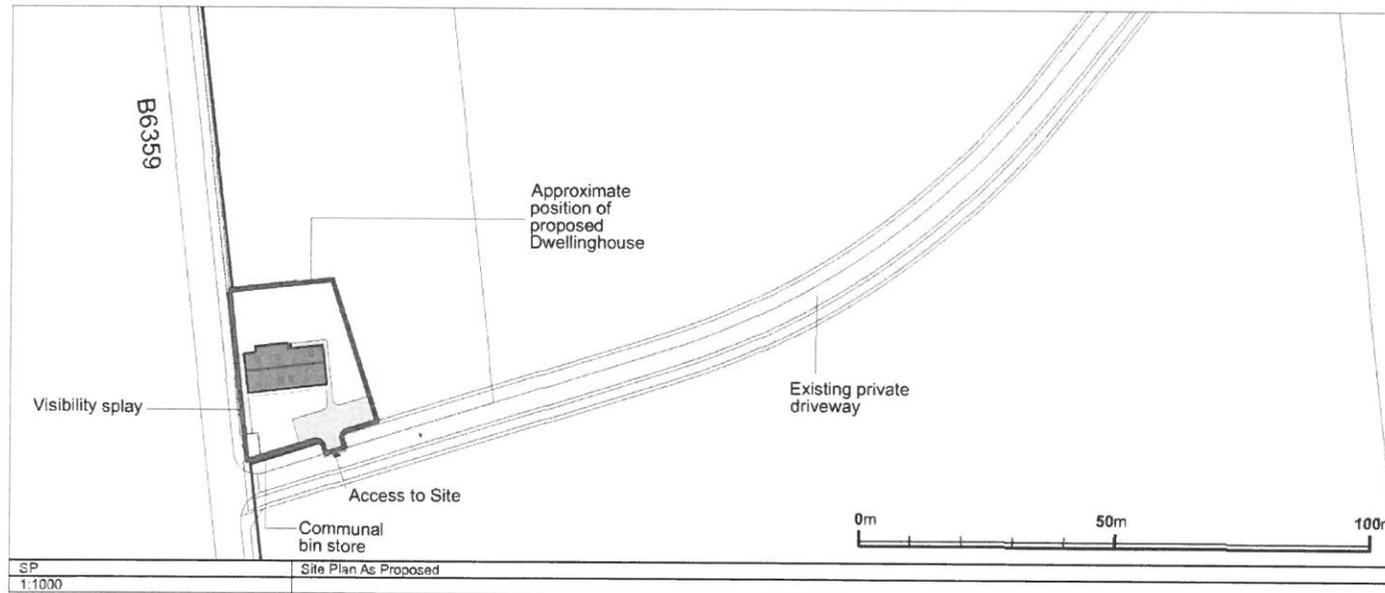
**Recommendation:** Refused

- 1 The proposed development is contrary in principle to Adopted Local Plan Policy HD2 and the advice of Supplementary Planning Guidance - New Housing in the Borders Countryside (December 2008) in that it lies out with the Development Boundary, and: (i) the site is not well-related to any existing rural building group (let alone to any building group capable of augmentation in accordance with the requirements of Policy HD2, Section A, 'Building Groups'); and (ii) the Applicant has not demonstrated that there is any operational need for a new dwellinghouse to be located at the site as a direct operational requirement of any agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside.
- 2 The proposed development is contrary in principle to Adopted Local Plan Policies HD2, PMD2, EP10 and the advice of Supplementary Planning Guidance - New Housing in the Borders Countryside (December 2008) and Supplementary Planning Guidance - Place-Making and Design (January 2010), in that it is not in keeping with the sense of place of the countryside character and setting of the site and the surrounding area, principally through the introduction of an unsympathetic and suburban form of development into an isolated rural location, which would be harmful to the visual amenities of the site and surrounding area; including the Linthill Designed Landscape.
- 3 The proposed development is contrary to Adopted Local Plan Policies HD2, PMD2, EP10 and EP13, in that it has not been demonstrated satisfactorily that the development would not have any unacceptable impacts upon the local landscape, principally that it would not cause the loss of, or serious damage to, existing mature trees and hedging which contribute to the landscape value of the Linthill Designed Landscape.
- 4 The proposal does not comply with Adopted Local Development Plan Policy PMD2 in that the access arrangements are unsuitable to serve the development and inadequate provision has been made for the accommodation of appropriate visibility splays, such that there would be adverse impacts upon road safety as a result.

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



B6359  
Page 253



**CABER HOUSE**

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

**REFUSED**

subject to the  
requirements of the  
associated Decision  
Notice

**17.09.18**

Notes

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Revision History

Revision	Date	Description	Modified by
1427-02-02-A	14/06/2018	House position amended	A.C.G.

Project

Mr & Mrs Kennedy  
A | 4 Caber House  
Melrose  
Linthill

Drawing Name  
**Location Plan As Proposed**

Drawing Status  
**Planning**

Modified by  
A.C.G.

Date  
28/06/2018

Checked by  
C.L.P.

Drawing Scale  
**1:1000, 1:2500**

Drawing Number  
**1427-02-02 A**

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Agenda Item 6d



18/00956/FUL

17.09.18



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

**REFUSED**

subject to the  
requirements of the  
associated Decision  
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**Revision History**

Revision	Date	Description	Modified By

**Project**

Mr & Mrs Kennedy  
A | 4 Caber House  
Melrose  
Linthill

**Drawing Name**

**Roof Plan**

**Drawing Status**

**Planning**

**Modified by**

A.C.G

**Date**

28/06/2018

**Checked by**

C.L.P.

**Drawing Scale**

**1:50**

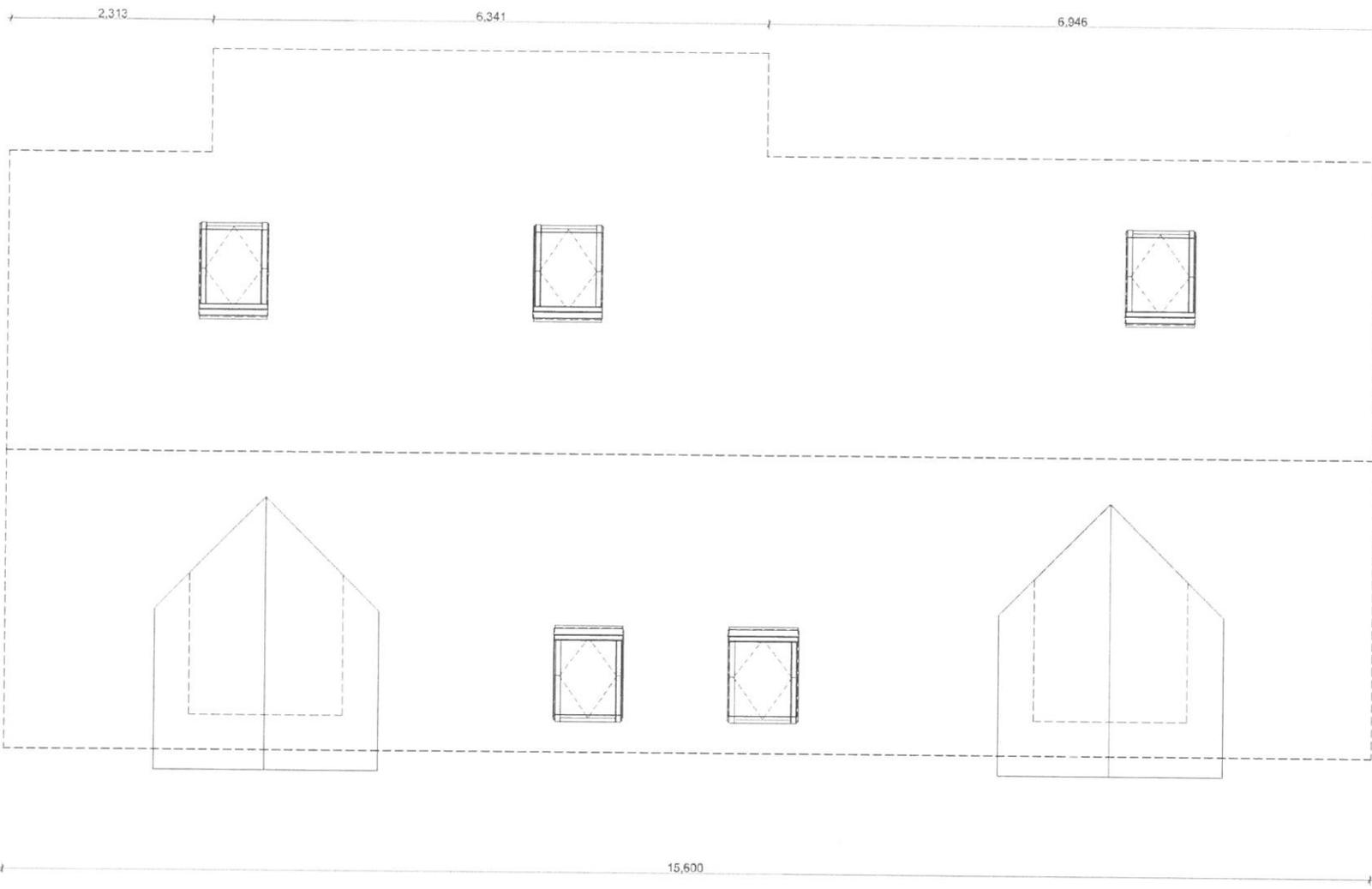
**Drawing Number**

**1427-02-06**

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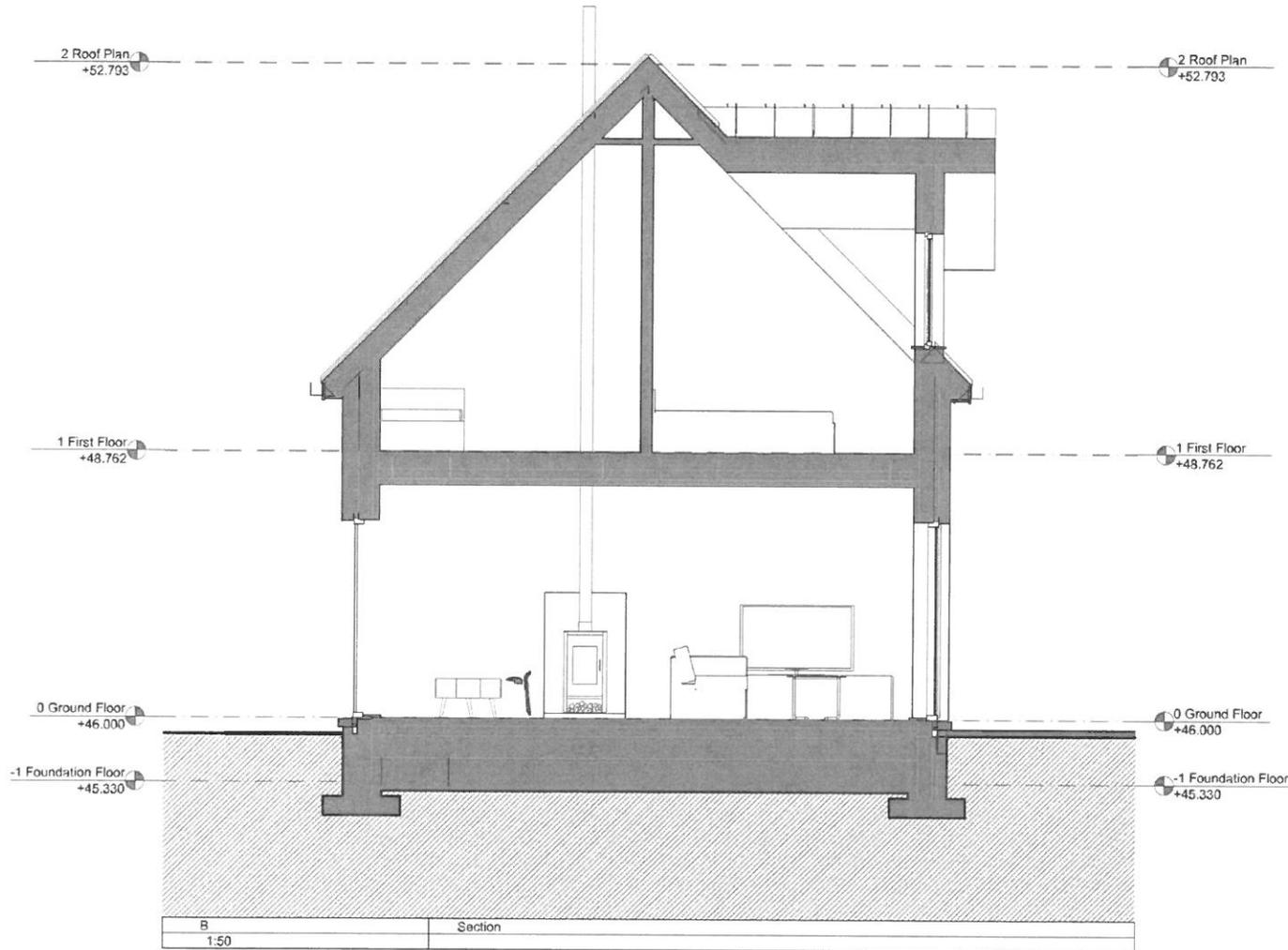


Page 254

2	Roof Plan
1:50	



18/00956/FUL



**CABER HOUSE**

**17.09.18**

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

**REFUSED**

subject to the  
requirements of the  
associated Decision  
Notice

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**Revision History**

Revision	Date	Description	Modified by

**Project**  
Mr & Mrs Kennedy  
A | 4 Caber House  
Melrose  
Linthill

**Drawing Name**  
Section

**Drawing Status**  
Planning

Modified by  
A.C.G

Date  
16/07/2018

Checked by  
C.L.P.

**Drawing Scale**  
1:50

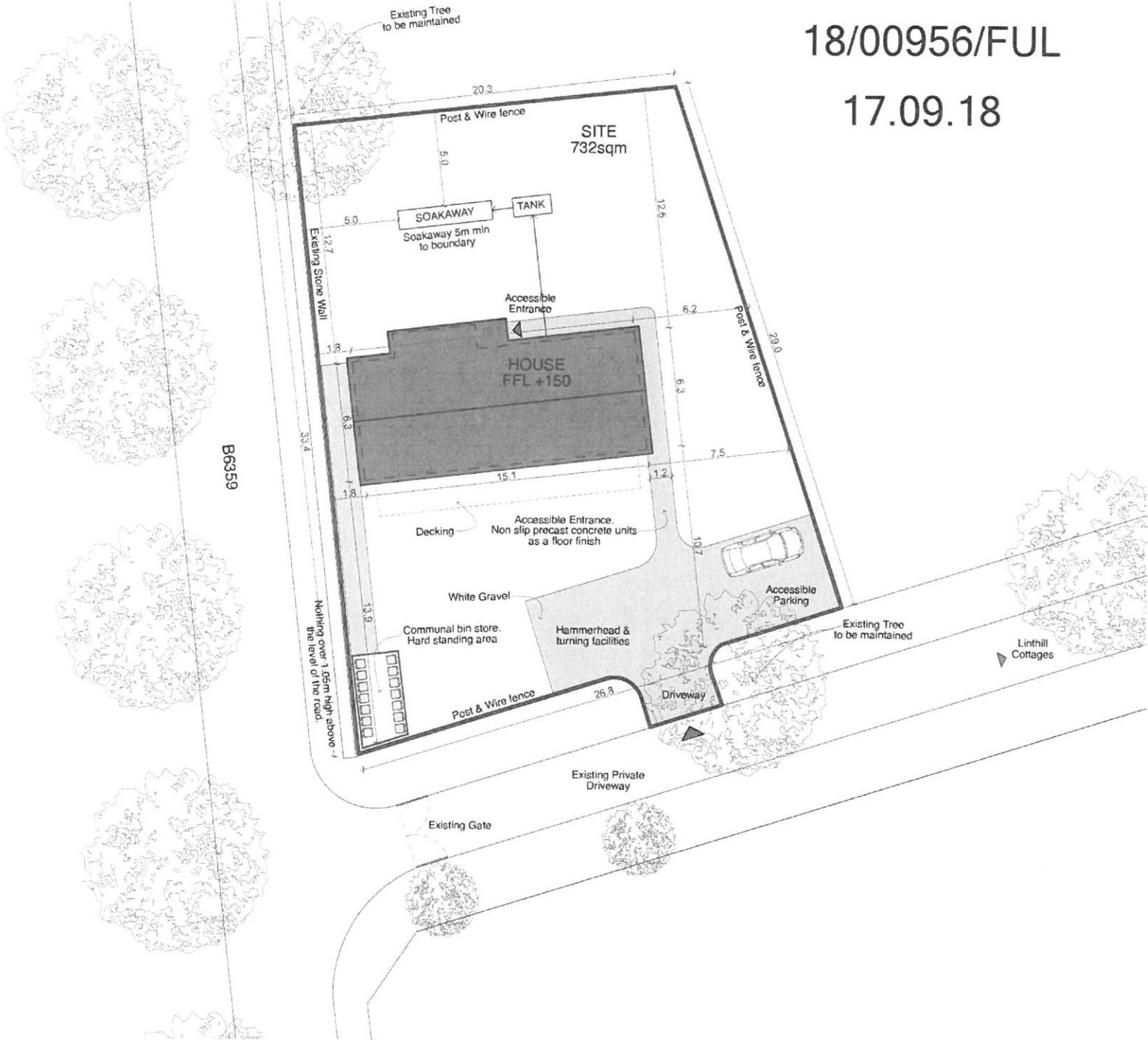
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18/00956/FUL

17.09.18



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Town And Country  
Planning (Scotland) Act  
1997

**REFUSED**

subject to the  
requirements of the  
associated Decision  
Notice

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**Revision History**

Revision	Date	Description	Modified by

**Project**

Mr & Mrs Kennedy  
A | 4 Caber House  
Melrose  
Linthill

**Drawing Name**

**Site Plan As Proposed**

**Drawing Status**

**Planning**

Modified by **A.C.G** Date **16/07/2018**

Checked by **C.L.P.**

**Drawing Scale**

**1:200**

**Drawing Number**

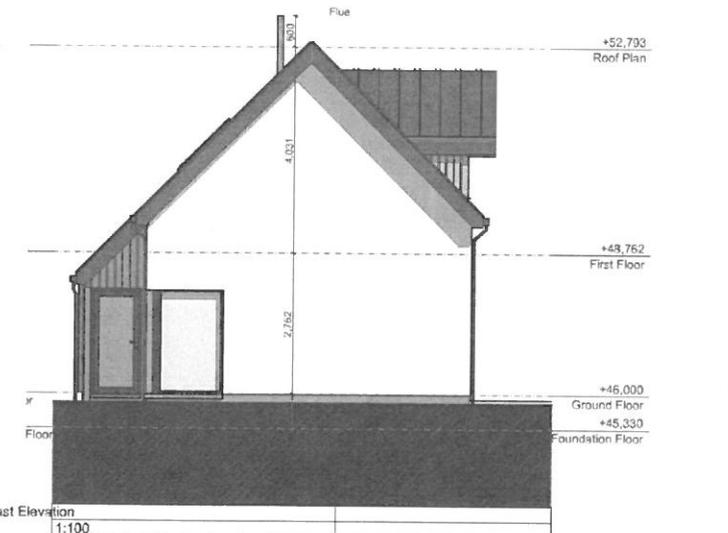
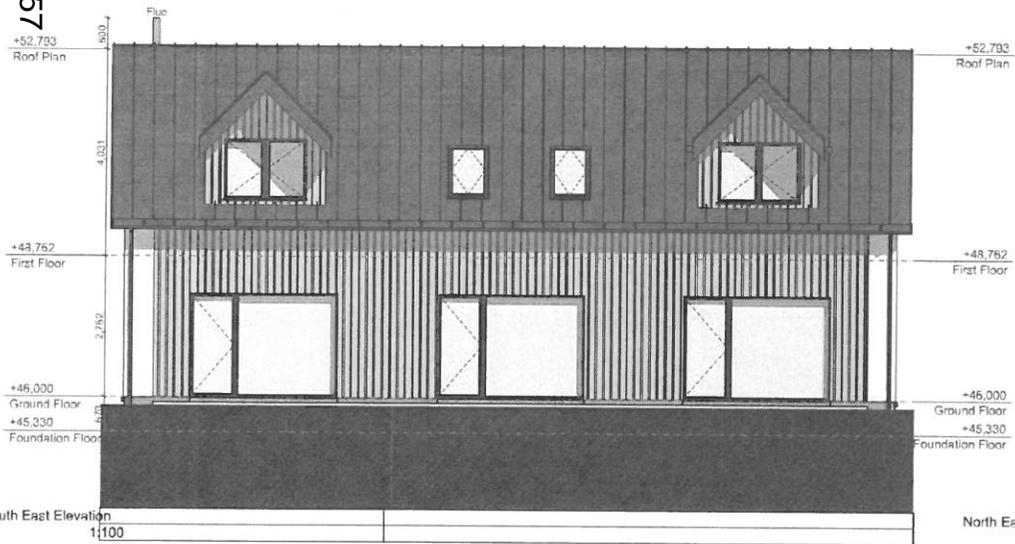
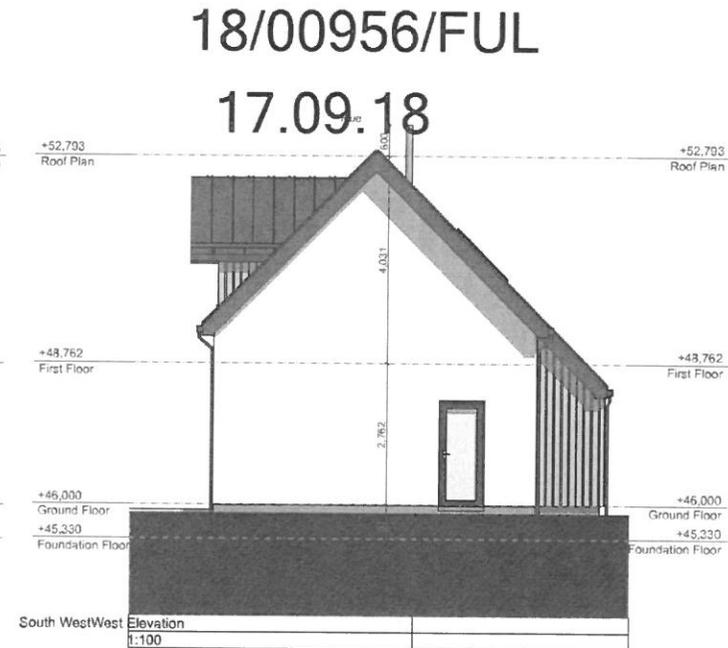
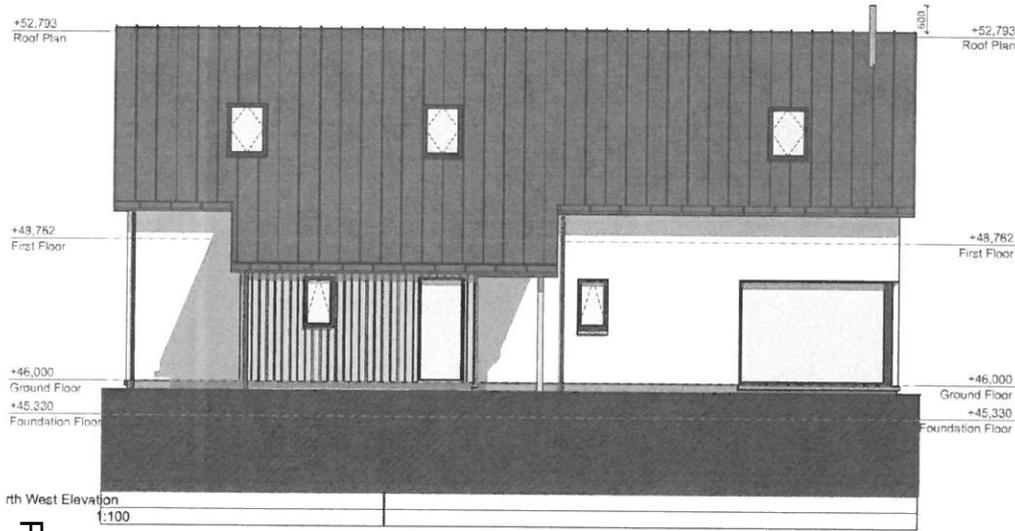
**1427-02-03**

