

# Public Document Pack



## LOCAL REVIEW BODY THURSDAY, 22 SEPTEMBER 2022

A MEETING of the LOCAL REVIEW BODY will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS on THURSDAY, 22 SEPTEMBER 2022 at 10.00 am.

**All Attendees, including members of the public, should note that the public business in this meeting will be livestreamed and video recorded and that recording will be available thereafter for public view for 180 days .**

J. J. WILKINSON,  
Clerk to the Council,

15 September 2022

<b>BUSINESS</b>	
1.	<b>Apologies for Absence.</b>
2.	<b>Order of Business.</b>
3.	<b>Declarations of Interest.</b>
4.	<b>Continuation in respect of review of refusal for the erection of dwellinghouse on Land North-East of Woodend Farmhouse, Gavinton, Duns - 21/01421/PPP and 22/00016/RREF</b>  Copies of the following papers attached:-
	(a) <b>Submission by Planning Officer and Applicant Response</b> (Pages 5 - 8)
	(b) <b>Review Papers</b> (Pages 9 - 86)  Copies of papers re-circulated as follows:-  Notice of Review Decision Notice Officers Report Papers referred to in Officers Report Consultations Replies

	(c) <b>List of Policies</b> (Pages 87 - 94)	
5.	<b>Continuation of review in respect of refusal for the erection of a dwellinghouse with associated infrastructure works on Land adjoining 16 Hendersyde Drive, Kelso - 22/00093/PPP and 22/00021/RREF</b>	
	Copies of the following papers attached:-	
	(a) <b>Review Papers</b> Including:-  Notice of Review Decision Notice Officer's Report Papers referred to in the Officers Report Consultation replies Objections Comments Further Representations	(Pages 95 - 238)
	(b) <b>List of Policies</b>	(Pages 239 - 246)
6.	<b>Consider request to review refusal in respect of the Change of use of barn and alterations and extension to form dwellinghouse on Land North of Carterhouse Farm, Jedburgh - 22/00207/FUL and 22/00023/RREF</b>	
	Copies of the following papers attached:-	
	(a) <b>Notice of Review</b> (Pages 247 - 336) Including:  Decision Notice Officer's Report	
	(b) <b>Papers referred to in Officer's Report</b>	(Pages 337 - 342)
	(c) <b>Consultation Replies</b>	(Pages 343 - 350)
	(d) <b>Policy List</b>	(Pages 351 - 358)
7.	<b>Consider request for review of refusal of application for the erection of a dwellinghouse on Land West of Cavers Hillhead, Cavers - 21/01639/FUL and 22/00024/RREF</b>	
	Copies of the following papers attached:-	
	(a) <b>Notice of Review</b> Including:-  Decision Notice Officer's Report	(Pages 359 - 396)
	(b) <b>Papers referred to in Officer's Report</b>	(Pages 397 - 400)

	(c) <b>Consultation Replies</b>	(Pages 401 - 406)
	(d) <b>Support Comments</b>	(Pages 407 - 408)
	(e) <b>Further Representation</b>	(Pages 409 - 410)
	(f) <b>Policy List</b>	(Pages 411 - 418)
8.	<b>Consider request for review of refusal of application for the erection of dwellinghouse on Plot 1, Land North of Belses Cottage, Jedburgh - 21/00992/PPP and 22/00025/RREF</b>	
	Copies of the following papers attached:-	
	(a) <b>Notice of Review</b> Including:  Decision Notice Officer's report	(Pages 419 - 480)
	(b) <b>Papers referred to in Officer's Report</b>	(Pages 481 - 484)
	(c) <b>Additional Information</b>	(Pages 485 - 508)
	(d) <b>Consultation Replies</b>	(Pages 509 - 516)
	(e) <b>Objection Comments</b>	(Pages 517 - 520)
	(f) <b>Policy List</b>	(Pages 521 - 528)
9.	<b>Consider request for review of application for the erection of dwellinghouse on Plot 2, Land North of Belses Cottage, Jedburgh - 21/00993/PPP and 22/00026/RREF</b>	
	Copies of the following papers attached:-	
	(a) <b>Notice of Review</b> (Pages 529 - 590) Including:-  Decision Notice Officer's Report	
	(b) <b>Papers referred to in Officers report</b>	(Pages 591 - 594)
	(c) <b>Additional Information</b>	(Pages 595 - 618)
	(d) <b>Consultation replies</b>	(Pages 619 - 624)
	(e) <b>Objection Comments</b>	(Pages 625 - 628)
	(f) <b>Policy List</b>	(Pages 629 - 636)