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SP 1:200	Site Plan As Proposed
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Town And Country  
Planning (Scotland) Act  
1997

**REFUSED**  
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associated Decision  
Notice

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**Revision History**

Revision	Date	Description	Modified by

**Project**  
Mr & Mrs Kennedy  
A | 4 Caber House  
Melrose  
Linthill

**Drawing Name**  
Elevations

**Drawing Status**  
Planning

**Modified by**  
A.C.G. **Date**  
29/06/2018

**Checked by**  
C.L.P.

**Drawing Scale**  
1:100

**Drawing Number**  
1427-02-07

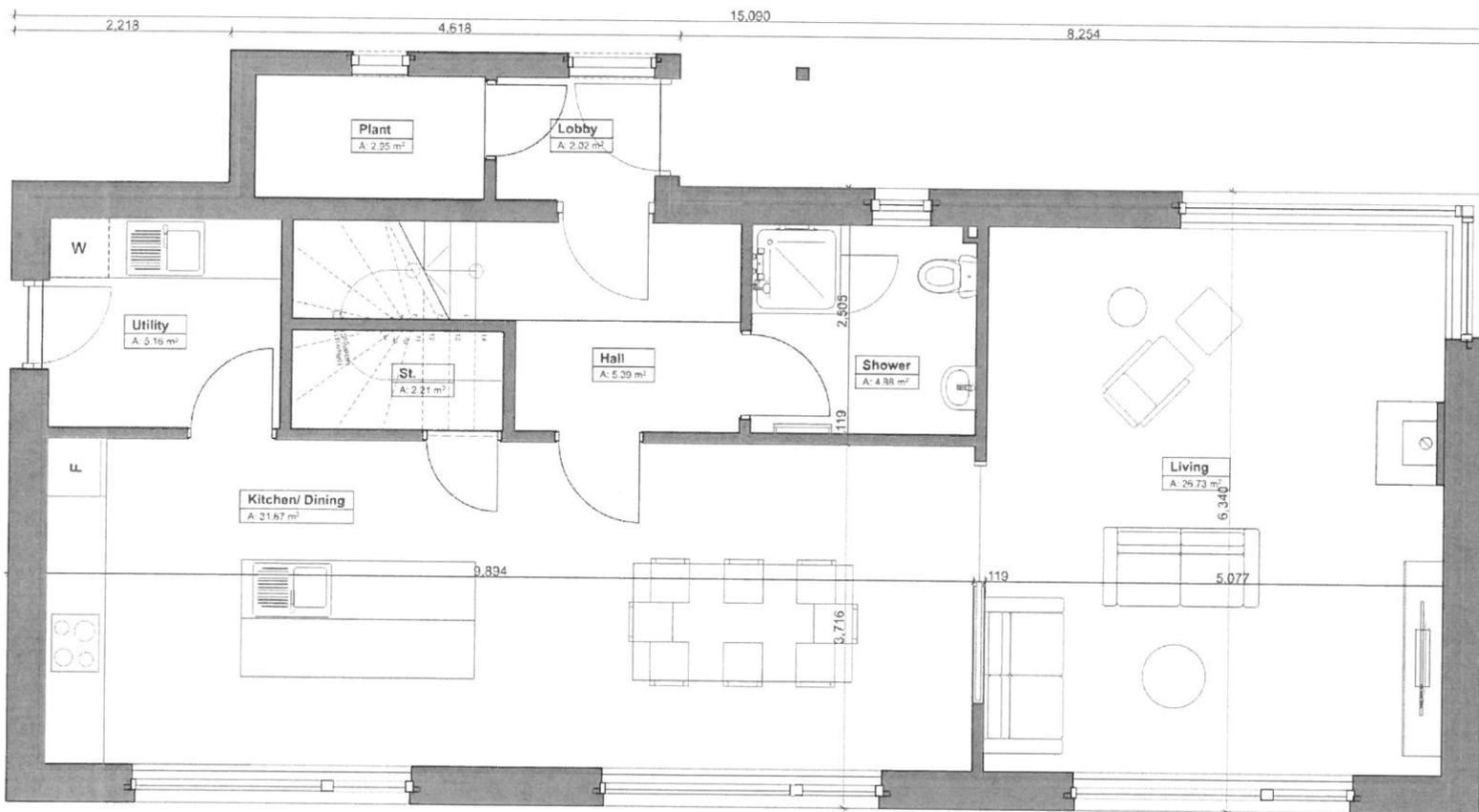
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18/00956/FUL

17.09.18



0	Ground Floor
1:50	



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

**REFUSED**

subject to the  
requirements of the  
associated Decision  
Notice

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detail markers.

**Revision History**

Revision	Date	Description	Modified by

**Project**  
Mr & Mrs Kennedy  
A | 4 Caber House  
Melrose  
Linthill

**Drawing Name**  
**Ground Floor**

**Drawing Status**  
**Planning**

**Modified by**  
A.C.G

**Date**  
29/06/2018

**Checked by**  
C.L.P.

**Drawing Scale**  
**1:50**

**Drawing Number**  
**1427-02-04**

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**SCOTTISH BORDERS COUNCIL**

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

**PART III REPORT (INCORPORATING REPORT OF HANDLING)**

**REF :** 18/00644/PPP

**APPLICANT :** Mr, Mrs and Mr Archie, Helen & Hugh Shaw Stewart

**AGENT :** Camerons Ltd

**DEVELOPMENT :** Erection of dwellinghouse (renewal of planning permission 15/00036/PPP)

**LOCATION:** Land North West Of Chapel Cottage  
Melrose  
Scottish Borders

**TYPE :** PPP Application

**REASON FOR DELAY:**

---

**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
9176/A/01-02 A	Site Plan	Refused
ASK 140709/01	Other	Refused

**NUMBER OF REPRESENTATIONS: 0**

**SUMMARY OF REPRESENTATIONS:**

No representations.

Roads Planning Section: provided the conditions regarding access and parking that were attached to the previous approval are attached to any subsequent approval, Roads has no objections to this proposal.

Archaeology Section: the original application was determined without reference to archaeological concerns; as such, there are no archaeological comments at this time.

Landscape Architect: seeks the imposition of four standard conditions - specifically LA04; LA08; LA09' and LA07 - to protect existing trees and hedges, and allow for an appropriate landscaped boundary treatment for the site.

Education and Lifelong Learning and the Community Council have been consulted, but did not respond to the public consultation.

**PLANNING CONSIDERATIONS AND POLICIES:**

LOCAL DEVELOPMENT PLAN - Adopted Scottish Borders Local Development Plan (2016)

PMD1: Sustainability  
PMD2: Quality Standards  
HD2: Housing in the Countryside  
HD3: Protection of Residential Amenity

EP8: Archaeology  
EP9: Gardens and Designed Landscapes  
EP13: Trees, Woodlands and Hedgerows  
IS2: Developer Contributions  
IS7: Parking Provision and Standards  
IS9: Waste Water Treatment and Sustainable Urban Drainage

#### SUPPLEMENTARY PLANNING GUIDANCE

- New Housing in the Borders Countryside
- Placemaking and Design
- Trees and Development
- Landscape and Development
- Householder Development
- Development Contributions
- Waste Management

**Recommendation by** - Stuart Herkes (Planning Officer) on 21st July 2018

#### BACKGROUND

This application proposes the reinstatement of a recently expired Planning Permission in Principle (15/00036/PPP) for the erection of a new dwellinghouse on the site of a pre-existing lodge house; but which is currently the southeast corner of a field or paddock, adjacent to the B6359. The site lies within the Linthill Designed Landscape.

Planning Consent 15/00036/PPP was issued subject to six conditions on 15 July 2015, but more than three years on, has now expired (as of 15 July 2018). No detailed application (AMC) was made in the three years immediately proceeding the date of issue of Planning Consent 15/00036/PPP. Moreover, no detailed application (AMC) has been lodged in the period prior to the expiry of this Planning Permission in Principle (PPP).

I would note that the current PPP application was registered on 24 May 2018, and therefore before the expiry of Planning Consent 15/00036/PPP. However, rather than take the opportunity to make an AMC application to extend the life of the permission granted under Planning Consent 15/00036/PPP - by making an AMC application - the Applicant's preference has been to seek to renew the Planning Permission in Principle itself. Accordingly, the Planning Authority is obliged to consider the principle of this proposal anew, in relation to the policies and proposals of the prevailing statutory development plan.

#### PLANNING POLICY CONTEXT

In this context - namely, the context of there having been a very recent approval of the same proposal for essentially the same site - critical concerns are whether or not there have in fact been any significant changes in the interim period either on site, or within the policies and proposals of the statutory development plan that would reasonably require the Planning Authority to take any different position to that it took at the time of the determination of Planning Application 15/00036PPP.

With regard to circumstances on site, the plot would appear to be no different from the time of the earlier application, in that it is still the corner of an open field immediately adjacent to the public road (B6359). I am content that there are no new or different circumstances on the ground to be taken into consideration that would require or justify the Planning Authority taking any different view of the site from the time of its previous most recent assessment.

With respect to planning policy, the statutory development plan in 2015 was the Scottish Borders Consolidated Local Plan (Adopted 2011). Regard was also had, inter alia, to the Supplementary Planning Guidance Notes on New Housing in the Borders Countryside (December 2008) and Placemaking and Design (2010). The latter SPGs remain current. In the interim then, the only key difference between the context within which the previous proposal was assessed and that within which the current proposal is to be assessed, is that the statutory development plan is now the Scottish Borders Council Local Development Plan 2016.

The housing in the countryside policy which Planning Application 15/00036/PPP was assessed relative to, was underpinned by Policy D2 of the Consolidated Local Plan (2011); whereas within the current statutory development plan, the equivalent policy is Policy HD2 of the Scottish Borders Council Local Development Plan (adopted 2016). With respect to the assessment of replacement dwellinghouse proposals, there are critical differences between these two policies - Policy D2 and Policy HD2.

#### SUPERSEDED POLICY D2: HOUSING IN THE COUNTRYSIDE

Within the Report of Handling on Planning Application 15/00036/PPP, it was stated that "the application is acceptable in terms of policy D2 (d) of the CSBLP". This is a reference to Section (D) 'Rebuilding' of Policy D2 Housing in the Countryside, within the Consolidated Scottish Borders Local Plan 2011. This advised that "(t)he proposed rebuilding or restoration of a house may be acceptable provided that either: ..." and then proceeded to identify six alternative criteria (numbered 1 to 6 inclusive), each of which, if satisfactorily met, would be a sufficient basis of support for the principle of a replacement dwellinghouse. Additionally, and beyond one or other of these six criteria, the proposal was also required to address satisfactorily two additional criteria: criterion 7 and 8.

With regard to criteria 1 to 6, it is apparent that so little of the historic building remained that it could not have been considered to have addressed - or otherwise reasonably have been assessed under - any of the criteria from 1 to 5 inclusive. However, criterion 6 allowed that account might be taken of: "evidence of the existence of the building in terms of criteria (a) - (c) immediately above, or alternatively sufficient documentary evidence exists relating to the siting and form of the previous house and this evidence is provided to the satisfaction of the Council". It is not clear what the reference "(a) - (c)" relates to, because all items above criterion 6 within Policy D2, are numbered only. However, the latter part of criterion 6 reasonably allows that the Applicant might simply present documentary evidence of the pre-existence of a house on the site, and that the Planning Authority might be sufficiently satisfied by that same evidence as to support the principle of a replacement house, provided at least that it was otherwise satisfied that criteria 7 and 8 could, or would, be satisfactorily addressed within the specific design and layout of the proposal.

Criterion 7 required that the siting and design of new buildings should reflect and respect the historical building pattern and the character of the landscape setting. Criterion 8 required that the extent of new building should not exceed what is to be replaced. (While I would not consider that Criteria 7 and 8 of Policy D2 had in fact been met directly by the proposal made under Planning Application 15/00036/PPP, it was possible that the detailed design might have addressed these concerns; an informative was attached to the consent to guide this aspect of the proposal at the AMC stage).

The Applicant, I note, has reasonably provided the same information that was previously reviewed by the Planning Authority at the time of its determination of Planning Application 15/00036/PPP. This information was considered to address all of the above concerns; and was ultimately sufficient to allow the Planning Authority to support Planning Application 15/00036/PPP, subject to a Section 69 legal agreement to collect the requisite development contribution, and subject to conditions to address concerns with respect to the achievement of appropriate drainage, water supply, access, parking and turning arrangements within the site boundary.

Had all of the above noted criteria been retained within Planning Policy HD2 of the Scottish Borders Council Local Development Plan 2016, I would have considered this Authority obliged to support the proposal again, and on exactly the same terms as before; which is to say, subject to the imposition of the same or equivalent (if updated) planning conditions as those that were previously attached to Planning Consent 15/00036/PPP. However, the position with respect to replacement dwellings has been significantly revised within Policy HD2 of the Scottish Borders Council Local Development Plan 2016; and as noted above, and notwithstanding the previous approval, the current planning application - a new PPP application (and not an AMC application made ulterior to the PPP application) - must be assessed against the new and current housing in the countryside policy.

#### POLICY HD2: HOUSING

There is no equivalent section on the rebuilding of a dwellinghouse, under Policy HD2: Housing in the Countryside. Instead, proposals that would previously have been assessed under Section D of superseded Policy D2 now fall to be assessed under one or other of Section D or Section E of current Policy HD2.

Section E of the latter, relates to 'Replacement Dwellings' and is only applicable in the case of an existing house. Given that there is no existing house on the current application site (the corner of a field), I am content that the current proposal is only reasonably assessed under Section D of Policy HD2, which relates to 'Restoration of Houses'. However, the provisions of this section are that beyond the conversion of an existing building: "(t)he 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)". Since there is in fact no building - even any remnant of a building - above ground level on the site, the current proposal clearly does not comply with the provisions of Section D either. Since the site is otherwise isolated, and no justification has been given in terms of an economic requirement for a business appropriate to this rural locality to have a worker accommodated on this site for operational reasons, I am content that the proposal is not in fact now capable of support under the Council's Housing in the Countryside Proposal.

I note both the provision of evidence of an historical presence of a house (lodge house) on the site, and I note also, that the Planning Authority has previously supported the principle of this proposal. However, neither of these considerations are, I consider, sufficient in themselves or collectively, to allow me to support the application contrary to the strict requirements of the policies of the statutory development plan. In short, I consider that the application is only now reasonably refused on the basis that the proposal does not comply with the provisions of Policy HD2, and there are no material considerations which would justify any departure from that position.

#### OTHER CONCERNS

I note that we have received the consultation responses of Roads, Archaeology and Landscaping, which do not object to the proposals. Ultimately, an ability to address or satisfy the particular concerns raised, might be capable of being addressed under planning conditions, however, this in itself does not outweigh the position noted above with respect to the assessment of the principle of this proposal. However, in the context of an assessment of an application which seeks to renew a previous PPP consent, I would note the following points:

Roads' concerns are capable of being addressed, as it advises, through the imposition of the conditions that were imposed on Planning Consent 15/00036/PPP. The specific conditions would be appropriately updated, to make them more precise - specifically to make them clear and enforceable. This would though entail relatively minor changes to the original conditions, and would be to the benefit of any consent issued.

I note the advice of the Archaeology Section, which I understand to mean that there are in fact archaeological implications pertaining to this proposal, albeit that these were not addressed at the time of the determination of the previous planning application. Given that the same archaeological implications were present at the time of the previous assessment of the application which this current application seeks to renew, it would not be reasonably maintained that these were new concerns which were not before the Planning Authority at the time of the original assessment of the proposal. Accordingly, if this application were approved, I would acknowledge that archaeological work would not be appropriately required in relation to it. The point with regard to potential archaeological implications would now only be appropriately addressed through an informative advising as to the potential to encounter archaeology within ground works, and the potential legal implications of this. I would be clear though that while I consider the loss of the opportunity to address the archaeological implications of this proposal to be lamentable, this has not informed my recommendation of refusal in this case. My recommendation is based only on the assessment of the principle under the policies and proposals of the statutory development plan.

While some of the Landscape Section's concerns would be met by the re-imposition of the previous conditions which required re-planting, again it would not be reasonable to require any new works or investigations with regard to concerns that were equally prevalent at the time of the assessment of the previous planning application. Accordingly, and in the event of approval of this application which explicitly seeks to renew a previous PPP consent, the measures identified to protect trees would not be reasonably imposed.

A Waverly Contribution has already been collected under a Section 69 legal agreement. Accordingly no contributions would be required in the event of the application being supported.

No equivalent location plan has been provided, so the drawings informing the decision, are only the site plan and visibility splay drawing which were both approved under the previous PPP consent for the site.

An odd detail is the indicated presence in plan, on the visibility splay drawings of a communal bin storage area which appears would serve the wider array of properties accessible off the main driveway. Notwithstanding efficiency and accessibility considerations, in the event of approval such a prominent location for the bin store would not be appropriate, both in terms of its impacts upon the setting, character and amenity of the proposed house. Had the proposal been supported, then it would have been appropriate to have sought a more discreet accommodation of this bin storage provision off-site; perhaps more reasonably and realistically on the opposite side of the driveway access road from the proposal.

#### **REASON FOR DECISION :**

The planning application should be refused for the following reason:

- 1) The proposed development is contrary in principle to Adopted Local Plan Policy HD2 and the advice of Supplementary Planning Guidance - New Housing in the Borders Countryside (December 2008) in that it lies out with the Development Boundary, and: (i) the site is not well-related to any existing rural building group (let alone to any building group capable of augmentation in accordance with the requirements of Policy HD2, Section A, 'Building Groups'); and (ii) the Applicant has not demonstrated that there is any operational need for a new dwellinghouse to be located at the site as a direct operational requirement of any agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside.

#### **Recommendation:** Refused

- 1 The proposed development is contrary in principle to Adopted Local Plan Policy HD2 and the advice of Supplementary Planning Guidance - New Housing in the Borders Countryside (December 2008) in that it lies out with the Development Boundary, and: (i) the site is not well-related to any existing rural building group (let alone to any building group capable of augmentation in accordance with the requirements of Policy HD2, Section A, 'Building Groups'); and (ii) the Applicant has not demonstrated that there is any operational need for a new dwellinghouse to be located at the site as a direct operational requirement of any agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside.

**“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**

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**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:** 18/00030/RREF

**Planning Application Reference:** 18/00644/PPP

**Development Proposal:** Erection of dwellinghouse (renewal of planning permission  
15/00036/PPP)

**Location:** Land North West of Chapel Cottage, Melrose

**Applicant:** Mr, Mrs and Mr Archie, Helen & Hugh Shaw Stewart

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**DECISION**

The Local Review Body reverses the decision of the appointed officer and grants planning permission for the reasons set out in this decision notice subject to conditions and informatives as set out below.

**DEVELOPMENT PROPOSAL**

The application relates to erection of a dwellinghouse. The application drawings and documentation consisted of the following:

<b>Plan Type</b>	<b>Plan Reference No.</b>
Site Plan	9176/A/01-02 A
Other	ASK 140709/01

**PRELIMINARY MATTERS**

The Local Review Body considered the review, which had been competently made, under section 43A (8) of the Town & Country Planning (Scotland) Act 1997 at its meeting on 19<sup>th</sup> November 2018.

After examining the review documentation at that meeting, which included: a) Notice of Review (including officer's report); b) Decision Notice; c) Papers referred to in officer's

report; d) Consultations; and e) List of Policies, the Review Body proceeded to determine the case. They also noted the applicant's request for further procedure in the form of a site visit and hearing but did not consider these necessary after considering the case and viewing photographs and plans of the site and surroundings.

## **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 2013 and the Scottish Borders Local Development Plan 2016. The LRB considered that the relevant listed policies were:

- Local Development Plan policies: PMD1; PMD2, HD2, HD3, EP8, EP13, IS2, IS3, IS7 and IS9

### Other Material Considerations

- 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 Privacy and Sunlight 2006
- SBC Supplementary Planning Guidance on Trees and Development 2008
- SBC Supplementary Planning Guidance on Landscape and Development 2008
- SBC Supplementary Planning Guidance on Waste Management 2015
- SBC Supplementary Planning Guidance on Development Contributions 2011

The Review Body noted that the proposal was for planning permission in principle to erect a dwellinghouse on the site and that a previous consent had been granted for the same proposal in July 2015. Members understood that the previous consent was accepted by the Council as being in compliance with the Consolidated Local Plan in force at that time which accepted the erection of a replacement dwellinghouse on a site where only documentary evidence was verified of the existence of a previous dwellinghouse.