10.	<b>Any Other Items Previously Circulated</b>
11.	<b>Any Other Items which the Chairman Decides are Urgent</b>

**NOTE**

**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 S. Mountford (Chair), D. Moffat, N. Richards, E. Small, J. Cox, M. Douglas, A. Orr, S. Scott and V. Thomson.

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Please direct any enquiries to Fiona Henderson 01835 826502  
email [fhenderson@scotborders.gov.uk](mailto:fhenderson@scotborders.gov.uk)

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**APPEAL UNDER SECTION 43A (8) OF THE TOWN AND COUNTRY PLANNING  
(SCOTLAND) ACT 1997  
TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW  
PROCEDURE) (SCOTLAND) REGULATIONS 2013**

**Planning Application No:** 21/01421/PPP  
**Local Review Body No:** 22/00016/RREF  
**Applicant:** Mr John and Mrs Louise Seed

**Agent:** Ferguson Planning  
**Proposal:** Erection of dwellinghouse  
**Location:** Land North East of Woodend Farmhouse Duns

Comments of the Planning Officer in Respect of New Information

The Local Review Body determined to proceed with the review of the above application with further procedure. In this instance, the Local Review Body requires comments from the Council's Planning Officer in response to the following new information that was submitted with the Notice of Review documents:

Soil Fertility Report

Policy ED10 states that development, except for proposals for renewable energy development, which results in the permanent loss of prime quality agricultural land or carbon rich soils will not be permitted unless:

- a) The site is otherwise allocated in the Local Development Plan 2016;
- b) The development meets an established need and no other site is available;
- c) The development is small scale and directly related to a rural business.

Prime quality agricultural land is defined as Classes 1, 2 and 3.1 of the Macaulay Institute Land Classification for Agriculture system and is a valuable and finite resource, which needs to be retained for farming and food production. This policy seeks to prevent the permanent loss of such land.

The report states that soil samples taken from the site indicate that nutrient deficiencies and poor soil structure contribute to poor yields and crop growth.

However, the report does not assess possible mitigation measures that could improve the quality of the soil and soil structure that could increase crop yields, such as manure/compost, crop rotation, drainage improvements and soil management.

The argument that the soil is of poor quality does not comply with the criteria listed in policy ED10 and so the proposal fails to comply with this policy. As there are other potential sites on which to site the proposed house within the building group, it does not appear necessary to develop this land and take this prime quality agricultural land out of crop production.

3D image of Proposed New House in relation to Existing House

As this is a Planning Permission in Principle application, the exact details of the siting, scale, design and materials of the proposed dwellinghouse would be considered at the Approval of Matters Specified in Conditions application stage. This current application deals with

whether the principle of the development on this site complies with the Council's housing in the countryside policy HD2.

The farmhouse is a category B Listed Building and policy ED7 seeks to protect the setting of Listed Buildings. The proposed development could potentially have an adverse impact on the setting of the Listed Building due to its siting, scale and design.

The 3D image shows that the proposed house would be a large two storey building with a sizable wing forward of the front elevation.

As stated in the Report of Handling, the farmhouse was clearly sited to be the focal feature when approaching the farm from the road. A house of the scale and design proposed would clearly draw the eye away from the listed farmhouse due to its prominence, competing for attention and thereby undermining the importance of the Listed Building and therefore, harming its setting.

#### Revised Site Plan Indicating a Reduced Site/Development Boundary

The application site area as originally submitted was 0.33 hectares but a revised site plan has been submitted as part of this appeal reducing the site area, though no exact size is given.