Members gave significant weight to the fact that this consent was still in existence at the time that the new application was submitted to renew. They understood that an alternative approach could have been to submit an application for the details of the design and siting in the form of an Application for Approval of Matters Specified as Conditions. However, as an application was submitted instead to renew the planning permission in principle, they agreed that the Appointed Officer correctly had to apply the current Local Development Plan Policy.

There was further discussion about the terms of Policy HD2 in relation to whether it continued to support dwellinghouses on the site of a former house where no physical evidence remained. Members noted that the former Policy D2 supported such cases but there was some debate about whether Clauses D and E of Policy HD2 contained the same support as contended by the applicant. In particular, the Review Body discussed the use of the term "original" building in criterion b) of Clause E. They also agreed that there was no building group present and that there was no submitted justification for occupation of the house for economic reasons.

Ultimately, Members concluded that HD2 did not clearly support development on the site of a former house where no physical remains exist. However, Members were of the opinion that considerable weight must still be attached to the fact that a consent existed at the time of application for renewal and that this should outweigh the terms of the Local Development Plan Policy in this instance.

It was accepted that the design and siting of the house, which should reflect the history of the site as a location for a lodge house, would be properly addressed at the stage of an application for Approval of Matters Specified as Conditions. Members also noted that development contributions had already been paid by legal agreement associated with the previous consent.

## **CONCLUSION**

After considering all relevant information, the Local Review Body concluded that whilst the development was not consistent with Policies PMD2 and HD2 of the Local Development Plan and relevant Supplementary Planning Guidance, the existence of a previous consent at the time of application for renewal was a significant material consideration which outweighed the Local Development Plan and Guidance in this instance.

## **DIRECTIONS**

1. 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.

2. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the matters specified in the conditions set out in this decision.

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.

## **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. Thereafter the development shall be carried out in accordance with the agreed details.

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. 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 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.

3. 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):
  - a) existing and finished ground levels in relation to a fixed datum preferably ordnance
  - b) existing landscaping features and trees to be retained, protected and, in the case of damage, restored
  - c) prior to any works on the existing hedgerow, a detailed scheme for the replanting outwith the splay to be submitted to, and approved in writing by, the Planning Authority. Thereafter the replanting is to be carried out concurrently with the wider landscaping of the application site.
  - d) location and design, including materials, of walls, fences and gates
  - e) soft and hard landscaping works including establishment of firm planted boundaries to the plot
  - f) existing and proposed services such as cables, pipelines, sub-stations
  - g) A programme for completion and subsequent maintenance.

Reason: To ensure the satisfactory form, layout and assimilation of the development.

4. No development shall commence until the details of the access and the parking and turning facilities within the site have been submitted to and approved in writing by the Planning Authority. The details to include:
  - a) parking and turning for two vehicles, excluding garages, within the site
  - b) visibility splays (2.4m x 90m and 2.4m x 160m) to be provided at the main junction with the public road. Thereafter the splays are to be retained in perpetuity.
  - c) A programme for completion and maintenance.

Reason: In the interests of road safety on the junction of the Linthill estate road and the B6359.

5. No development to commence until further details of the provision of foul and surface water drainage are submitted to, and approved by, the Planning Authority. The details should include evidence that arrangements are in place to ensure that the private drainage system will be maintained in a serviceable condition. The development then to proceed in accordance with the approved details.

Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water.

6. No development is to commence until a report has been submitted to and approved in writing by the Planning Authority, demonstrating the provision of an adequate water supply to the development in terms of quality and quantity. The report must also detail all mitigation measures to be delivered to secure the quality, quantity and continuity of water supplies to properties in the locality which are served by private water supplies and which may be affected by the development. The provisions of the approved report shall be implemented prior to the occupation of the building(s) hereby approved.

Reason: To ensure that the development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.

7. No development shall commence until further details of the provision of waste storage are submitted to, and approved in writing by, the Planning Authority. The development then to proceed in accordance with the approved details.  
Reason: To ensure that satisfactory arrangements are made for waste storage and collection.

## **INFORMATIVES**

1. With regard to Condition 4, all work within the public road boundary must be undertaken by a contractor first approved by the Council. Any proposed gate to the access must open into the driveway away from the public road.
2. Please note that there may be the potential to encounter buried and unknown archaeology within the site. You would be advised to contact the Council Archaeology Officer should any be encountered.
3. Whilst not subject to a condition limiting materials or design, it should be noted that the Planning Authority would expect that any subsequent application for Approval of Matters Specified in Conditions, should propose a traditional lodge style dwellinghouse design, making use of traditional materials (stone and render walls, slated roof with appropriate eaves details and a steep roof pitch). Further advice is provided in the SPGs on Placemaking and Design and on New Housing in the Borders Countryside, available from the Council website: [www.scotborders.gov.uk](http://www.scotborders.gov.uk). With regards the design of a subsequent application for a dwelling on the plot, it should be noted that high quality contemporary design features that are sympathetic to the context will be considered, though a design statement in such cases would be recommended

N.B: This permission 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.

Under The Control of Pollution Act 1974, the Council recommends the following hours for noisy construction-related work:

Monday-Friday 0700-1900

Saturday 0800-1300

Sunday and Public Holidays - no permitted work (except by prior agreement with the Council)

Contractors will be expected to adhere to the measures contained in BS 5228:2009 "Code of Practice for Noise and Vibration Control on Construction and Open Sites".

For more information or to make a request to carry out works outside the above hours, please contact an Environmental Health Officer at the Council.

### **Notice of Initiation of Development**

Section 27 of the Town and Country Planning (Scotland) Act (as amended) requires that any person who has been granted planning permission (including planning permission in principle) and intends to start development must, once they have decided the date they will start work on the development, inform the planning authority of that date as soon as is practicable.

### **Notice of Completion of Development**

Section 27B requires that any person who completes a development for which planning permission (including planning permission in principle) has been given must, as soon as practicable after doing so, give notice of completion to the planning authority.

When planning permission is granted for phased development then under section 27B(2) the permission is to be granted subject to a condition that as soon as practicable after each phase, other than the last, is completed, the person carrying out the development is to give notice of that completion to the planning authority.

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

Transco, Susiephone Department, 95 Kilbirnie Street, Glasgow, G5 8JD  
Scottish Power, Riccarton Mains Road, Currie, Edinburgh, EH14 5AA  
Scottish Water, Developer Services, 419 Balmore Road, Possilpark, Glasgow G22 6NU  
British Telecom, National Notice Handling Centre, PP404B Telecom House, Trinity Street, Stoke on Trent, ST1 5ND  
Scottish Borders Council, Street Lighting Section, Council HQ, Newtown St Boswells, Melrose, TD6 0SA  
Cable & Wireless, 1 Dove Wynd, Strathclyde Business Park, Bellshill, ML4 3AL  
BP Chemicals Ltd, PO Box 21, Bo'ness Road, Grangemouth, FK2 9XH  
THUS, Susiephone Department, 4<sup>th</sup> Floor, 75 Waterloo Street, Glasgow, G2 7BD  
Susiephone System – **0800 800 333**

If you are in a Coal Authority Area (Carlops or Newcastleton), please contact the Coal Authority at the following address: The Coal Authority 200 Lichfield Lane, Berry Hill, Mansfield, Nottinghamshire NG18 4RG.

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

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.

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 T. Miers  
Chairman of the Local Review Body

**Date.....**26 November 2018

## PLANNING CONSULTATION

On behalf of: Director of Education & Lifelong Learning

From: Service Director of Assets & Infrastructure

Contact: Neil Hastie, Estates Manager

To: Head of Planning & Building Standards

Date: 24 July 2018

Contact: Stuart Herkes ☎ 01835 825039

Ref: 18/00956/FUL

### PLANNING CONSULTATION

**Name of Applicant:** Mr & Mrs Rose and Alexis Kennedy

**Agent:** Architeco Ltd

**Nature of Proposal:** Erection of dwelling house

**Site:** Land North West of Chapel Cottage, Melrose, Scottish Borders

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**OBSERVATIONS OF: Education & Lifelong Learning (Neil Hastie)**

### CONSULTATION REPLY

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

There are no contributions sought for this application.

*Please note that the level of contributions for all developments will be reviewed at the end of each financial year and may be changed to reflect changes in the BCIS index – therefore, we reserve the right to vary the level of the contributions.*

If you require any further information please do not hesitate to contact me by emailing [estatemangement@scotborders.gov.uk](mailto:estatemangement@scotborders.gov.uk)

**Scottish Borders Council**

**Regulatory Services – Consultation reply**

<b>Planning Ref</b>	18/00956/FUL
<b>Uniform Ref</b>	18/02015/PLANCO
<b>Proposal</b>	Planning Consultation Erection of dwellinghouse
<b>Address</b>	Land North West Of Chapel Cottage Melrose
<b>Date</b>	27th July 2018
<b>Amenity and Pollution Officer</b>	Fraser Smith
<b>Contaminated Land Officer</b>	No Comment

**Amenity and Pollution**

Assessment of Application

*Water Supply*

The application states the development will be served by the mains water supply.

**Condition**

*No water supply other than the public mains water supply shall be used to supply the development without the written agreement of the Planning Authority.*

*Reason: To ensure that the development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.*

**Recommendation**

<del>Delete as appropriate – Agree with application in principle, subject to conditions / Further Information Required Before Application is Determined / Information to be Provided Before Work Commences (see conditions) / No Comment / Object</del>
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# CONSULTATION RESPONSE TO PLANNING OR RELATED APPLICATION



Comments provided by	Landscape Architect Officer Name and Post: S McDermott	Contact e-mail/number: smcdermott@scotborders.gov.uk		
Date of reply	25 <sup>th</sup> July 2018			
Planning Application Reference	18/00956/FUL	Case Officer: Stuart Herkes		
Proposed Development	Detached dwellinghouse			
Site Location	NW of Chapel Cott, Melrose			
<p><i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i></p>				
Background and Site description	See landscape consultation reply to previous application (18/00644/PPP)			
Key Issues (Bullet points)	<ul style="list-style-type: none"> <li>• The mature tree(s) close to or adjacent to the southeast and south west boundaries</li> <li>• Existing beech hedge along the south west boundary (boundary along public road) –NOT A STONE WALL AS SHOWN ON THE SITE PLAN.</li> </ul>			
Assessment	<p>This application establishes the proposed location for the dwelling house, parking and access into the site and shows the location of the mature trees along the SE and SW boundaries. However, although requested in my previous response, a tree survey (BS5837:2012) has not been submitted to establish the extent of the RPA of adjacent trees and on the Site Plan as Proposed (Dwg No 1427-02-03) the proposed location of the site access and much of the parking area appears to be located within the RPA of the adjacent sycamore tree.</p> <p><b>Without the requested Tree Survey information I cannot support this application.</b></p> <p>As well as the tree survey information, I would want to see detail of how the development proposals can be accommodated WITHOUT impacting on adjacent mature trees. This might include a no-dig method of driveway construction, if it cannot be wholly removed from the tree's RPA.</p> <p>The position of the site access and the parking area may need to be located further along the SE boundary.</p> <p>It is not clear from the Site Plan as Proposed how the communal bin store will be accessed. We would not want to see it located closer than 1m from the face of the adjacent hedge.</p> <p>I suggest that to assimilate the proposed development into the immediate landscape a hedge, in association with the post and wire fence, along the three open boundaries may be more appropriate than a post and wire fence on its own.</p>			
Recommendation	<input checked="" type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input type="checkbox"/> Do not object, subject to conditions	<input type="checkbox"/> Further information required

<b>Recommended Conditions</b>	LA09 – Protective fencing to edge of RPA LA10 – No development closer than 1m from face of existing beech hedge , with protective fencing put in place before commencement.
<b>Recommended Informatives</b>	<i>BS5837:2012 Trees in relation to design, demolition and construction – recommendations</i>

# CONSULTATION RESPONSE TO PLANNING OR RELATED APPLICATION



Comments provided by	Roads Planning Service		Contact e-mail/number
Officer Name and Post	Alan Scott Senior Roads Planning Officer		<a href="mailto:ascott@scotborders.gov.uk">ascott@scotborders.gov.uk</a> 01835 826640
Date of reply	7 <sup>th</sup> Sept. 2018		
Planning Application Reference	18/00956/FUL	Case Officer: Stuart Herkes	
Proposed Development	Erection of dwelling		
Site Location	Land NW of Chapel Cottage, Melrose		
<i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i>			
Background and Site description			
Key Issues (Bullet points)	<ul style="list-style-type: none"> <li>• Parking</li> <li>• Access and junction with public road</li> </ul>		
Assessment	The principle of a dwelling on this site has already been accepted by ROADS Planning Service via application 15/00036/PPP. With regards the current proposal, I will have no objections provided the conditions below are attached to any approval issued.		
Recommendation	<input type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input checked="" type="checkbox"/> Do not object, subject to conditions <input type="checkbox"/> Further information required
Recommended Conditions/Reason for Refusal	<p>Parking and turning for a minimum of two vehicles (excluding any garages) is provided within the curtilage of the site prior to occupation of the dwelling. Thereafter these must be retained in perpetuity. Reason: To ensure the development is served by appropriate off road parking and turning.</p> <p>The existing gates must be reset a minim of 6m back form the public road edge. Reason: To ensure the development is served by an access that does not impact on the safety of users of the adjacent public road.</p> <p>Visibility splays of 2.4m x 90m to the left and 2.4m x 160m to the right (on exiting) must be provided at the junction with the B6359 prior to commencement of development and maintained thereafter in perpetuity. Reason: To ensure the development is served by a satisfactory form of access.</p> <p>Prior to any works on the existing fence line and hedgerow, a scheme of details for the replanting of the hedgerow and realignment of the fence line outwith the visibility splays must be submitted to and approved in writing by the Council. Reason: To ensure the development is served by a satisfactory form of access.</p> <p>The proposed bin storage area must be relocated so as to be outwith the required visibility splays. Reason: To ensure the development is served by a satisfactory form of access, including unrestricted visibility splays.</p>		

Recommended Informatives	
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Signed: DJI

# CONSULTATION RESPONSE TO PLANNING OR RELATED APPLICATION



Comments provided by	Archaeology Officer Officer Name: Dr Christopher Bowles	Contact e-mail/number: archaeology@scotborders.gov.uk		
Date of reply	22 August, 2018			
Planning Application Reference	18/00956/FUL	Case Officer: Stuart Herkes		
Proposed Development	Erection of dwellinghouse			
Site Location	Land North West Of Chapel Cottage Melrose Scottish Borders			
<i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i>				
Background and Site description	There are no known archaeological implications for this proposal			
Key Issues (Bullet points)	•			
Assessment				
Recommendation	<input type="checkbox"/> Object	<input checked="" type="checkbox"/> Do not object	<input type="checkbox"/> Do not object, subject to conditions	<input type="checkbox"/> Further information required
Recommended Conditions				
Recommended Informatives				



## List of Policies

**Local Review Reference:** 18/00038/RREF

**Planning Application Reference:** 18/00956/FUL

**Development Proposal:** Erection of dwellinghouse

**Location:** Land North West of Chapel Cottage, Melrose

**Applicant:** Mr & Mrs Rose and Alexis Kennedy

### Scottish Borders Local Development Plan 2016

#### 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

## List of Policies

wider environment and to meet open space requirements. In some cases agreements will be required to ensure that landscape works are undertaken at an early stage of development and that appropriate arrangements are put in place for long term landscape/open space maintenance,

- g) it considers, where appropriate, the long term adaptability of buildings and spaces.

### Placemaking & Design

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

### Accessibility

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

### Greenspace, Open Space & Biodiversity

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

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

## **POLICY HD2: HOUSING IN THE COUNTRYSIDE**

The Council wishes to promote appropriate rural housing development:

- a) in village locations in preference to the open countryside where permission will only be granted in special circumstances on appropriate sites,

## List of Policies

- 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.

## List of Policies

### (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

## List of Policies

use by an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and

- c) the housing development would help support a business that results in a clear social or environmental benefit to the area, including the retention or provision of employment or the provision of affordable or local needs housing, and
- d) no appropriate site exists within a building group, and
- e) there is no suitable existing house or other building capable of conversion for the required residential use.

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

### **POLICY HD3 : PROTECTION OF RESIDENTIAL AMENITY**

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

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

### **POLICY EP8: ARCHAEOLOGY**

#### **(A) National Archaeological Sites**

Development proposals which would destroy or adversely affect the appearance, fabric or setting of Scheduled 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.

## **List of Policies**

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.

### **POLICY EP10: GARDENS AND DESIGNED LANDSCAPES**

The Council will support development that safeguards or enhances the landscape features, character or setting of:

- a) sites listed in the Inventory of Gardens and Designed Landscapes, or
- b) sites included in historic gardens and designed landscapes records.

All development should be carefully sited, be of the highest standards of design using appropriate finishing materials and planting, and be informed by and respectful of the historic landscape structure. Proposals that will result in an unacceptable adverse impact will be refused.

All applications affecting a Garden or Designed Landscape will be required to be supported by a Design Statement.

### **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.

### **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;

## List of Policies

- 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 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:

## List of Policies

- 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.

### OTHER MATERIAL CONSIDERATIONS

- 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 Privacy and Sunlight 2006
- SBC Supplementary Planning Guidance on Trees and Development 2008
- SBC Supplementary Planning Guidance on Landscape and Development 2008
- SBC Supplementary Planning Guidance on Waste Management 2015
- SBC Supplementary Planning Guidance on Development Contributions 2011



- ◆ Architecture
- ◆ Building Surveying
- ◆ Accredited Energy Assessment

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RA/CMB

*If calling please ask for: Richard Amos*

12<sup>th</sup> December 2018

Local Review Body  
Democratic Services  
Scottish Borders Council  
Council Headquarters  
Newtown St. Boswells  
Melrose TD6 OSA

Dear Sir/Madam,

**Appeal to the Local Review Body**  
**No. 10 Townhead Way, Newstead, TD6 9BU**  
**Planning / Refusal Ref: 18/01215/FUL**

Unfortunately there was no sensible compromise to be made at today's meeting with the Case Officer (Julie Hayward) and reluctantly we submit an appeal on behalf of the applicant.

Please confirm receipt and confirmation that the information provided is adequate.

Yours faithfully  


Richard Amos F.R.I.C.S., M.Inst.C.S.  
For Richard Amos Ltd

Enc.



**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 2013

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

Use **BLOCK CAPITALS** if completing in manuscript

**Applicant(s)**

Name Mr K Patterson

Address Tweedwood Cottage, Rush Bank, Newste

Postcode TD6 9DA

Contact Telephone

Contact Telephone

E-mail\*

**Agent (if any)**

Name Richard Amos Ltd

Address 2 Golden Square, Duns

Postcode TD11 3AW

Contact Telephone 1 01361 882599

Contact Telephone 2

E-mail\* ra@richardamosltd.co.uk

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 Scottish Borders Council

Planning authority's application reference number 18/01215/FUL

Site address 10 Townhead Way, Newstead,

Description of proposed development

Extension to dwellinghouse to provide ground floor toilet and shower accommodation.

Date of application 10/09/2018

Date of decision (if any) 31/10/2018

Notice of Review

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 (tick one box)

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:

Explanation of the calculation of the sky component and daylight factor may be required.

### 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 type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

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

**Statement**

You must state, in full, why you are seeking a review of 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.

See attached statement and information.

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.

Supplementary information on daylight to neighbours kitchen to negate the reason for refusal.

As the size of the extension was within normal permitted development permissions, it was not considered necessary at the time of submission to submit any more detailed information.

No objections were raised during the application process.

No contact made with the agent and no objections were raised by the Planning Officer.

The refusal notice registered on line 31st October 2018, was the first and only indication that the Planning Officer was unhappy with the proposal.

No opportunity was given during the application process to submit further information or discuss the reasons for refusal.

**List of documents and evidence**

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. Note: there will be no opportunity to submit further documents to accompany this notice of review.

Plans and section of the proposed extension, neighbouring properties, kitchen plan and existing obstruction to daylighting.

Daylighting Waldram diagrams demonstrating that the amount of daylight (sky component) reaching both, the adjoining properties existing window and door glazing, exceeds the minimum recommended requirement of BRE209-site layout Planning for Daylight and Sunlight on which the Scottish Borders Council and all Scottish Planning Authorities Guidance is based.

A letter from the neighbours confirming that they have no objection to the proposed extension and to the contrary are in support of the application due to the increased privacy to their Garden.

A written statement with sound reasoning as to why the delegated Officer's reasons for refusal are inaccurate and inappropriate.

Details of approved extension No.12 Rush Bank Ref: 10/00358/FUL, a much larger extension built on the boundary and within the Conservation Area.

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 [Redacted Signature] Date 12/12/18

**The completed form should be returned to the Clerk of the Local Review Body, Democratic Services, Scottish Borders Council, Council Headquarters, Newtown St. Boswells TD6 0SA or sent by email to [localreview@scotborders.gov.uk](mailto:localreview@scotborders.gov.uk)**

18/01215/FUL: 10 Townhead, Newstead

**DOCUMENT / PLANS ENCLOSED:**

1. Copy of Refusal Document, site plan, plans and elevations.
2. Proof the Application was refused prior to it being signed off by the Case Officers Line Manager on the 1<sup>st</sup> November 2018.
3. Supporting Statement.
4. Drawing No: 18/B608/LC01 showing that only the kitchen window fails the 45 degree guidance rule.
5. Drawing No: 18/B608/ SK08: Sky component calculation (Waldram diagram) for door glazing.
6. Drawing No: 18/B608/ SK07: Sky component calculation (Waldram diagram) for window glazing.
7. Drawing No: 18/B608/ SK09: Demonstrating that Daylighting to the principal work area in the adjoining properties kitchen is unaffected by the Extension and as with all of the area to the rear of the Kitchen is enhanced by the secondary glazing in the French doors from the Living area.
8. Drawing No: 18/B608/ SK05: Daylight factor calculation (Waldram diagram) for Kitchen work surface most affected by the proposed extension, confirming that the sky component calculations are correct and the loss of light is minimal and is certainly outweighed by the applicants need for ground floor sanitary accommodation.
9. Excerpt from BRE 209 'Guide to Good Practice' Site Layout Planning for Daylight and Sunlight.
10. Comparison site plan No.12 Rushbank and No.10 Townhead Way and copy of Planning approved documents for No.12 Rushbank.
11. Copy of letter from neighbour of the adjoining property, No.11 Townhead Way, Newstead, confirming that they have no objection to the Extension and fully support the application.

**Supporting Statement for Application Reference:**  
**18/01215/FUL: 10 Townhead, Newstead**

**Refusal Notice**

Dated 31<sup>st</sup> October 2018, posted on the Planning website the same day, later withdrawn, amended and re-dated 1<sup>st</sup> November 2018.

Reason for refusal: *'The proposal would be contrary to policy HD3 of the Scottish Borders Local Development Plan 2016 and advice contained within the Council's Supplementary Planning Guidance on Householder Development (Privacy and Sunlight) 2006 in that by virtue of the position, mass and height of the extension, the proposal would be harmful to the residential amenities of occupants of the neighbouring property in terms of outlook due to its dominance and the resulting unacceptable loss of light.'*

**The Officers Report:**

**SCOTTISH BORDERS COUNCIL**

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

**PART III REPORT (INCORPORATING REPORT OF HANDLING)**

REF : 18/01215/FUL

APPLICANT : Mr Kevin Patterson

AGENT : Richard Amos (Duns)

DEVELOPMENT : Extension to dwellinghouse

LOCATION: 10 Townhead Way  
Newstead  
Scottish Borders  
TD6 9BU

TYPE : FUL Application

REASON FOR DELAY:

---

## DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
18/B608/LC01	Location Plan	Refused
18/B608/SK02	Elevations	Refused

**NUMBER OF REPRESENTATIONS: 0**

## SUMMARY OF REPRESENTATIONS:

There are no representations.

## CONSULTATIONS:

Principal Officer (Heritage and Design): No response.

Archaeology Officer: There are no known archaeological implications for this proposal.

Environmental Health: No comments.

Community Council: No Comments.

## PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan 2016

PMD2: Quality Standards

HD3: Protection of Residential Amenity

EP4: National Scenic Area

EP9: Conservation Areas

Supplementary Planning Guidance:

Placemaking and Design 2010

Householder Development (Privacy and Sunlight) 2006

**Recommendation by** - Julie Hayward (Lead Planning Officer) on 31st October 2018

## Site and Proposal

The property is a two storey, terraced dwellinghouse within a modern development within the Conservation Area. It has rendered walls and a slate roof.

The proposal is to erect a single storey extension on the rear elevation. This would accommodate a shower room and boot room. It would have dry dash rendered walls and a slate roof.

## Planning Policy

Policy PMD2 requires all development to be of high quality in accordance with sustainability principles, designed to fit in with Borders townscapes and to integrate with its landscape surroundings. The policy contains a number of standards that would apply to all development.

Policy EP4 states that development that may affect the National Scenic Area will only be permitted where the objectives of the designation and overall landscape value of the site and its surroundings will not be compromised and any significant adverse effects on the qualities for which the site or its surrounds have been designated are clearly outweighed by social or economic benefits of national importance.

Policy EP9 states that the Council will support development proposals within or adjacent to Conservation Areas which are located and designed to preserve and enhance the special architectural or historic character and appearance of the Conservation Area, respecting the scale, proportions, alignment, density, materials and boundary treatments of nearby buildings and open spaces.

Policy HD3 states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted. The Council's Supplementary Planning Guidance on Householder Developments contains advice on daylight and privacy.

## Siting and Design

This is a small scale development on the rear elevation of the building. The materials would match the existing house. It is considered that the design and materials are acceptable.

## Impact on the Conservation Area and National Scenic Area

The rear garden is well screened by walls and fences. In addition, the garden is terraced as the ground level rises up to the rear. The extension would not be visible from the street and so would not harm the character or appearance of the Conservation Area or special qualities of the National Scenic Area.

## Impact on Residential Amenities

There are no windows proposed for the side elevations of the extension, only a door on the north elevation and so no loss of privacy or overlooking would occur.

The Supplementary Planning Guidance on Householder Development states that the 45 Degree Rule can be used to ensure that the development does not lead to the unreasonable loss of a neighbour's light. This involves drawing a line from the middle of the sill of a window which is potentially affected by a neighbour's development at an angle of 45 degrees towards the extension both horizontally and vertically. No part of the extension should encroach beyond these lines as the proposal would then affect the light into the neighbour's window.

No.11 has a window and part glazed door to the kitchen adjacent to the boundary and is on lower ground (400mm). There is a timber fence on the boundary. The extension would be erected on the boundary. Applying the 45 Degree Rule, the extension breaches both the vertical and horizontal lines to the kitchen door and window. The elevation drawing shows that the eaves of the extension would be 400mm below the eaves of the neighbouring property.

It is considered that the proposal would have an unacceptable impact on the light to the kitchen of the neighbour's property and, given the proximity to the boundary and difference in ground levels, would be a dominant structure affecting the outlook from no.11. For these reasons the application cannot be supported.

#### **REASON FOR DECISION:**

The proposal would be contrary to policy HD3 of the Scottish Borders Local Development Plan 2016 and advice contained within the Council's Supplementary Planning Guidance on Householder Development (Privacy and Sunlight) 2006 in that by virtue of the position, mass and height of the extension, the proposal would be harmful to the residential amenities of occupants of the neighbouring property in terms of outlook due to its dominance and the resulting unacceptable loss of light.

#### **Recommendation: Refused**

- 0 The proposal would be contrary to policy HD3 of the Scottish Borders Local Development Plan 2016 and advice contained within the Council's Supplementary Planning Guidance on Householder Development (Privacy and Sunlight) 2006 in that by virtue of the position, mass and height of the extension, the proposal would be harmful to the residential amenities of occupants of the neighbouring property in terms of outlook due to its dominance and the resulting unacceptable loss of light.

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

### Supporting Statement

The Case Officer's reasons for refusal are inaccurate, inappropriate, inconsistent and unfair to the applicant and we respectfully request that the planning decision to refuse the extension be overturned by the Review Committee for the following reasons.

Scottish Borders Councils, Planning Guidance document on Householder Developments acknowledges the difficulty when designing a rear extension on a property with limited garden space in a terraced situation.

To quote Scottish Border Council's guidance:

- Section 2, paragraph 2.4: - This guidance has now been prepared and is set out in Appendix A to this report. The guide sets out the advice relating to privacy, overlooking and access to light and sunlight. The advice would guide officers when considering and determining applications to ensure that a **fair and consistent** approach is applied to all such applications.
- Appendix A- Section 1, paragraph 1.1: - The purpose of the guidance note is to provide a framework of advice against which applications for householder developments can be assessed. Such guidance is required to provide clear and consistent advice across the Scottish Borders. However the information contained in this guidance note is to be used to guide officers when considering proposals and **should not be applied rigidly**. The nature and location of a proposal may allow for the standards to be relaxed as appropriate.
- Appendix A- Section 3, paragraph 3.1: - Generally an extension should not cause an unacceptable loss of daylight to habitable rooms of neighbouring properties. The orientation and position of the neighbours windows and garden in relation to a proposed extension are important, **especially for two storey rear and side extensions**. Side extensions are not normally problematic in terms of overshadowing. Extensions to the rear of the properties can result in a loss of light to neighbouring properties. **Modest, single storey extensions not exceeding 3 or 4 meters in depth are generally acceptable, even in terraced properties**.
- Appendix A- Section 3, paragraph 3.5: - Applying these standards rigidly could indicate that some single storey extensions in high density housing areas are unacceptable therefore some relaxation may be necessary, particularly for terraced properties with narrow frontages and small rear gardens. **In these cases, the benefits to all properties of providing enlarged accommodation at ground floor level may outweigh the dis-benefit to individual neighbouring properties**.
- Appendix A- Section 3, paragraph 3.6: - Overlooking and overshadowing of adjoining garden ground can also impact on peoples' privacy and undermine their amenity and general enjoyment of their property, for example from proposed balconies and this should also be taken into account when assessing proposals. However it should be remembered that **some degree of mutual overlooking and over shadowing is inevitable between terraced and semi-detached properties**.

- Appendix A- Section 4, paragraph 4.1: - as well as daylighting it is important to consider the impact that a new building or extension could have on access to sunlight. Sunlight refers to direct sunshine and is much brighter than ambient daylight. The elevation of the sun at different time of day and year should be considered in relation to an existing building that may be affected by a new building or extension. If the new building will cause a significant loss of sunlight to an existing building then it is unlikely to be supported.
- Appendix A- Section 5, paragraph 5.1: - Dwellings designed for family accommodation need to provide an area of private garden, amenity space suitable in size and shape for outdoor recreational needs...
- Appendix A- Section 5, paragraph 5.2: - Proposals for extensions should ensure that a sufficient area of private garden ground is retained...

### Design

The extension was designed to be within the permitted development parameters to ensure that loss of light and/ or amenity were not considered to be detrimental to the adjoining property. All of these issues will have been scrutinised when the size of a permitted development extension was decided. The permitted development rules do not state that the extension must be out with the 45 degree rule (the reason for this is proved below).

The reasons for refusal are not consistent with previous applications, nor are they justified in terms of the Guidance on Householders Development, particularly in respect of the guidance highlighted in yellow above.

### Unacceptable Loss of Light

The officers' report states that (using the 45 degree rule) no part of the extension should encroach beyond these lines as the proposal would then affect the light into the neighbours' window. The guidance states that the development should not lead to the **unreasonable loss** of neighbours light and clearly states in the introduction (Appendix A, Section 1.1) that the guidance **should not be applied rigidly**.

The planning guidance, as with all Scottish Authorities, is based on BRE 209: Site Layout Planning for Daylight and Sunlight, this is where the 45 and 25 degree rules originate. This is a simple rule of thumb method whereby an extension to a building can be quickly assessed and proved not to affect neighbouring windows, therefore further assessment is not necessary.

In this case the officers' report stated that the kitchen door glazing failed the 45 degree rule. This is not correct (Drawing No: 18/B608/LC01) as the 45 degree line from the centre/ base of the door glazing clears the eaves of the building. (As further proof, a Waldram Diagram (Drawing No: 18/B608/SK08) has been prepared to confirm that the sky component is 32%, greater than the minimum recommended BRE requirement of 27%, as shown on the attached plan, Drawing No: 18/B608/SK01).

The small window to the kitchen does break the 45 degree rule and as such daylighting calculations have been provided to prove that sufficient daylighting is reaching the window. The Waldram Diagram (Drawing No: 18/B608/SK07) confirms that the sky component is 31.9% (taking into account all obstructions: existing fencing, walling and the new extension), again this is greater than the BRE recommended minimum of 27%.

The extension is on the north side of the neighbouring garden and as such there is no overshadowing as a result of the extension. The sunlight will in fact reflect from the extension walls, improving daylight to this part of the room, particularly during good weather.

Bearing in mind that there is already a high privacy fence on the boundary and even although a Kitchen does not require daylighting under current Building Regulation Standards the actual reduction in daylighting to the small window is minimal. Within the kitchen of the neighbouring property, the small window and glazed door provide direct unobstructed daylight to the principle work surface (as shown on the attached plan, Drawing No: 18/B608/SK09). The small window provides very little by way of additional daylighting to the remainder of the room.

A Waldram Diagram (Drawing No: 18/B608/SK05) has been prepared to confirm the minimal effect the extension has on the secondary work surface, where the obstruction is more or less at its greatest. The loss of sky component is 0.063% daylight factor, this loss is further reduced by the externally reflected component, assumed to be 10% (resultant loss of 0.0567%).

The proposed extension therefore meets with all of the requirements of the BRE 209 Guide to Good Practice: Site Layout Planning for Daylight and Sunlight (excerpt enclosed) and as such the design and siting of the extension comfortably complies with the foundation for the Planning Guidance.

The height of the extension on the boundary has been kept to a minimum, respecting the neighbouring property, the height to eaves is 2.6 meters whereas the height for an exempt extension would be 3.0 meters to the eaves. The 3.0 meter rule has been measured from the ground level of the adjoining property to the eaves of the extension. Albeit that the extension is 100mm off the boundary to accommodate a rainwater gutter and under normal circumstances the 3.0meter rule could be applied from the upper ground level.

The photograph below and comparison site plan (Drawing No: 18/B608/ SK01) showing both of the extensions to No.10 Townhead Way and No.12 Rush Bank, a considerably larger extension of a semi-detached nearby property within the Newstead Conservation Area (Ref: 10/00385/FUL). The extension is of much greater mass and is built on the boundary, blocking the outlook from the principal window of the adjacent property and the extension will heavily overshadow the garden, in the later part of the day. This appears to fail the 45 degree rule to the door glazing and a small window, both serving the Kitchen, (not visible on the photograph) to a much greater extent (see attached drawings taken from Scottish Borders Council planning website). On the basis of this approval, the decision taken to refuse the subject application is not justified nor is it fair or consistent.



Privacy of the adjoining property from the raised terrace of the application site shown will be greatly improved by the proposal. This is welcomed by the adjoining neighbour who has written in support of the application (copy letter attached) and will greatly appreciate that it will not be possible to look directly down into their garden or kitchen window. The extension will provide an equal degree of privacy to the application site.



The view from the Terrace of the application site into adjacent Garden and Kitchen window will be obscured by the extension, which has an eaves level on par with the existing higher privacy fence.

At lower ground level at anyone around 5ft tall or over can look over the existing fence.

We sincerely hope that the Appeal Committee agree that the appellant, whose house is within a Conservation Area, should be able to enjoy the benefits of a modest, normally **permitted development**, extension to their dwelling.

This is reinforced by the Case Officers' Report, which confirms that the proposal meets with the aesthetic and other design parameters expected of an extension to a dwelling within the Conservation Area.

The reason for this application and why the property was extended in this way should be taken into account.

The applicants live in a tied house which they will have to give up on their retirement in about 6 years maximum.

A ground floor toilet and shower is a mandatory requirement for any new dwelling and is an obvious requirement to future proof their retirement dwelling.

There is no more practical location for the extension without building over the only window to the dining area and rendering the small yard area useless. Moving the extension would cut off the access around the house to the rear yard and terrace. Any perceived loss in amenity (not perceived by the neighbours) to the adjoining dwelling is far outweighed by the needs of the applicant in making sure their house is fit for purpose in their retirement. This is not a grand or frivolous extension, but a modest essential adaptation, which should be approved in line with the Planning Guidance already referred to.

We submit that the appeal should be upheld on the grounds stated above.

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

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

**Application for Planning Permission**

**Reference : 18/01215/FUL**

**To : Mr Kevin Patterson per Richard Amos (Duns) Per Dion Smith 2 Golden Square Duns Scottish Borders TD11 3AW**

With reference to your application validated on 10th September 2018 for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal : Extension to dwellinghouse**

**at : 10 Townhead Way Newtosed Scottish Borders TD6 9EU**

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

Dated 31st October 2018  
Regulatory Services  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA

Signed



Depute Chief Planning Officer

**APPLICATION REFERENCE : 18/01215/FUL**

**Schedule of Plans and Drawings Refused:**

Plan Ref	Plan Type	Plan Status
18/B608/LC01	Location Plan	Refused
18/B608/SK02	Elevations	Refused

**REASON FOR REFUSAL**

- 0 The proposal would be contrary to policy HD3 of the Scottish Borders Local Development Plan 2016 and advice contained within the Council's Supplementary Planning Guidance on Householder Development (Privacy and Sunlight) 2006 in that by virtue of the position, mass and height of the extension, the proposal would be harmful to the residential amenities of occupants of the neighbouring property in terms of outlook due to its dominance and the resulting unacceptable loss of light.

**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 Eoswells, 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.

11/11/18

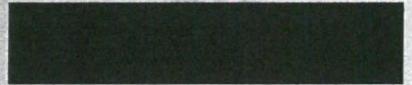
To whom it may concern

Re: Kevin Patterson - Proposed extension to  
10 Tainhead Way Newcastle NSW 1510

I have no objections to the proposed  
extension and fully support this application.

Kind regards

Mike Lindsay  
11 Tainhead Way  
Newcastle  
Newcastle  
NSW 1510



# Planning – Planning Application Documents

[Help with this page](#)

18/01215/FUL | Extension to dwellinghouse | 10 Townhead Way Newstead Scottish Borders TD6 9BU

Save search

Refine search

Track

Print

Details

Comments (3)

Constraints (14)

**Documents (13)**

Related Cases (1)

Map

Filter By: Document Type ▾

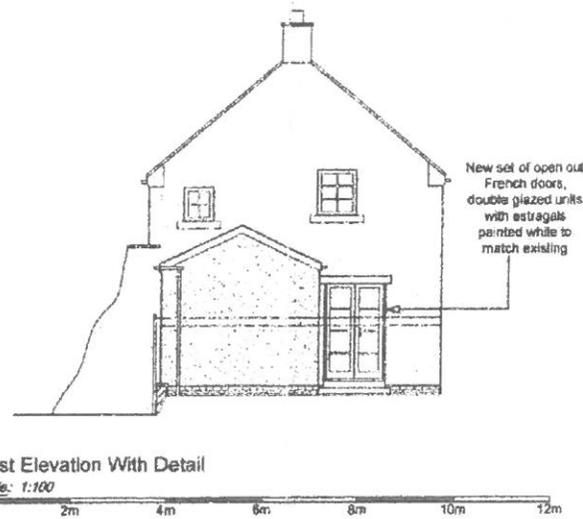
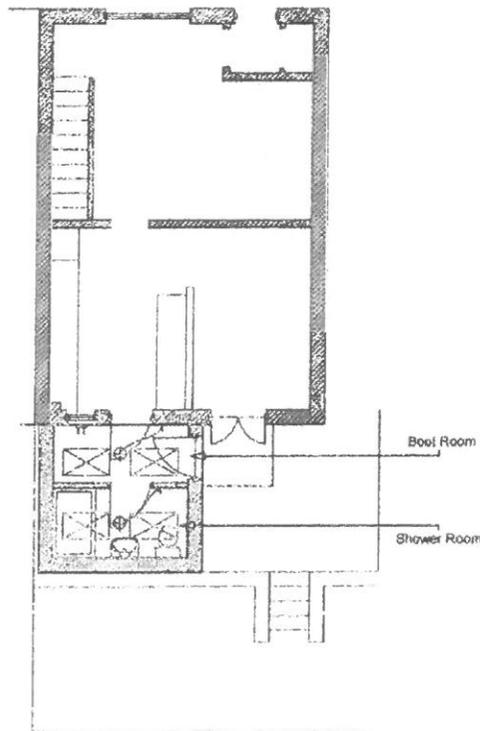
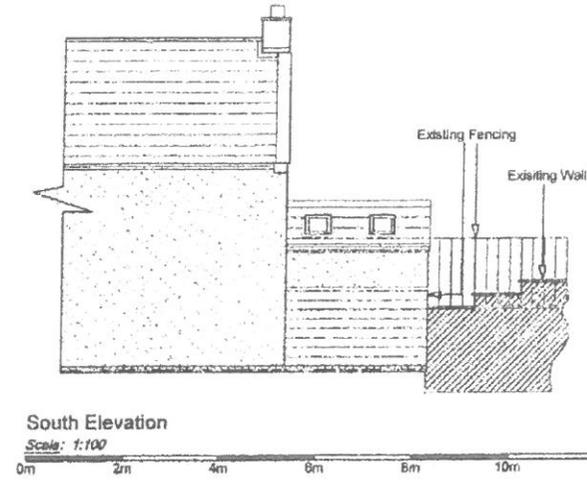
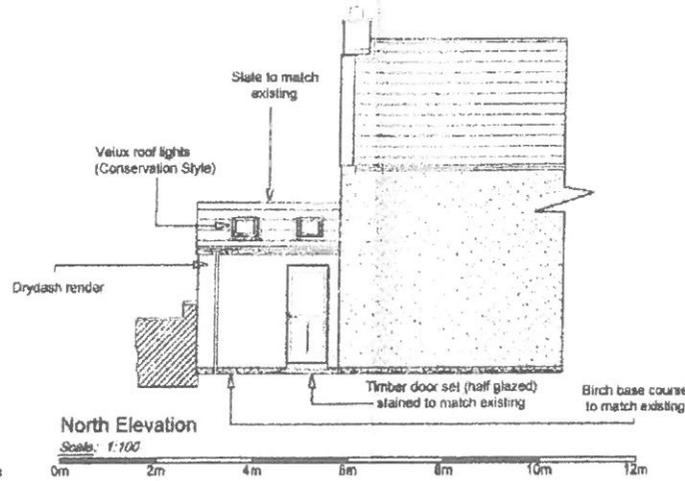
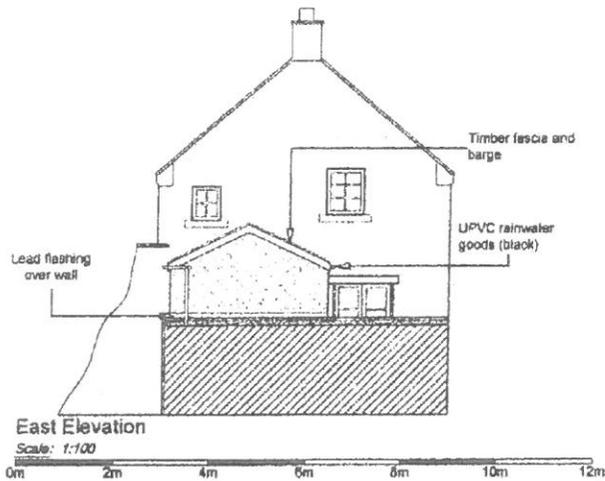
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Apply

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Date Published	Document Type	Description	View
<input type="checkbox"/> 31 Oct 2018	Consultation Reply	ENVIRONMENTAL HEALTH	
<input type="checkbox"/> 31 Oct 2018	Correspondence	AGREEMENT OF RECOMMENDATION	
<input checked="" type="checkbox"/> 31 Oct 2018	Decision	REFUSAL	
<input type="checkbox"/> 31 Oct 2018	Report	OFFICERS REPORT	
<input type="checkbox"/> 26 Sep 2018	Consultation Reply	ARCHAEOLOGY OFFICER	
<input type="checkbox"/> 25 Sep 2018	Consultation Reply	COMMUNITY COUNCIL	
<input type="checkbox"/> 20 Sep 2018	Adverts	SOUTHERN REPORTER	
<input type="checkbox"/> 10 Sep 2018	Correspondence	REGISTRATION TO AGENT	
<input type="checkbox"/> 10 Sep 2016	Neighbour Notification List	NEIGHBOUR NOTIFICATION LIST	
<input type="checkbox"/> 07 Sep 2018	Other	APPLICATION SUMMARY PDF	
<input type="checkbox"/> 07 Sep 2018	Drawing	REFUSED - PROPOSED FLOOR PLAN AND ELEVATIONS	
<input type="checkbox"/> 07 Sep 2018	Application Form	EXTENSION TO DWELLINGHOUSE	
<input type="checkbox"/> 07 Sep 2018	Drawing	APPROVED - REFUSED	

Download Selected Files



Southair Borders Council  
Environment & Infrastructure  
31 OCT 2018  
Town & Country Planning (Scotland) Act  
REFUSED

Electrical Symbol Key.