It is accepted that this smaller site for the proposed house would reduce the amount of prime quality agricultural land lost. However, it is still considered that the site is poorly related to the building group outwith the sense of place within a previously undeveloped field and so the proposal is contrary to policy HD2 and alternative, more appropriate sites within the building group should be investigated.

Therefore, in conclusion, it is respectfully requested that the review is dismissed and the application refused.

# F E R G U S O N P L A N N I N G

Ferguson Planning Ltd  
Shiel House  
54 Island Street  
Galashiels  
TD1 1NU

E: Ruaraidh@fergusonplanning.co.uk  
T: 01896 668 744

Ms Louise McGeoch  
Clerk to the Local Review Body  
Scottish Borders Council

12th August 2022

## BY EMAIL ONLY

Dear Ms McGeoch

Thank you for your recent correspondence and passing on the comments of the appointed Planning Officer. We are grateful for the opportunity to respond to those comments.

### Soil Assessment

It is noted that the comments of the appointed Planning Officer criticise the Soil Assessment for not identifying arguments in favour of the position taken by Report of Handling 21/01421/PPP. The problem with this criticism is that the scientific evidence does not support the position taken in the Report of Handling.

Soil has been actively managed both on-site and in the rest of the field for centuries. Fertiliser has been used, including manure and natural compost, crops have been rotated, and drainage has been provided for. Indeed it must be noted that the fertility issue does not relate to drainage in any event. The site lies on the Berwickshire plain which is one of the principal agricultural areas in Scotland – arable agriculture is not novel to the area and soil management practices have now been incorporated into cultivation for several decades. It is indisputable that the fertility issue exists despite active soil management not in absence of it.

The results of the Soil Assessment are unaffected by the criticism contained within the comments of the Planning Officer.

It should also be noted that the spectre of “other potential sites” is addressed in paragraphs 3.14-3.18 of the Local Review Statement.

#### GALASHIELS

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61 Moyle Road, Ballycastle, Co. Antrim,  
Northern Ireland BT54 6LG  
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Illustrative Visualisation (3D Image)

As stated in paragraph 3.22 of the Local Review Statement, the footprint of the proposed dwelling would not exceed 250m<sup>2</sup>. The proposed dwelling would stand and appear smaller than the Category B Listed Woodend Farmhouse.

The comments of the Planning Officer also fail to accurately profile the relationship between the proposed dwelling and Woodend Farmhouse. The proposed dwelling shares a similar relationship with the Farmhouse as the existing cottages. Whereas Woodend Farmhouse sits at the end of the private way, measuring c. 250 metres in length, and represents the destination which is arrived at – the proposed dwelling sits off to one side (east) as a building which is passed as one travels to the destination much the same as the existing cottages to the west of the private way.

It is considered that the proposed dwelling would not harm the setting of Woodend Farmhouse. The Farmhouse would continue to be the principal destination, focal point, and centre of Woodend; which the proposed dwelling would frame.

It should also be noted that neither impact on the Listed Building nor any other heritage matter formed part of any reason for refusal.

Revised Site Plan

The acceptance of the Planning Officer that the revised Site Plan would reduce land-take is appreciated.

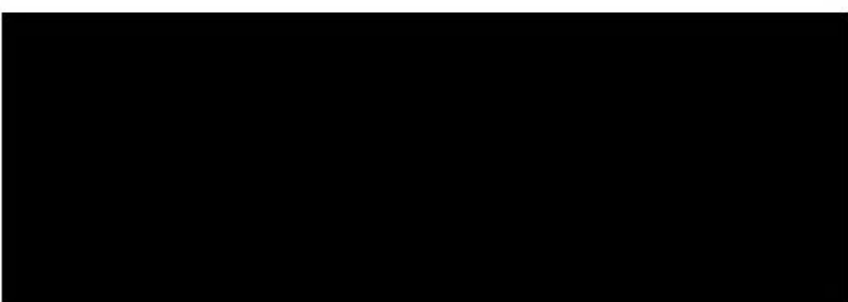
Nothing contained within the comments gives rise to revision of the Appellants' position that the site is well related to the existing dwellings and private way which comprise the existing Building Group at Woodend. This position is detailed in full in paragraphs 3.5-3.10 of the Local Review Statement.