- ⊖ Light Switch.
- ⊕ Pull Switch.
- ⊙ Shrouded ceiling rose light outlet.
- ⊚ Double Socket

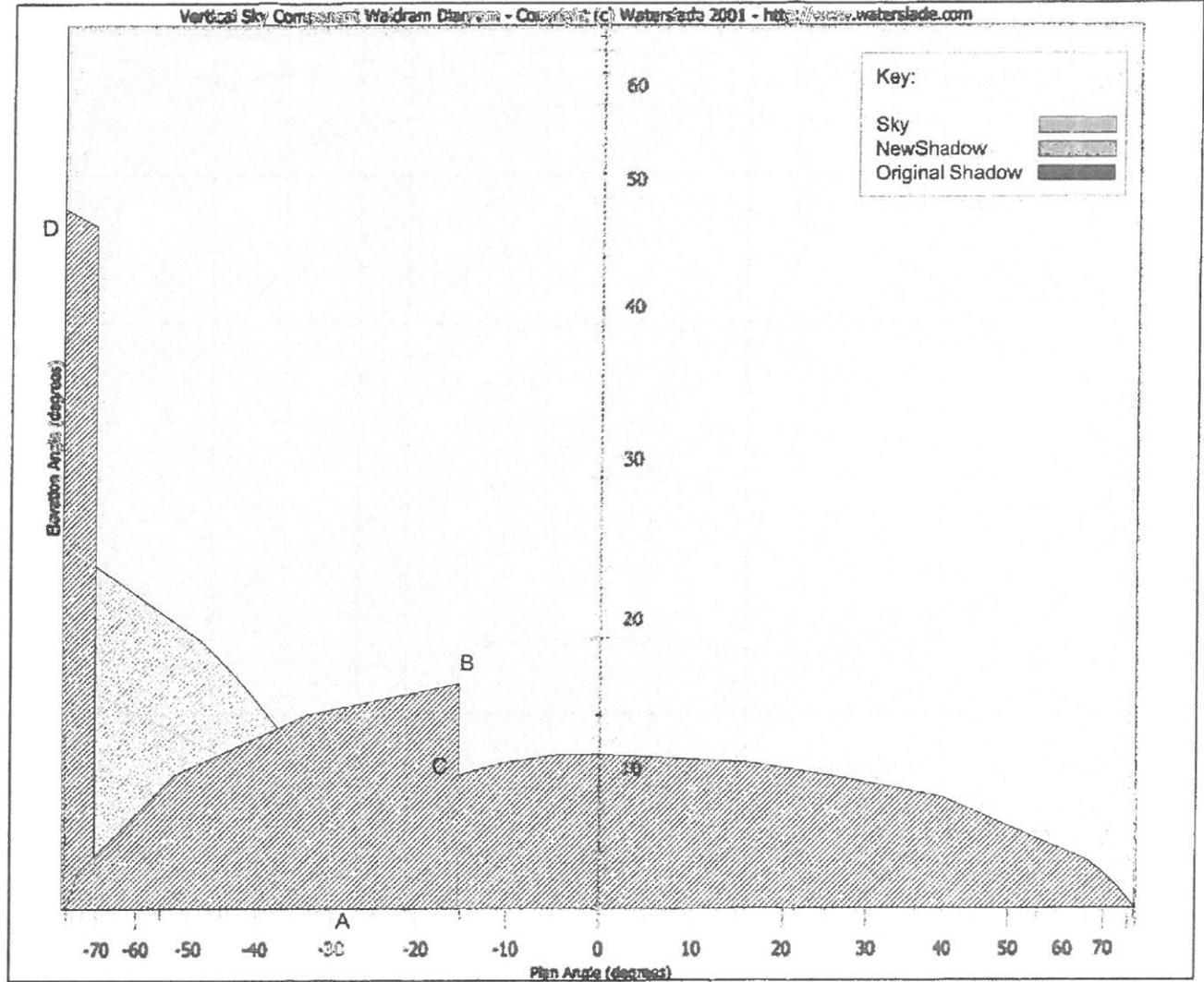
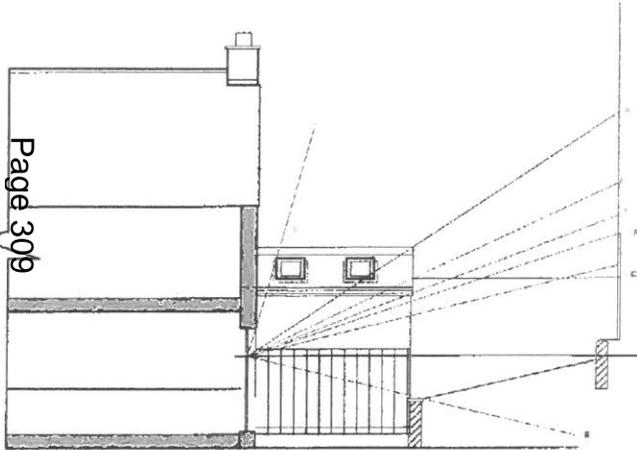
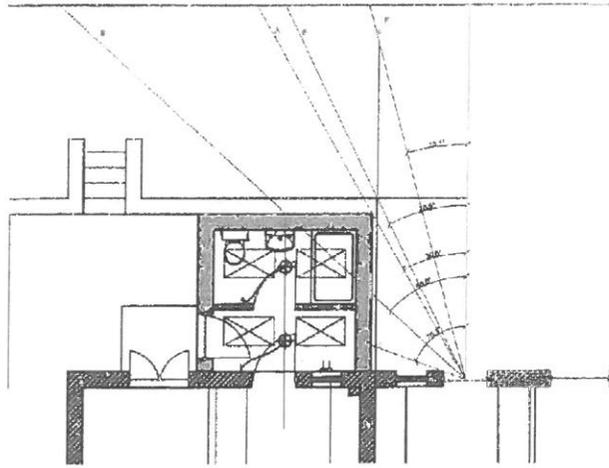
Do not scale off this drawing  
All dimensions must be checked on site prior to ordering materials and construction

CLIENT: Mr & Mrs Patterson			
PROJECT: Proposed Extension to 10 Townhead Way Newstead, Melrose TD6 9BU			
TITLE: Floor / Elevations		DRAWING NO: 18/B608/SK02	
DRAWN: DS	SCALE: 1:100	DATE: 06/09/18	A3

**Richard Amos Ltd.**  
Chartered Architectural and Building Surveying Services

2 Golden Square, Duns, Berwickshire, TD11 3AW,  
Tel: (01361) 882599, Fax: (01361) 882577,  
E-Mail: ra@richardamosltd.co.uk

Registered Office 2 Golden Square, Duns, Berwickshire, TD11 3AW.  
Registered in Scotland, Company No. 248332 V.A.T. Reg. No. 502 4656 71



Page 309

	L	H	TAN	ANGLE
A	3705	1213	0.324	17.9
B	4794	2125	0.443	23.9
C	7482	1509	0.202	11.4
D	470.5	557.5	1.184	49.8
E	3922	-831	-0.214	-12.1
F	7482	2377	0.317	17.6
J	3705	1508	0.407	22.1

Results:

Existing Obstruction = 6.9%  
 Existing Total sky component = 33.1%  
 New Obstruction = 1.1%  
 Total sky component = 32%  
 Minimum sky component BRE 209 = 27%

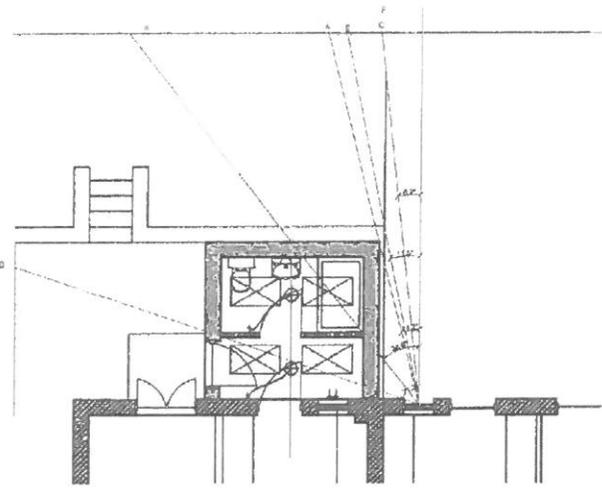
Do not scale off this drawing.  
 All dimensions must be checked on site prior to ordering materials and construction.

CLIENT: Mr & Mrs Patterson		DRAWING NO: 18/B608/SK08	
PROJECT: Proposed Extension to 10 Townhead Way Newstead, Melrose TD6 9BU			
TITLE: Door Glazing		DATE: 05/12/18	
DRAWN: JF	SCALE: 1:100	A3	

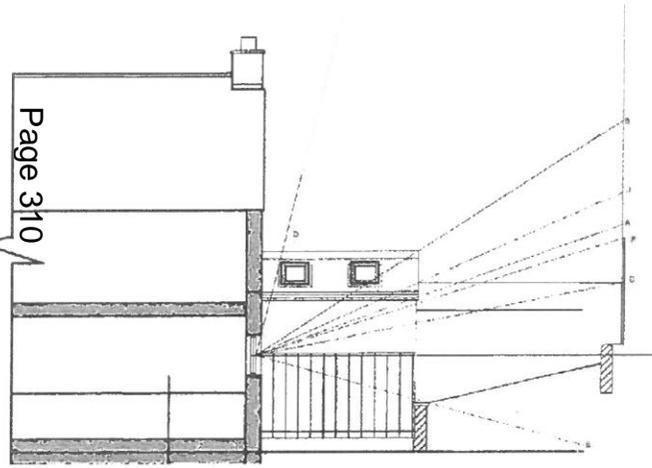
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 Tel: (01361) 882599, Fax: (01361) 882577,  
 E-Mail: ra@richardamosltd.co.uk

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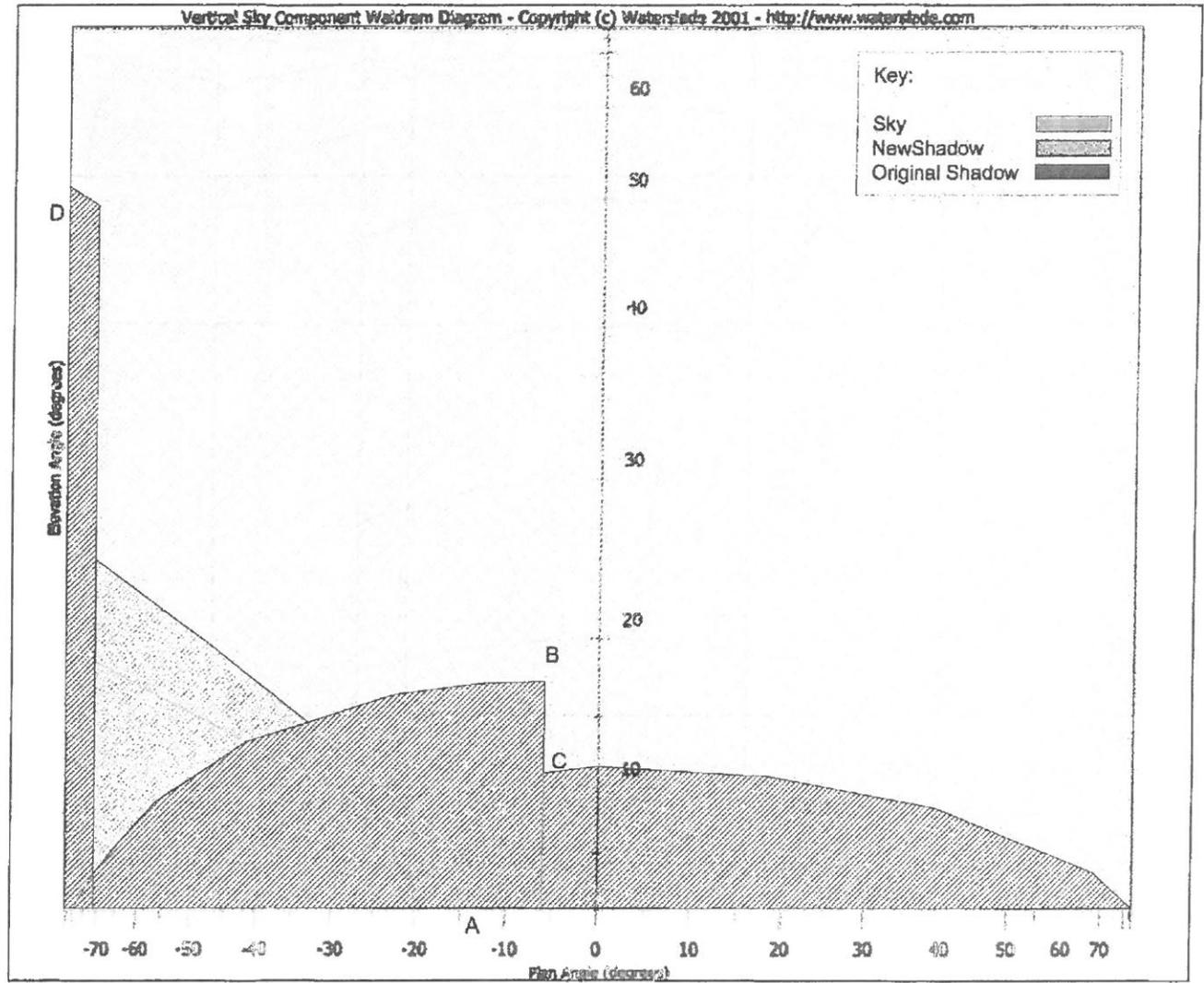
Page 310



	L	H	TAN	ANGLE
A	3239	1111	0.343	18.9
B	4032	2029	0.503	28.7
C	7221	1406	0.195	11.0
D	310	404	1.303	52.5
E	3520	-1763	-0.500	-26.6
F	7221	2267	0.314	17.4
J	3249	1411	0.434	23.4

Results:

Existing Obstruction = 6.8%  
 Existing Total sky component = 33.2%  
 New Obstruction = 1.3%  
 Total sky component = 31.9%  
 Minimum sky component BRE 209 = 27%



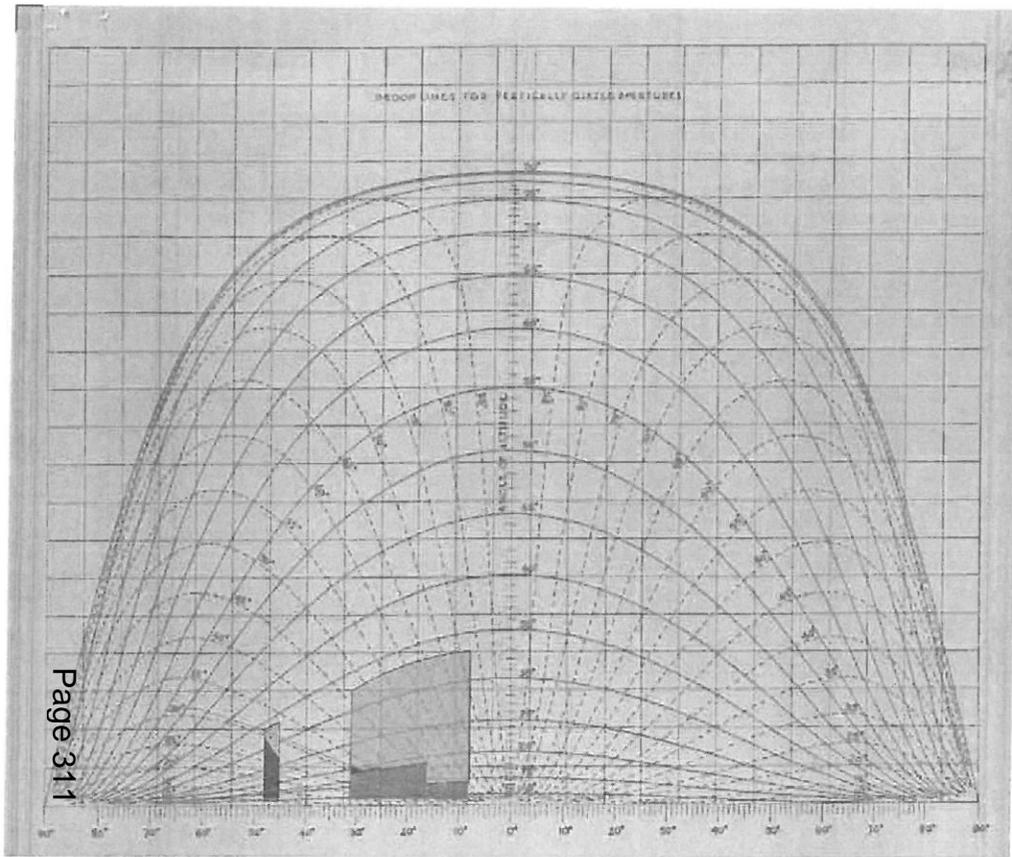
Do not scale off this drawing.  
 All dimensions must be checked on site prior to ordering materials and construction.

CLIENT: Mr & Mrs Patterson		DRAWING NO: 18/B608/SK07	
PROJECT: Proposed Extension to 10 Townhead Way Newstead, Melrose TD6 9BU			
TITLE: Window Glazing	SCALE: 1:100	DATE: 05/12/18	A3
DRAWN: JF			

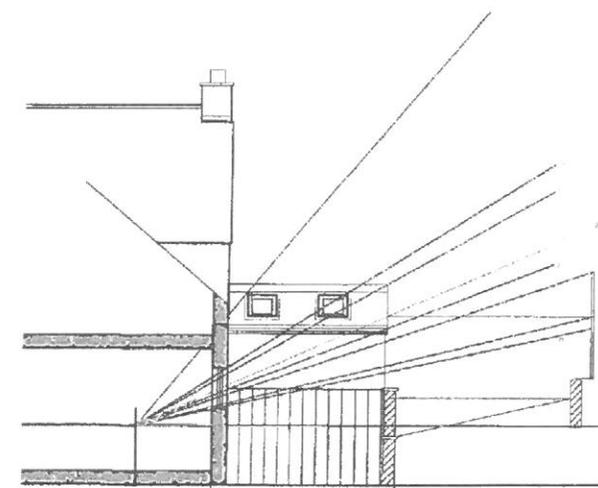
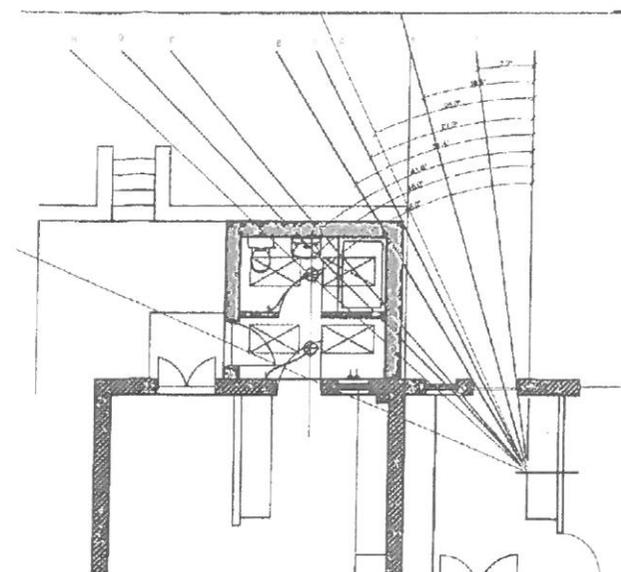
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 Tel: (01361) 882599, Fax: (01361) 882577,  
 E-Mail: [ra@richardamosltd.co.uk](mailto:ra@richardamosltd.co.uk)

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 Registered in Scotland, Company No. 240372 V.A.T. Reg. No. 5024656 71



	L	H	TAN	ANGLE
A	8229	2191	0.266	14.9
B	8257	2131	0.230	13.0
C	8787	2999	0.306	17.0
D	5458	1886	0.347	19.1
E	4775	1886	0.397	21.7
F	6424	2747	0.427	23.1
G	3603	1859	0.610	27.0
H	3386	1856	0.545	26.5
I	4597	2747	0.6	30.9
J	9797	3960	0.393	21.5



Key:

- Sky
- Original Shadow
- New Shadow

Results:

Total potential of existing window and door glazing with no obstruction = 1.23%

Existing Obstruction = 0.21%

**Existing Total sky component = 1.02%**

New Obstruction = 0.063%

Loss of sky = 0.063%

**Total Daylight factor excluding internally and externally reflected components = 0.96%**

Do not scale off this drawing.  
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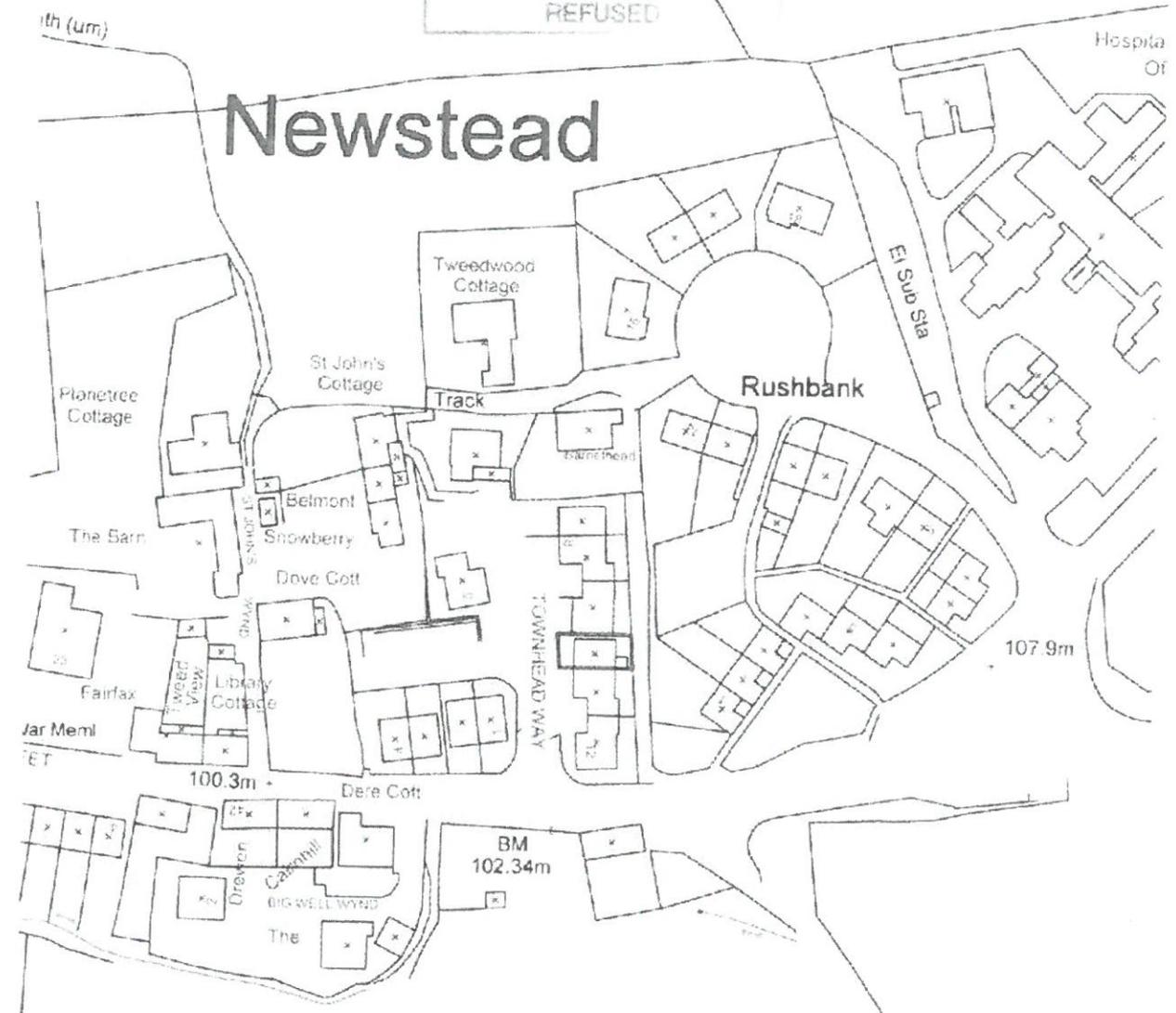
CLIENT: Mr & Mrs Patterson		<b>Richard Amos Ltd.</b> Chartered Architectural and Building Surveying Services	
PROJECT: Proposed Extension to 10 Townhead Way Newstead, Melrose TD6 9BU			
TITLE: Waldram Diagram	DRAWING NO: 18/B608/SK05	2 Golden Square, Duns, Berwickshire, TD11 3AW, Tel: (01361) 882599, Fax: (01361) 882577, E-Mail: ra@richardamosltd.co.uk	
DRAWN: JF	SCALE: 1:100		
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18/01215/FUL

RECEIVED 10 SEP 2018

Scottish Borders Council  
Environment &  
Infrastructure  
  
31 OCT 2018  
  
Town & Country Planning (Scotland) Act  
REFUSED



Location Plan

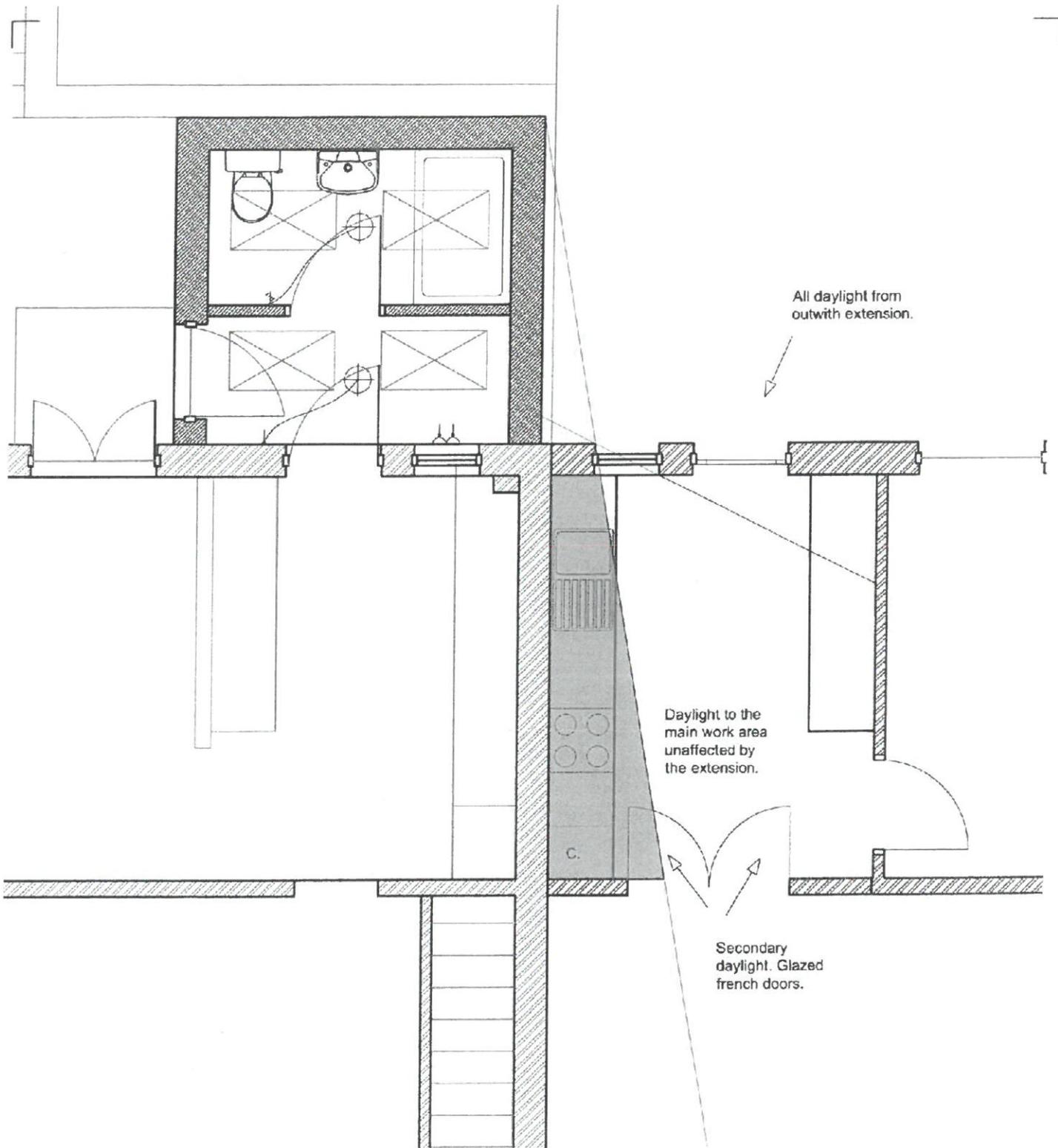
Scale: 1:1250



Ordnance Survey License No - #####

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CLIENT: Mr & Mrs Patterson		<b>Richard Amos Ltd.</b> <b>Chartered Architectural and Building          Surveying Services</b>	
PROJECT: Proposed Extension to 10 Townhead Way Newstead, Melrose TD6 9BU			
TITLE: Location Plan	DRAWING NO: 18/B608/LC01	2 Golden Square, Duns, Berwickshire, TD11 3AW, Tel: (01361) 882599, Fax: (01361) 882577, E-Mail: ra@richardamosltd.co.uk	
DRAWN: DS	SCALE: 1:1250	DATE: 06/09/18	A4



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CLIENT:  
Mr & Mrs Patterson

PROJECT:  
Proposed Extension to 10 Townhead  
Way Newstead, Melrose TD6 9BU

TITLE:  
Waldram Table

DRAWING NO:  
18/B608/SK09

DRAWN:  
JF

SCALE:  
1:50

DATE:  
29/11/2018

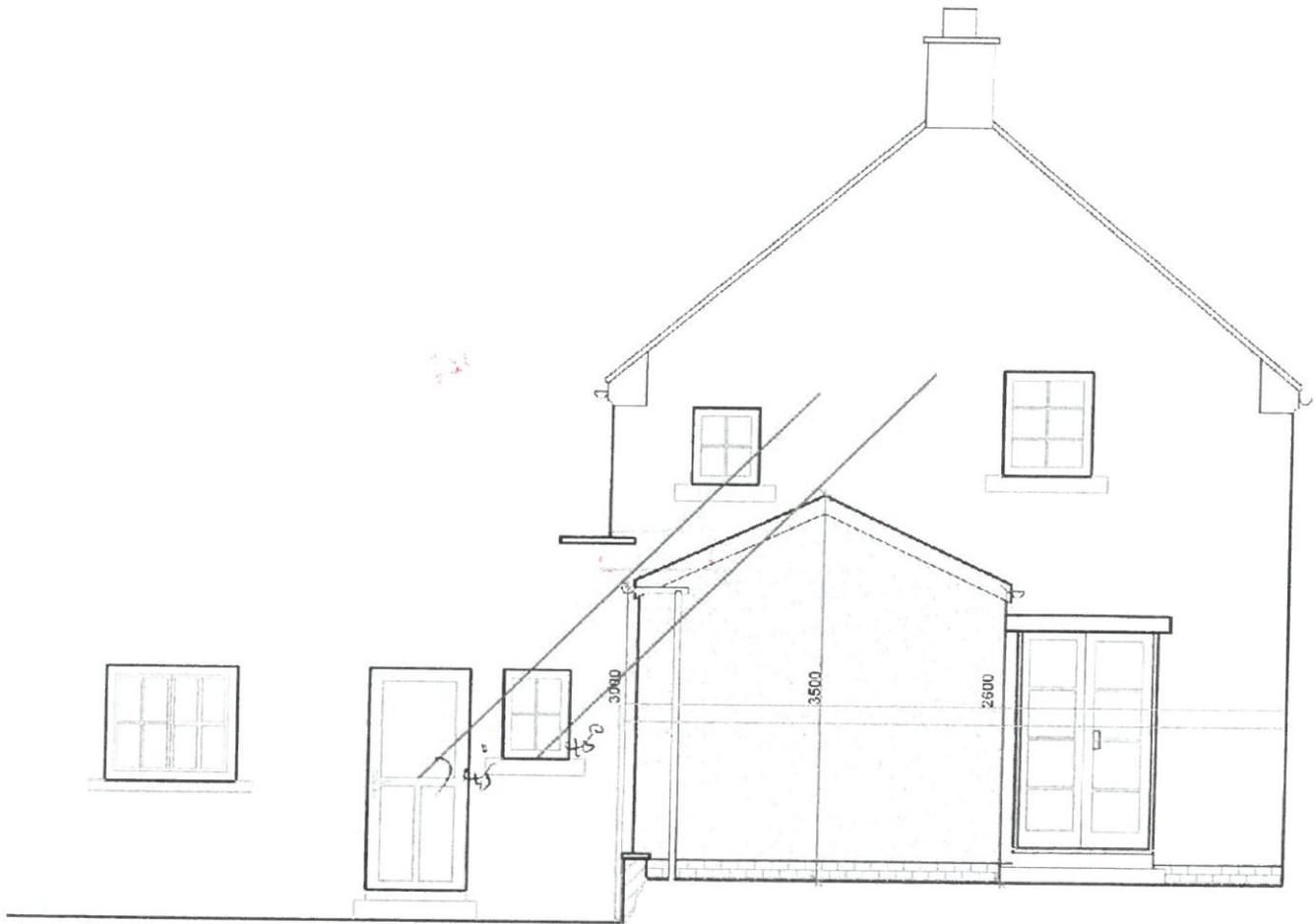
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Do not scale off this drawing.  
All dimensions must be checked on site prior to ordering materials and construction.

CLIENT:  
Mr & Mrs Patterson

PROJECT:  
Proposed Extension to 10 Townhead  
Way Newstead, Melrose TD6 9BU

TITLE:  
East Elevation

DRAWING NO:  
18/B608/LC01

DRAWN:  
DS

SCALE:

DATE:  
06/09/18

A4

**Richard Amos Ltd.**  
Chartered Architectural and Building  
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E-Mail: ra@richardamosltd.co.uk

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Registered in Scotland, Company No. 240332 V.A.T. Reg. No. 502 4656 71



KEY:  
LAND OUTLINED IN RED = APPLICATION SITE AND EXTENSIONS TO  
NUMBER 12 RUSHBANK



Location Plan

Scale: 1:1250



Ordnance Survey License No:- #####

Do not scale off this drawing.  
All dimensions must be checked on site prior to ordering materials and construction.

CLIENT: Mr & Mrs Patterson			
PROJECT: Proposed Extension to 10 Townhead Way Newstead, Melrose TD6 9BU			
TITLE: Location Plan		DRAWING NO: 18/B608/SK01	
DRAWN: DS	SCALE: 1:1250	DATE: 06/09/18	A4

**Richard Amos Ltd.**  
Chartered Architectural and Building  
Surveying Services

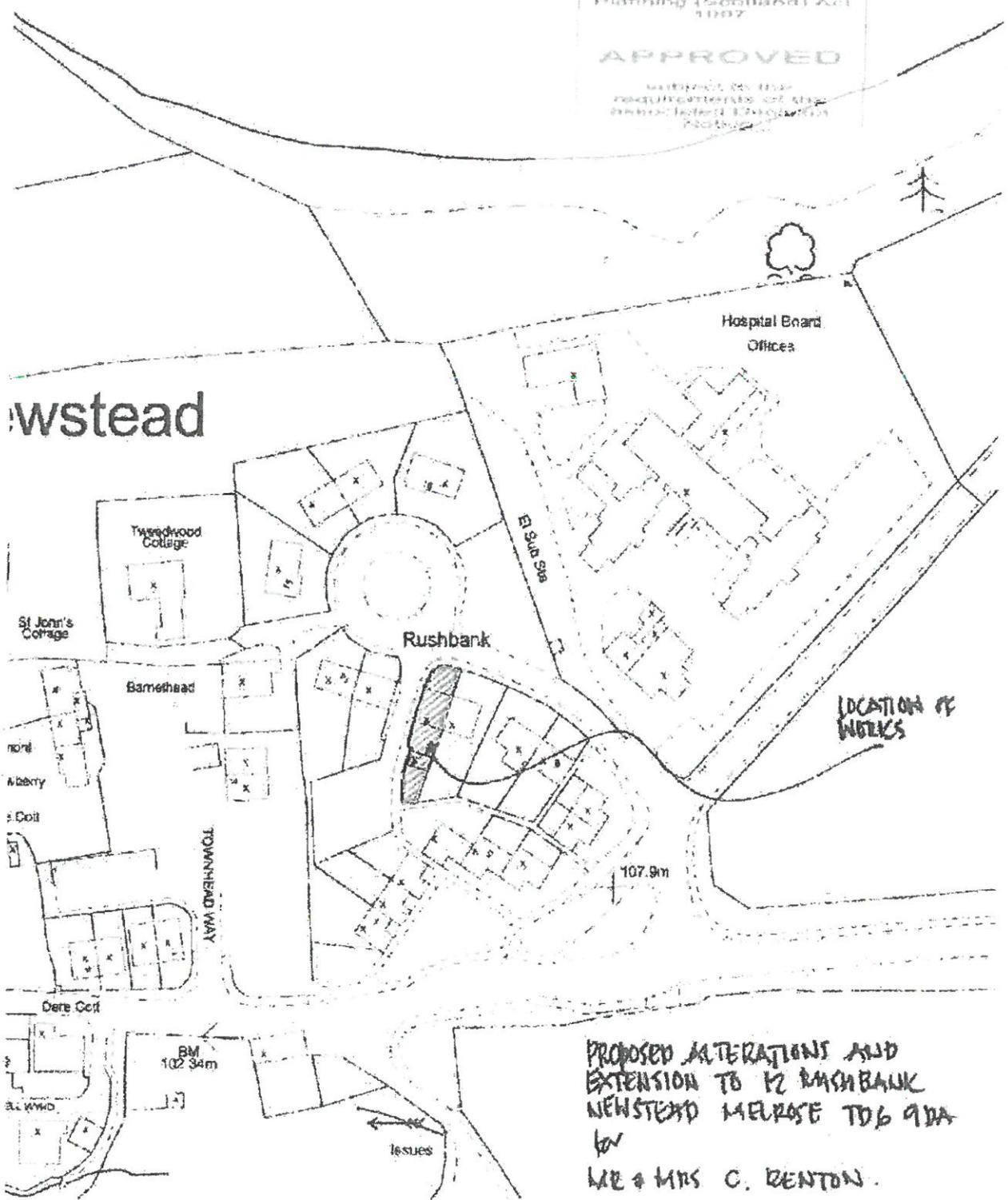
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Tel: (01361) 882599, Fax: (01361) 882577,  
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Scottish Borders Council  
Town and Country  
Planning (Scotland) Act  
1997

APPROVED

subject to the  
requirements of the  
Associated Education  
Notice

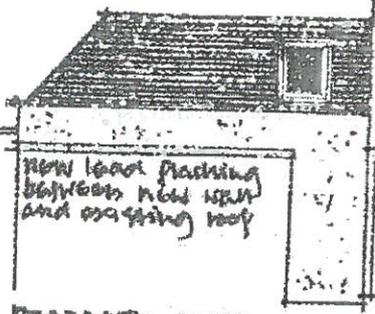
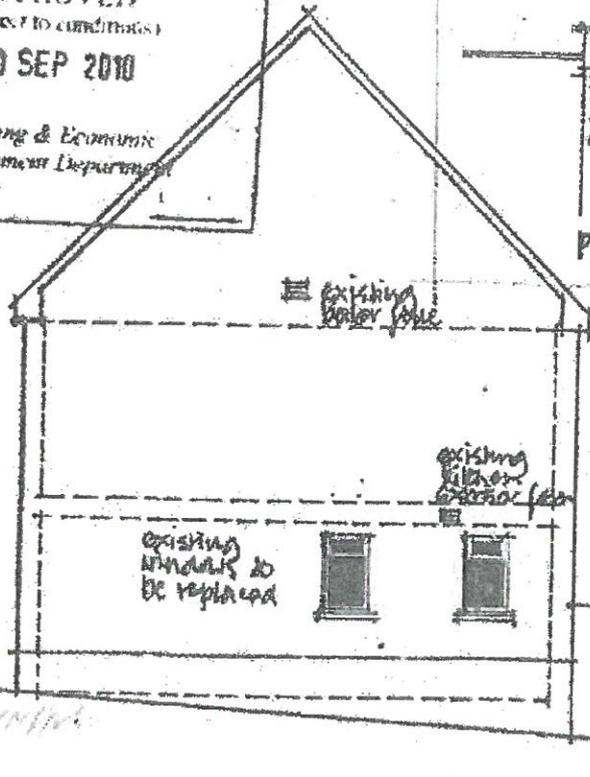


Newstead

RECEIVED 30 SEP 2010

10/00383/FUL

Scottish Borders Council  
 Town & Country Planning (Scotland) Act  
**APPROVED**  
 (Subject to conditions)  
**30 SEP 2010**  
 Planning & Economic  
 Development Department

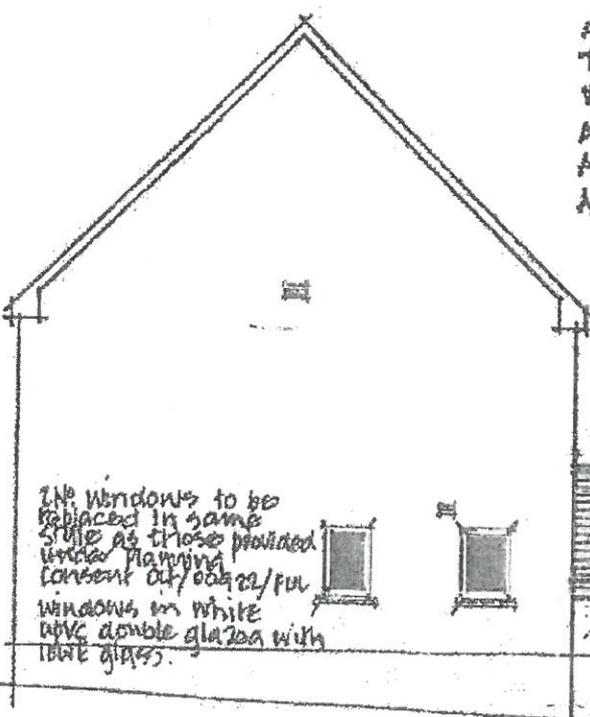


PROPOSED SOUTH EAST ELEVATION

AS PER  
 STUART  
 HENDERSON'S  
 LETTER  
 OF  
 30/09/10.  
 STUART  
 HENDERSON  
 ASST. PLANNING  
 OFFICER,  
 30/09/10.

EXISTING NORTH WEST ELEVATION

EX1



ALL FIRST FLOOR WINDOWS TO BE  
 TILT & TURN FOR SAFE CLEANING  
 VENTILATION AND EASE OF ESCAPE  
 ALL FITTED WITH SECURITY DEVICES  
 AND TRICKLE VENTILATORS GIVING  
 AT LEAST 6000 mm<sup>2</sup>

exist first floor  
 windows replaced  
 previously under  
 planning consent  
 04/00922/FUL

2 No PVC rooflights

existing window from kitchen re-tiled in new kitchen

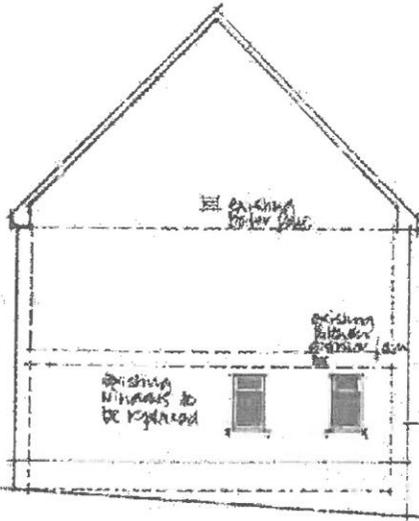
PROPOSED NORTH WEST ELEVATION

PR1

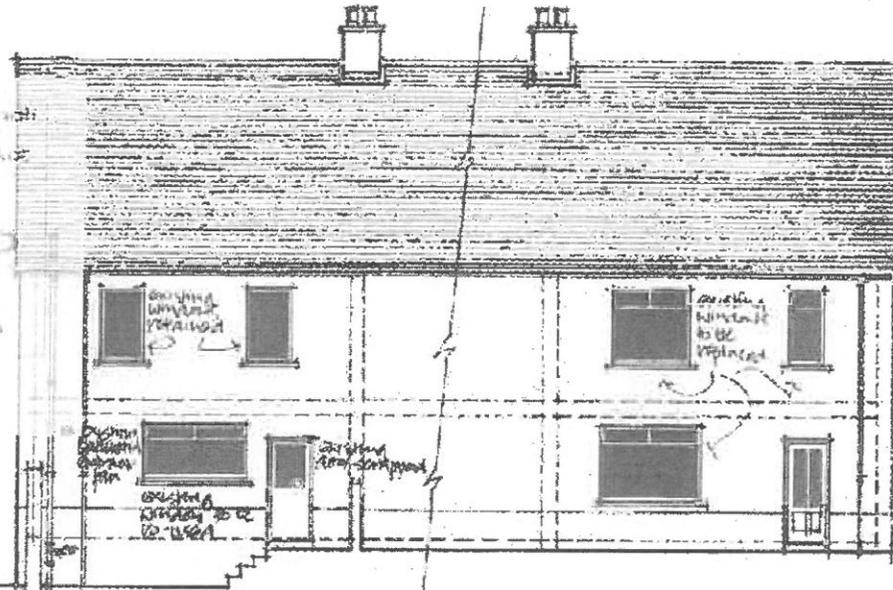
Scottish Borders Council  
Town And Country  
Planning (Scotland) Act  
1997

**APPROVED**

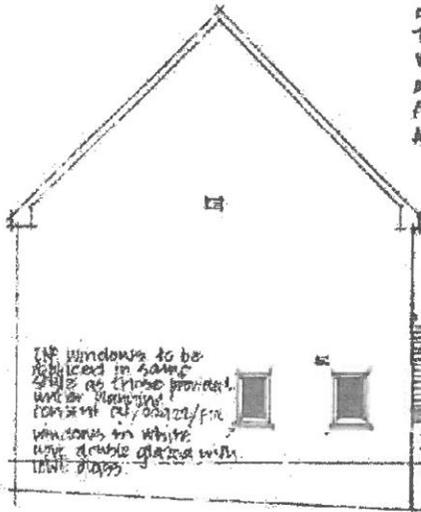
subject to the  
requirements of the  
associated Decision  
Notice



EXISTING NORTH WEST ELEVATION

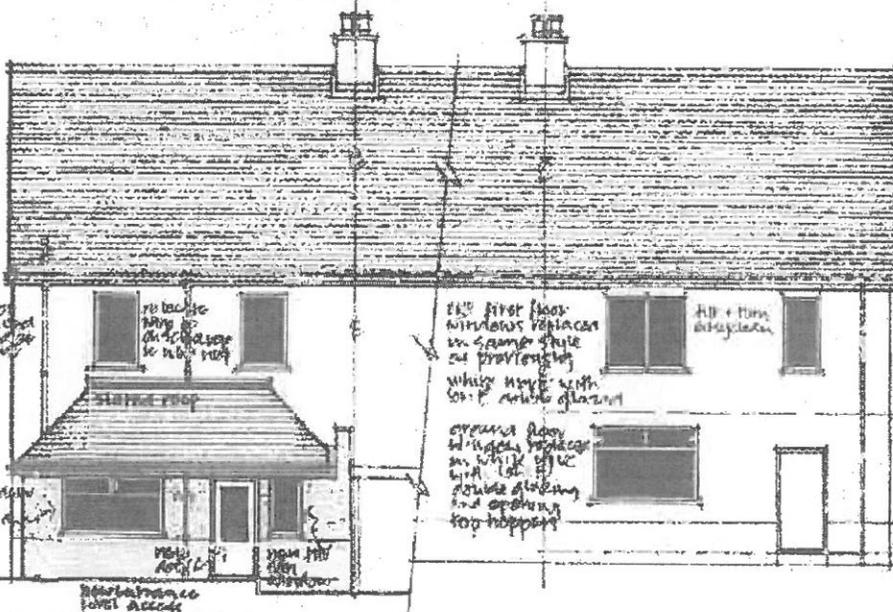


EXISTING NORTH EAST ELEVATION



PROPOSED NORTH WEST ELEVATION

ALL FIRST FLOOR WINDOWS TO BE  
TILT & TURN FOR SAFE CLEANING  
VENTILATION AND EASE OF ESCAPE  
ALL FITTED WITH SECURITY DEVICES  
AND TRICKLE VENTILATORS CHANG  
AT LEAST 6000 mm<sup>2</sup>



PROPOSED NORTH EAST ELEVATION

EXIST FIRST FLOOR  
WINDOWS REPLACED  
WITH TILT & TURN  
CHANGING DEVICES  
ON 10/00385/FUL

EXISTING WINDOW  
FROM BIRCH  
TO BE LEFT IN PLACE  
KITCHEN

1ST FLOOR  
WINDOWS REPLACED  
BY SAME TYPE  
AS PREVIOUSLY  
WHICH HAVE WITH  
6000 mm<sup>2</sup> TRICKLE GLAZING

GROUND FLOOR  
WINDOWS REPLACED  
BY SAME TYPE  
AS PREVIOUSLY  
WITH 6000 mm<sup>2</sup>  
TRICKLE GLAZING  
AND OPENING  
TOP HOPPERS

Page 319



# SITE LAYOUT PLANNING FOR DAYLIGHT AND SUNLIGHT

*A guide to good practice*

SECOND EDITION

Paul Littlefair



press

bretrust



Figure 2.1.10 North elevation showing the effect of a new development on the VSC of the adjacent buildings. The minimum VSC is at the boundary. Where a balcony is above a living room the adjacent building has been treated as if it were an open window.

**2.2 EXISTING BUILDINGS**

2.2.1 In designing a new development or extension to a building, it is important to safeguard the daylight to nearby buildings. A badly planned development may make adjoining properties gloomy and unattractive.

2.2.2 The guidelines given here are intended for use for rooms in adjoining dwellings where daylight is required, including living rooms, kitchens and bedrooms. Windows to bathrooms, toilets, storerooms, circulation areas and garages need not be analysed. The guidelines may also be applied to any existing non-domestic building where the occupants have a reasonable expectation of daylight; this would normally include schools, hospitals, hotels and hotels, retail workspaces and work centres.

2.2.3 Note that numerical values given here are purely advisory. Different criteria may be used based on the requirements for daylighting in an area viewed against other site layout constraints. Another important issue is whether the existing building is itself a good neighbour, standing a reasonable distance from the boundary and taking no more than its fair share of light. Appendix 1 gives further guidance.

2.2.4 **Loss of light to existing windows** need not be analysed if the distance of each part of the new development from the existing window is three or more times its height above the centre of the existing window. In these cases the loss of light will be small. Thus if the new development were 10 m tall, and a typical existing ground floor window would be 1.5 m above the ground, the effect on existing buildings more than  $3 \times (10 + 1.5) = 25.5$  m away need not be analysed.

2.2.5 If the proposed development is taller or closer than this, a modified form of the procedure adopted for new buildings can be used to find out whether an existing building still receives enough skylight. First, draw a section in a plane perpendicular to each affected main window wall of the existing building (Figure 1.4). Measure the angle to the horizontal subtended by the new development at the level of the centre of the lowest window. If this angle is less than 25° for the whole of the development then it is unlikely to have a substantial effect on the diffuse skylight enjoyed by the existing building. If, for any part of the new development, this angle is more than 25°, a more detailed check is needed to find the loss of skylight to the existing building. Both the total amount of skylight and its distribution within the building are required.

2.2.6 Any reduction in the total amount of skylight can be calculated by finding the VSC at the centre of each main window. In the case of a floor-to-ceiling window, such as a porch door, a point 1.5 m above ground (or balcony level for an upper storey) on the centre line of the window may be used. For a bay window, the centre window facing directly outwards can be taken as the main window. If a room has two or more windows of equal size, the mean of their VSCs may be taken. The reference point is in the external plane of the window wall. Windows to bathrooms, toilets, storerooms, circulation areas and garages need not be analysed. The VSC can be found by using the skylight indicator (Figure A1 in Appendix A) or Waldram diagram (Figure B1 in Appendix B), or appropriate computer software.

2.2.7 If the VSC is greater than 27% then enough skylight should still be reaching the window of the existing building. Any reduction below this level should be kept to a minimum. If the VSC, with the new development in place, is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in the amount of skylight. The area lit by the window is likely to appear more gloomy, and electric lighting will be needed more of the time.

2.2.8 Where room layouts are known, the impact on the daylighting distribution in the existing building can be found by plotting the 'no sky line' in each of the main rooms. For houses this would include living rooms, dining rooms and kitchens; bedrooms should also be analysed although they are less important. In non-domestic buildings each main room where daylight is expected should be investigated. The no sky line divides points on the working plane which can and cannot see the sky (Figure 1.5). (In houses the working plane is assumed to be horizontal and 0.85 m high; in offices 0.7 m high; in special interiors like hospital wards and infant school classrooms a different height may be appropriate.) Areas beyond the no sky line, since they receive no direct daylight, usually look dark and gloomy (compared with the rest of the room, however bright it is outside). According to BS 8206-2, supplementary electric lighting will be

A1.11 For both ends of the obstruction, draw lines from the points plotted to the edge of the direction finder, in the direction away from the centre of the direction finder. Shade the area within the shape created.

A1.12 This process is repeated for every obstruction visible from the reference point. If a house is visible it will usually be necessary to divide it into a series of obstructing elements, eg the eaves, line from eaves to ridge, top ridge, line down to other end of the eaves, and the side of the house if it is visible. Each element is plotted in turn.

A1.13 Figure A9 gives a plan of an example housing layout. It is required to find the daylight and sunlight reaching point O on the plan. The layout is marked on the direction finder as shown in Figure A10. The base of the direction finder is laid parallel to face PQQ. Each obstruction is then considered in turn.

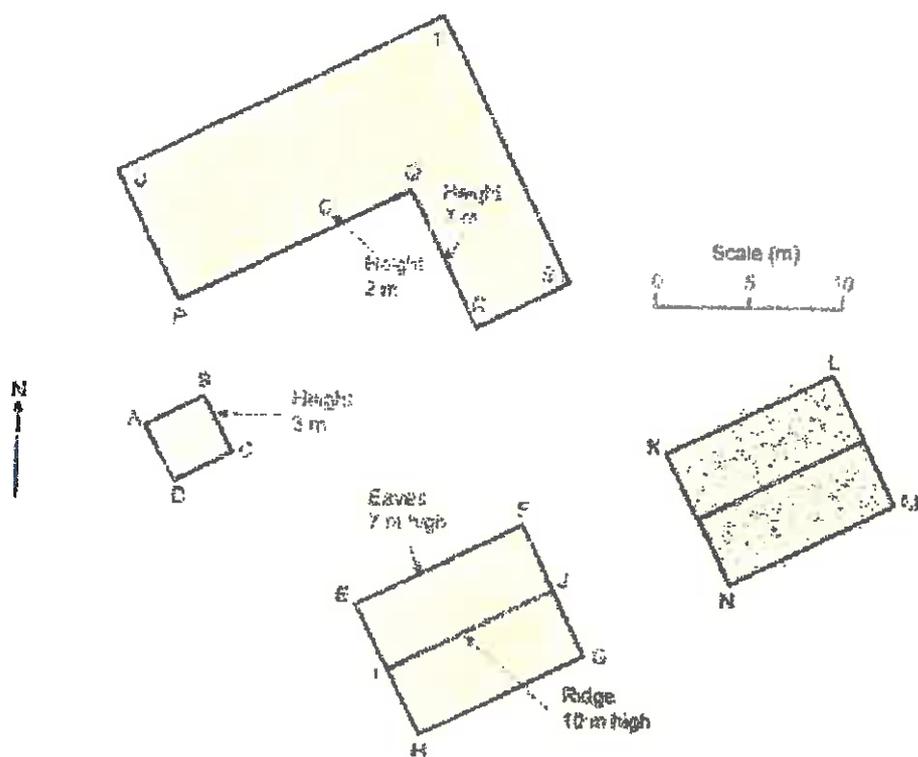
A1.14 A proposed extension QRS is plotted as follows. Only the line QR needs be plotted as this is the only face of the extension that can be seen from point O. Point Q is 5 m from O, and 5 m above it. This is a distance to height ratio of 1. This end of the extension is therefore plotted at point Q' on the direction finder, at a distance of 1 unit from the centre, along the line (in this case the wall of the building) towards Q. The other end of the extension, point R, is 10 m on plan from O and 5 m above it. So R' is marked where the radial line OR intersects the distance: height arc of 2 (10 divided by 5). Points Q' and R' are then joined together. Note that the horizontal

extension plotted on the direction finder is parallel to the face of the extension on the original plan.

A1.15 A line is then drawn from the end of the plotted extension R' to the edge of the direction finder, along the radial line from the centre of the direction finder. The area to the right of this line is shaded; these shaded areas represent areas of the sky that the extension will block. In this case the new development has been plotted in a different colour (red) to the existing buildings (green). This is to facilitate the calculation of daylight and sunlight with and without the new development.

A1.16 EFGH is a house with a pitched roof. In this case, both the eaves and the ridge are plotted. Point E is 21.5 m from O and 5 m above it. So the distance:height ratio is 21.5 divided by 5 = 4.3. Point F' on the direction finder is therefore plotted 4.3 units from the centre, along the radial line towards point E. Point F' is plotted in a similar way, and the two are joined together to give the line of the eaves as an obstruction on the direction finder.

A1.17 However in this case the ridge also forms an effective obstruction, because the house is far enough away so that its roof can be seen from point O. Line IJ' is the line of the ridge plotted on the direction finder; it forms an additional obstruction. The lines E'F' and F'I' are also drawn; these correspond to the sloping edges of the roof. All the area behind the lines E'F', F'I', and I'J' is shaded; this represents the sky blocked by the house.



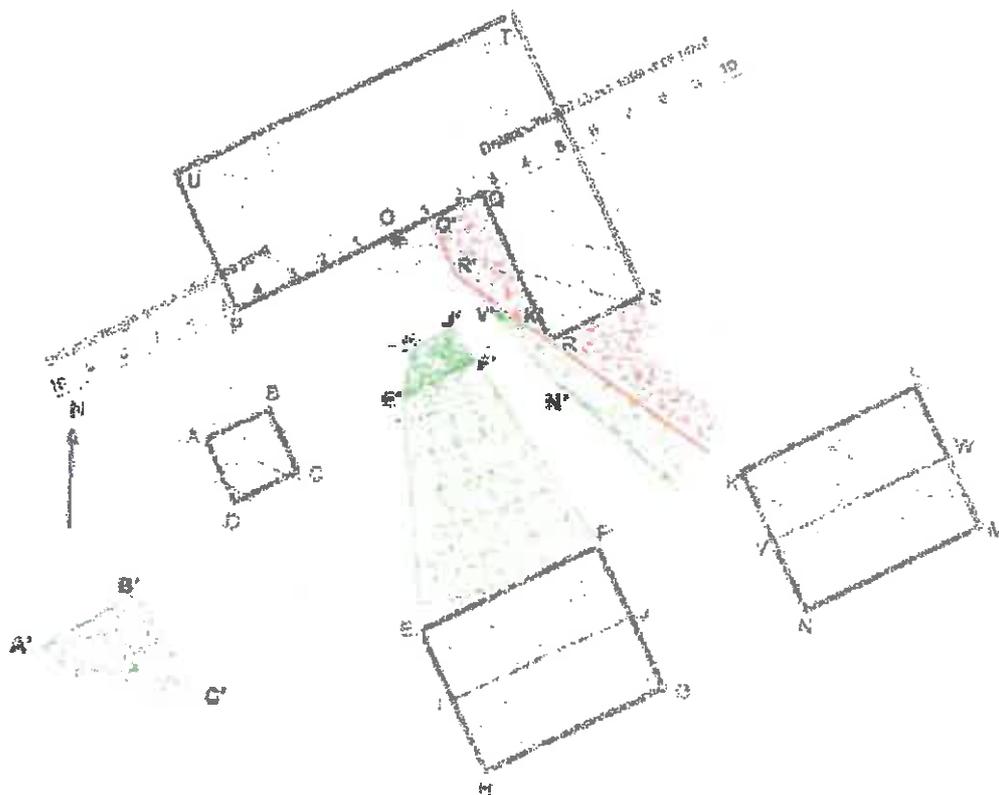


Figure 10. Plotting the house and shed on the direction finder and sunpath and sunlight availability indicator.

A1.18 House KLMN is plotted in a similar way, except that the side of the house KN has to be plotted, because it will be visible from C.

A1.19 The nearest point on shed ABCD, point B, is 12 m from C and it is 1 m above point C. So its distance to height ratio is 12. This is actually off the scale of the direction finder, thus this shed is unlikely to be a significant obstruction to daylight. In general, obstructions whose distance is more than 10 times their relative height can be ignored.

A1.20 The resulting plot of the obstructions can then be used with the indicators as described below. For use with the sunpath and sunlight availability indicators, the south points of the layout should be marked on the direction finder.

Table A.1 Scale of plot in plan for obstructions with indicator

Height of obstruction above reference point (m)	Scale of plan
1	1:100
2	1:200
3	1:300
4	1:400
5	1:500
6	1:600
7	1:700
8	1:800
9	1:900
10	1:1000
15	1:1500
20	2:000

## WALDRAM DIAGRAM TO CALCULATE VERTICAL SKY COMPONENT

**B1** As an alternative to the skylight indicator described in Appendix A, a special form of Waldram diagram (Figure B1) can be used to estimate the VSC on an external wall or window. Although it will usually be more time-consuming to use than the skylight indicator, the Waldram diagram is more precise and may be used for very complex obstructions. The basic approach is to plot all the obstructions on the diagram; the remaining area is proportional to the sky component on the vertical plane.

**B2** Figure B1 is used in the same way as the conventional Waldram diagram for interior daylighting, except that no window outline needs to be plotted as only external surfaces are being considered. Each  $\text{cm}^2$  on the Waldram diagram corresponds to 0.1% sky component. Its total area is just under 400  $\text{cm}^2$  corresponding to the sky component of just under 40% on an unobstructed vertical plane.

**B3** The horizontal scale on the Waldram diagram is the azimuth angle in degrees from the line perpendicular to the vertical reference plane. The vertical scale is the altitude angle in degrees above the horizontal measured from the reference point on the vertical plane (usually the centre of the window). On the Waldram diagram, vertical edges of obstructions plot as straight vertical lines; horizontal or sloping edges generally plot as curved lines.

**B4** To plot a corner of an obstruction or a point on a sloping edge, first measure the angle on the plan at the reference point between the line to the point on the obstruction and the perpendicular to the window wall. This gives the position on the azimuth scale of the Waldram diagram. The position on the altitude scale is given by:

$$\text{Altitude angle} = \arctan (h/d) \text{ degrees}$$

**B5** Here  $h$  is the height of the point on the obstruction above the reference point, and  $d$  is the distance between the two points on plan. In this case, the centre scale of the Waldram diagram should be used, ignoring the droop lines. This altitude angle is not necessarily the same as the angle on any sectional drawing. For example, suppose point B on the rear line of the obstructing building in Figure B2 needs to be plotted: its azimuth angle measured from the plan is  $40^\circ$ . On

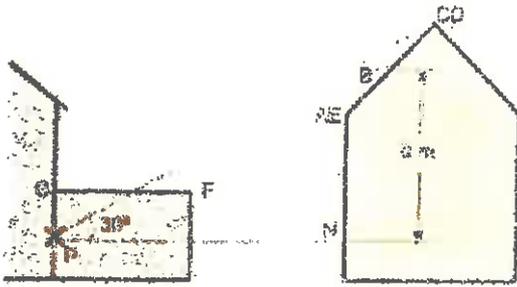
plan it is 20 m from the reference point P and it is 5 m above it on section. So its altitude angle is  $\arctan (h/d) = \arctan (0.4) = 22^\circ$ . These two angles give its coordinates on the Waldram diagram (Figure B3).

**B6** The droop lines on the Waldram diagram can be used to plot horizontal edges. The solid droop lines are for edges parallel to the plane of the reference point. The droop line is chosen according to the altitude angle of the horizontal edge in a section perpendicular to the reference window wall. So for example, in Figure B2 the altitude of the ridge line CD is  $30^\circ$ . It is therefore plotted (Figure B3) along the  $30^\circ$  solid droop line, between azimuth angles corresponding to those of C and D on the plan.

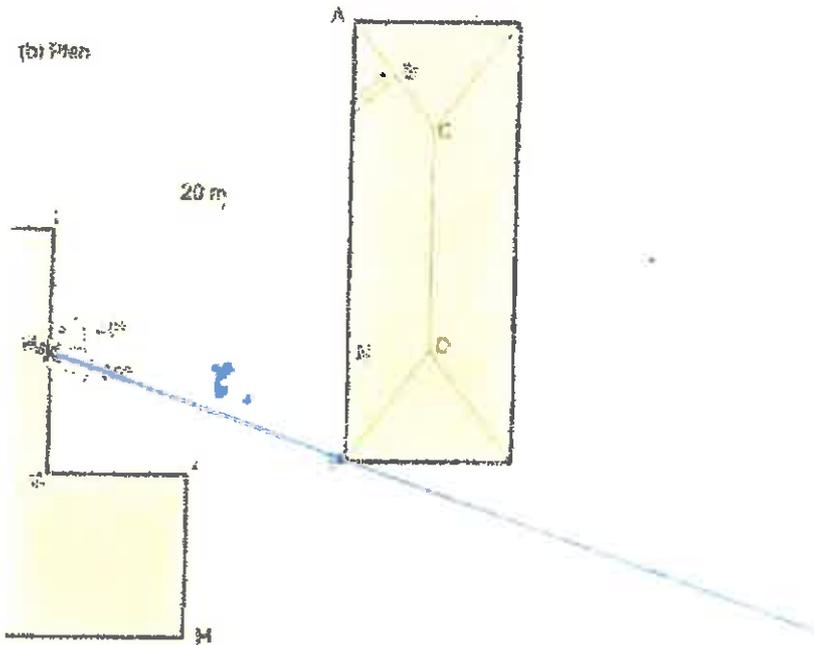
**B7** The broken droop lines on the Waldram diagram are used to plot horizontal edges perpendicular to the plane of the reference point. The side EC of the roof of the extension in Figure B2 can be plotted in this way. The required droop line can be chosen by finding the coordinates of any point on the obstructing edge using the method described above. Alternatively if an elevation of the wall containing the reference point is available, the angular altitude of the horizontal edge can be measured (B4). The correct droop line is the one which intersects the side of the diagram at that point on the altitude scale. In our example, point C has an altitude of  $20^\circ$  measured on the elevation (Figure B2c, Elevation). It is plotted at the far edge of the Waldram diagram in Figure B3 at  $20^\circ$  on the altitude scale. The broken droop line through this point is the edge of the extension EC.

**B8** Once all the obstructions have been plotted, measure the remaining area not covered by obstructions (squared tracing paper is ideal for this). This is then divided by 10 to get the VSC. In our example, the unobstructed area on the Waldram diagram (Figure B3) is just over 200  $\text{cm}^2$ , so the VSC is just over 20%.

(a) Section



(b) Plan



(c) Elevation

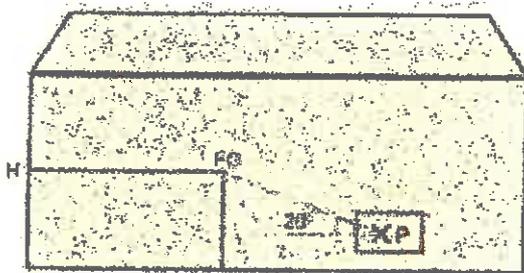


Figure 7. Section, plan and elevations of a hypothetical sample structure

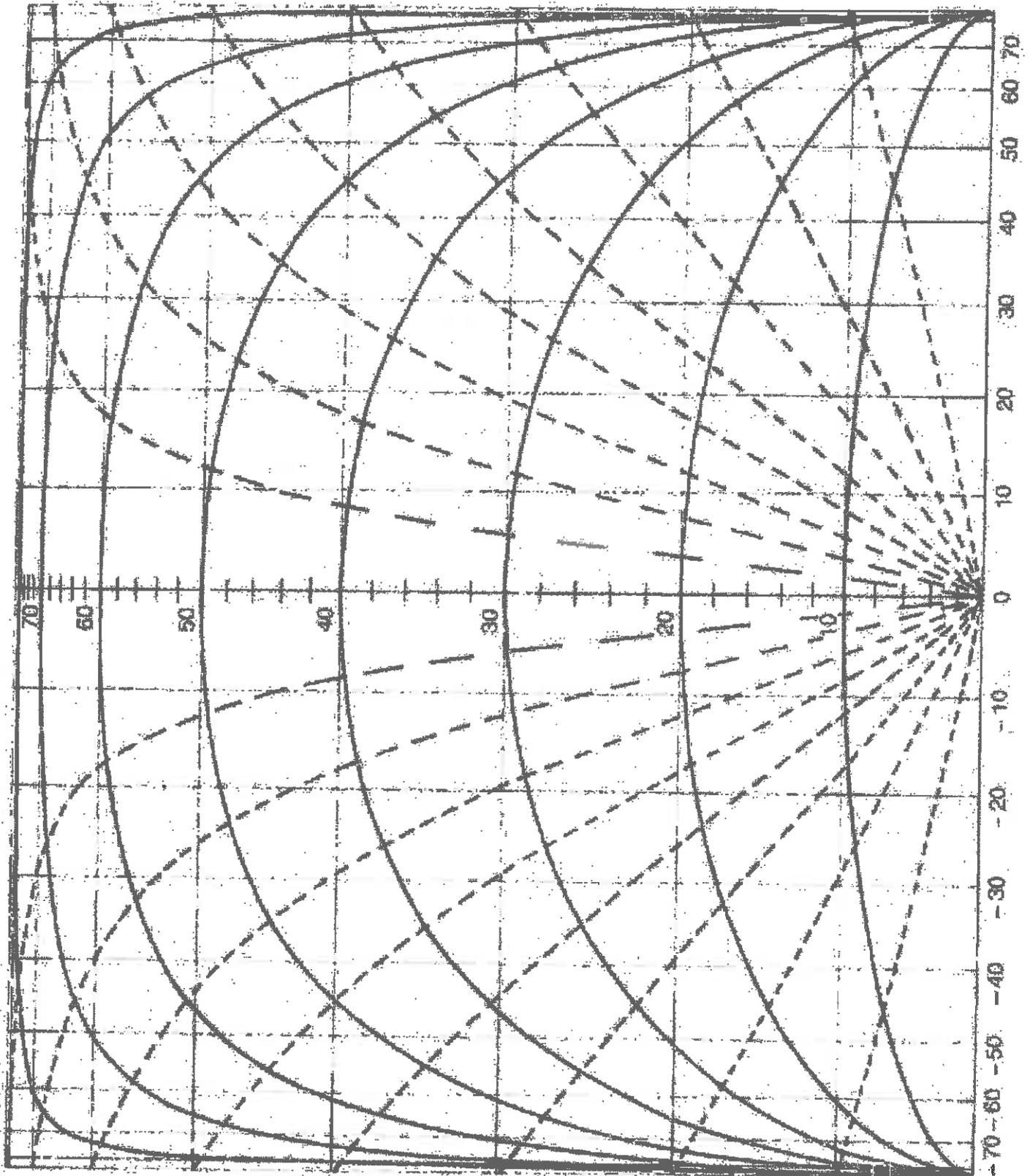


Figure B1: Waldram diagram for calculating VSC

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*Planning and  
Economic Development*

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

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

**Application for Planning Permission**

**Reference : 10/00385/FUL**

**To : Mr And Mrs C Renton per Bob Renton Tweedbank The Croft St Boswells Scottish Borders TD6 0AE**

With reference to your application validated on **22nd March 2010** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal : Extension to dwellinghouse**

**at : 12 Rushbank Newstead Scottish Borders TD6 9DA**

The Scottish Borders Council hereby **grant planning permission** in accordance with the approved plan(s) and the particulars given in the application and in accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997.

**subject to the conditions on the attached schedule imposed by the Council for the reasons stated**

**Dated 6th May 2010  
Planning and Economic Development  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**Signed**

.....  
**Head of Planning & Building Standards**

**APPLICATION REFERENCE : 10/00385/FUL**

**Schedule of Plans and Drawings Approved:**

Plan Ref	Plan Type	Plan Status
	Location Plan	Approved
CR/01A	Floor Plans	Approved
CR/02A	Other	Approved
CR/03A	Other	Approved
CR/04A	Elevations	Approved
CR/05A	Sections	Approved
CR/06A	Sections	Approved
CR/07A	Other Specifications	Approved

**REASON FOR DECISION**

The proposed development would not, subject to compliance with the schedule of conditions, adversely affect the character or appearance of the Conservation Area, nor adversely affect neighbouring amenity, thereby complying with development plan policies, principally N18 and N20 of the Consolidated Structure Plan 2009 and G1, BE4 and H2 of the Scottish Borders Local Plan 2008

**SCHEDULE OF CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 2 No development shall commence until a south-eastern elevation is submitted and which includes a specification for the external finish of the parapet wall. Once approved, the development shall be carried out in accordance with the approved submission.  
Reason: Further details of this elevation are required to ensure the development Reason: To preserves the character and appearance of the Conservation Area
- 3 The external surfaces of the development hereby permitted shall be completed in the materials shown on the plan hereby approved, and no other materials shall be used without the prior written consent of the Local Planning Authority. The render finishes and slates shall be of a specification to match the existing dwellinghouse  
Reason: To preserve the character and appearance of the Conservation Area
- 4 The rooflights shall be fitted with flush/integral flashings and their framing shall be black or slate grey in external colour  
Reason: To preserve the character and appearance of the Conservation Area

**FOR THE INFORMATION OF THE APPLICANT**

N.B: This permission 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.

**SCOTTISH BORDERS COUNCIL**

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO THE HEAD OF PLANNING  
AND BUILDING STANDARDS**

**PART III REPORT (INCORPORATING REPORT OF HANDLING)**

**REF :** 10/00385/FUL

**APPLICANT :** Mr And Mrs C Renton

**AGENT :** Bob Renton

**DEVELOPMENT :** Extension to dwellinghouse

**LOCATION:** 12 Rushbank  
Newstead  
Scottish Borders  
TD6 9DA

**TYPE :** FUL Application

**REASON FOR DELAY:**

---

**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
	Location Plan	Approved
CR/01A	Floor Plans	Approved
CR/02A	Other	Approved
CR/03A	Other	Approved
CR/04A	Elevations	Approved
CR/05A	Sections	Approved
CR/06A	Sections	Approved
CR/07A	Other	Approved
	Specifications	Approved

**NUMBER OF REPRESENTATIONS: 1**

**SUMMARY OF REPRESENTATIONS:**

The above representation relates to the Community Council's consultation response in which they offer no comments.

**Consultations**

Community Council: No comments  
Newstead Village Committee: No reply

**PLANNING CONSIDERATIONS AND POLICIES:**

Consolidated Structure Plan 2009

N10, N11, N18, N20

Adopted Local Plan 2008

G1, BE4, EP1, EP2, H2

**Recommendation by** - Carlos Clarke (Principal Planning Officer) on 4th May 2010

This application seeks consent for a single-storey extension to the rear of a semi-detached house, located within Newstead Conservation Area, and for replacement windows to the front and gable (the rear windows having been replaced under a 2004 consent). The extension would replace an existing outbuilding and be finished in render and slate to match the house. A detached garage would remain while work is carried out but eventually be demolished.

The existing property is two-storey, with dry-dashed walls and slate roof, attached to a similar neighbour to the east, and located in a cul-de-sac of varied properties, albeit with similar finishes. The garden to the rear flanks a road to the west and the neighbouring house to the east. The outbuilding, proposed for removal, flanks both properties, the neighbour's half would remain and be bounded by a parapet wall above the extension's eave.

In terms of the replacement windows, the property is outwith the Prime Frontage of the Conservation Area where Upvc is acceptable provided the glazing pattern reflects the existing. To the front, the upper floor windows will be to a different glazing pattern, albeit similar to those to the rear. The gable windows will also be replaced with windows of a different glazing pattern. However, in this particular case, because of the property type, the type of existing windows and the variation of window styles in the area, I would not consider such a variation to have any particular bearing on the character or appearance of the Conservation Area.

The extension would be appropriate in scale, design and materials in this particular case, and the removal of part of the outbuilding, and the garage at a later date, will not have a negative impact on the character or appearance of the Conservation Area in my view.

Neighbours should be unaffected in terms of privacy, light and outlook loss. The adjoining property would have a taller wall on the boundary than the existing outbuilding but would not experience, in my estimation (and applying our SPG) significant loss of light or, indeed, outlook.

**REASON FOR DECISION :**

The proposed development would not, subject to compliance with the schedule of conditions, adversely affect the character or appearance of the Conservation Area, nor adversely affect neighbouring amenity, thereby complying with development plan policies, principally N18 and N20 of the Consolidated Structure Plan 2009 and G1, BE4 and H2 of the Scottish Borders Local Plan 2008

**Recommendation:** Approved subject to conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 2 No development shall commence until a south-eastern elevation is submitted and which includes a specification for the external finish of the parapet wall. Once approved, the development shall be carried out in accordance with the approved submission.  
Reason: Further details of this elevation are required to ensure the development Reason: To preserves the character and appearance of the Conservation Area
- 3 The external surfaces of the development hereby permitted shall be completed in the materials shown on the plan hereby approved, and no other materials shall be used without the prior written

consent of the Local Planning Authority. The render finishes and slates shall be of a specification to match the existing dwellinghouse

Reason: To preserve the character and appearance of the Conservation Area

- 4 The rooflights shall be fitted with flush/integral flashings and their framing shall be black or slate grey in external colour

Reason: To preserve the character and appearance of the Conservation 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**

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

**PART III REPORT (INCORPORATING REPORT OF HANDLING)**

**REF :** 18/01215/FUL

**APPLICANT :** Mr Kevin Patterson

**AGENT :** Richard Amos (Duns)

**DEVELOPMENT :** Extension to dwellinghouse

**LOCATION:** 10 Townhead Way  
Newstead  
Scottish Borders  
TD6 9BU

**TYPE :** FUL Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

Plan Ref	Plan Type	Plan Status
18/B608/LC01	Location Plan	Refused
18/B608/SK02	Elevations	Refused

**NUMBER OF REPRESENTATIONS: 0**

**SUMMARY OF REPRESENTATIONS:**

There are no representations.

**CONSULTATIONS:**

Principal Officer (Heritage and Design): No response.

Archaeology Officer: There are no known archaeological implications for this proposal.

Environmental Health: No comments.

Community Council: No Comments.

**PLANNING CONSIDERATIONS AND POLICIES:**

Local Development Plan 2016

PMD2: Quality Standards

HD3: Protection of Residential Amenity

EP4: National Scenic Area

EP9: Conservation Areas

Supplementary Planning Guidance:

Placemaking and Design 2010

**Recommendation by** - Julie Hayward (Lead Planning Officer) on 31st October 2018

Site and Proposal

The property is a two storey, terraced dwellinghouse within a modern development within the Conservation Area. It has rendered walls and a slate roof.

The proposal is to erect a single storey extension on the rear elevation. This would accommodate a shower room and boot room. It would have dry dash rendered walls and a slate roof.

Planning Policy

Policy PMD2 requires all development to be of high quality in accordance with sustainability principles, designed to fit in with Borders townscapes and to integrate with its landscape surroundings. The policy contains a number of standards that would apply to all development.

Policy EP4 states that development that may affect the National Scenic Area will only be permitted where the objectives of the designation and overall landscape value of the site and its surroundings will not be compromised and any significant adverse effects on the qualities for which the site or its surrounds have been designated are clearly outweighed by social or economic benefits of national importance.

Policy EP9 states that the Council will support development proposals within or adjacent to Conservation Areas which are located and designed to preserve and enhance the special architectural or historic character and appearance of the Conservation Area, respecting the scale, proportions, alignment, density, materials and boundary treatments of nearby buildings and open spaces.

Policy HD3 states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted. The Council's Supplementary Planning Guidance on Householder Developments contains advice on daylight and privacy.

Siting and Design

This is a small scale development on the rear elevation of the building. The materials would match the existing house. It is considered that the design and materials are acceptable.

Impact on the Conservation Area and National Scenic Area

The rear garden is well screened by walls and fences. In addition, the garden is terraced as the ground level rises up to the rear. The extension would not be visible from the street and so would not harm the character or appearance of the Conservation Area or special qualities of the National Scenic Area.

Impact on Residential Amenities

There are no windows proposed for the side elevations of the extension, only a door on the north elevation and so no loss of privacy or overlooking would occur.

The Supplementary Planning Guidance on Householder Development states that the 45 Degree Rule can be used to ensure that the development does not lead to the unreasonable loss of a neighbour's light. This involves drawing a line from the middle of the cill of a window which is potentially affected by a neighbour's development at an angle of 45 degrees towards the extension both horizontally and vertically. No part of the extension should encroach beyond these lines as the proposal would then affect the light into the neighbour's window.

No.11 has a window and part glazed door to the kitchen adjacent to the boundary and is on lower ground (400mm). There is a timber fence on the boundary. The extension would be erected on the boundary. Applying the 45 Degree Rule, the extension breaches both the vertical and horizontal lines to the kitchen

door and window. The elevation drawing shows that the eaves of the extension would be 400mm below the eaves of the neighbouring property.

It is considered that the proposal would have an unacceptable impact on the light to the kitchen of the neighbour's property and, given the proximity to the boundary and difference in ground levels, would be a dominant structure affecting the outlook from no.11. For these reasons the application cannot be supported.

**REASON FOR DECISION :**

The proposal would be contrary to policy HD3 of the Scottish Borders Local Development Plan 2016 and advice contained within the Council's Supplementary Planning Guidance on Householder Development (Privacy and Sunlight) 2006 in that by virtue of the position, mass and height of the extension, the proposal would be harmful to the residential amenities of occupants of the neighbouring property in terms of outlook due to its dominance and the resulting unacceptable loss of light.

**Recommendation:** Refused

- 0 The proposal would be contrary to policy HD3 of the Scottish Borders Local Development Plan 2016 and advice contained within the Council's Supplementary Planning Guidance on Householder Development (Privacy and Sunlight) 2006 in that by virtue of the position, mass and height of the extension, the proposal would be harmful to the residential amenities of occupants of the neighbouring property in terms of outlook due to its dominance and the resulting unacceptable loss of light.

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



*Our Ref:* 18/01215/FUL

*Your Ref:*

*E-Mail:* JHayward2@scotborders.gov.uk

Melrose Community Council  
Mr R Chisholm

*Date:* 13th September 2018

**NAME OF APPLICANT:** Mr Kevin Patterson

**NATURE OF PROPOSAL:** Extension to dwellinghouse

**SITE:** 10 Townhead Way Newstead Scottish Borders TD6  
9BU

**No comments regarding this application**

Regards

Robin Chisholm for Melrose & District Community Council

# CONSULTATION RESPONSE TO PLANNING OR RELATED APPLICATION



Comments provided by	Archaeology Officer Officer Name: Dr Christopher Bowles	Contact e-mail/number: archaeology@scotborders.gov.uk		
Date of reply	26 September, 2018			
Planning Application Reference	18/01215/FUL	Case Officer: Julie Hayward		
Proposed Development	Extension to dwellinghouse			
Site Location	10 Townhead Way Newstead Scottish Borders TD6 9BU			
<i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i>				
Background and Site description	There are no known archaeological implications for this proposal.			
Key Issues (Bullet points)	•			
Assessment				
Recommendation	<input type="checkbox"/> Object	<input checked="" type="checkbox"/> Do not object	<input type="checkbox"/> Do not object, subject to conditions	<input type="checkbox"/> Further information required
Recommended Conditions				
Recommended Informatives				

**CONSULTATION RESPONSE TO  
PLANNING OR RELATED APPLICATION**

<b>Comments provided by</b>	<b>Emma Mayes Environmental Health Officer Amenity &amp; Pollution</b>	<b>Contact e-mail/number: Emma.mayes@scotborders.gov.uk</b>		
<b>Date of reply</b>	30/10/18	<b>Consultee reference: 18/03032/PLANCO</b>		
<b>Planning Application Reference</b>	18/01215/FUL	<b>Case Officer: Julie Hayward</b>		
<b>Applicant</b>	Mr Kevin Patterson			
<b>Agent</b>	Richard Amos (Duns)			
<b>Proposed Development</b>	Extension to dwellinghouse			
<b>Site Location</b>	10 Townhead Way Newstead Scottish Borders TD6 9BU			
<b><i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i></b>				
<b>Background and Site description</b>	Extension to dwellinghouse			
<b>Key Issues (Bullet points)</b>	<ul style="list-style-type: none"> <li>No perceived issues</li> </ul>			
<b>Assessment</b>				
<b>Recommendation</b>	<input type="checkbox"/> Object	<input checked="" type="checkbox"/> Do not object	<input type="checkbox"/> Do not object, subject to conditions	<input type="checkbox"/> Further information required
<b>Recommended Conditions</b>				

<b>Recommended Informatives</b>	
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## List of Policies

**Local Review Reference:** 18/00039/RREF

**Planning Application Reference:** 18/01215/FUL

**Development Proposal:** Extension to dwellinghouse

**Location:** 10 Townhead Way, Newstead

**Applicant:** Mr Kevin Patterson

### 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'.

## List of Policies

### 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 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 EP4 : NATIONAL SCENIC AREAS**

Development that may affect National Scenic Areas will only be permitted where:

- a) the objectives of designation and the overall landscape value of the site and its surrounds will not be compromised, or
- b) any significant adverse effects on the qualities for which the site or its surrounds have been designated are clearly outweighed by social or economic benefits of national importance.

## List of Policies

### **POLICY EP9 : CONSERVATION AREAS**

The Council will support development proposals within or adjacent to a Conservation Area which are located and designed to preserve or enhance the special architectural or historic character and appearance of the Conservation Area. This should accord with the scale, proportions, alignment, density, materials, and boundary treatment of nearby buildings, open spaces, vistas, gardens and landscapes.

The Council may require applications for full, as opposed to Planning Permission in Principle Consent.

Conservation Area Consent, which is required for the demolition of an unlisted building within a Conservation Area, will only be considered in the context of appropriate proposals for redevelopment and will only be permitted where:

the building is incapable of reasonably beneficial use by virtue of its location, physical form or state of disrepair, and  
the structural condition of the building is such that it can not be adapted to accommodate alterations or extensions without material loss to its character, and  
the proposal will preserve or enhance the Conservation Area, either individually or as part of the townscape.

In cases a) to c) above, demolition will not be permitted to proceed until acceptable alternative treatment of the site has been approved and a contract for the replacement building or for an alternative means of treating the cleared site has been agreed.

Design Statements will be required for all applications for alterations, extensions, or for demolition and replacement which should explain and illustrate the design principles and design concepts of the proposals.

### **OTHER MATERIAL CONSIDERATIONS**

- SBC Supplementary Planning Guidance on Placemaking and Design 2010
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006
- BRE209 "Site Layout Planning for Daylight and Sunlight" 2011

#### **Note:-**

The BRE document referenced in the Notice of Review 18/00039/RREF can be accessed using the link below:

<https://planning.islington.gov.uk/NorthgatePublicDocs/00295332.pdf>

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