In summary, the Local Review Statement remains accurate and correct. The proposed development accords with Policies HD2(A) & ED10 and no material considerations would justify refusing planning permission.

The Appellants are grateful for this opportunity to address the comments of the appointed Planning Officer and thank the Local Review Officer, the Clerk to the Local Review Body, and her staff accordingly.

It is our hope that members of the LRB find these comments to be clear and helpful in completing their determination of the matter at hand.

Your sincerely



**Ferguson Planning**





Newtown St Boswells Melrose TD6 0SA Tel: Payments/General Enquiries 01835 825586 Email: regadmin@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 100557633-001

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:	<input type="text" value="Ferguson Planning"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Ruaraidh"/>	Building Name:	<input type="text" value="Shiel House"/>
Last Name: *	<input type="text" value="Thompson"/>	Building Number:	<input type="text" value="54"/>
Telephone Number: *	<input type="text" value="01896 668744"/>	Address 1 (Street): *	<input type="text" value="Island Street"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Galashiels"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="TD1 1NU"/>
Email Address: *	<input type="text" value="Ruaraidh@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 &amp; Mrs"/>	Building Name:	<input type="text" value="Shiel House"/>
First Name: *	<input type="text" value="John &amp; Louise"/>	Building Number:	<input type="text" value="54"/>
Last Name: *	<input type="text" value="Seed"/>	Address 1 (Street): *	<input type="text" value="Island Street"/>
Company/Organisation	<input type="text" value="per Agent"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Galashiels"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="TD1 1NU"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="Ruaraidh@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

<input type="text" value="Land north-east of Woodend Farmhouse, Gavinton, Duns, TD11 3QW"/>
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Northing	<input type="text" value="651635"/>	Easting	<input type="text" value="375967"/>
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## Description of Proposal

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

Erection of dwellinghouse

## 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 Local Review 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 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)

Assessment of soil fertility and A103 Site Plan

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)

Please see Local Review Statement

## Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

21/01421/PPP

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

30/08/2021

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

24/02/2022

## 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

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

None

## 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: 17/05/2022

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Mr John and Mrs Louise Seed  
per Ferguson Planning  
54 Island Street  
Galashiels  
Scottish Borders  
TD1 1NU

**Please ask  
for:**  


Cameron Kirk  
01835 825253

**Our Ref:**  
**Your Ref:**

21/01421/PPP

**E-Mail:**

cameron.kirk@scotborders.gov.uk

**Date:**

24th February 2022

Dear Sir/Madam

**PLANNING APPLICATION AT Land North East of Woodend Farmhouse Duns Scottish Borders**

**PROPOSED DEVELOPMENT:**           Erection of dwellinghouse

**APPLICANT:**                           **Mr John and Mrs Louise Seed**

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

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

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

Yours faithfully

John Hayward

Planning & Development Standards Manager

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

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

**Application for Planning Permission**

**Reference : 21/01421/PPP**

**To : Mr John and Mrs Louise Seed per Ferguson Planning 54 Island Street Galashiels Scottish Borders TD1 1NU**

With reference to your application validated on **1st September 2021** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

**Proposal : Erection of dwellinghouse**

**at : Land North East of Woodend Farmhouse Duns Scottish Borders**

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

**Dated 24th February 2022  
Regulatory Services  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**John Hayward  
Planning & Development Standards Manager**



**APPLICATION REFERENCE : 21/01421/PPP****Schedule of Plans and Drawings Refused:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
865-PPP-1	Location Plan	Refused

**REASON FOR REFUSAL**

- 1 The development is contrary to Policy HD2 (A) of the Local Development Plan 2016 and Supplementary Planning Guidance: New Housing in the Borders Countryside 2008 in that it would constitute piecemeal, sporadic new housing development in the countryside that would be poorly related to an established building group, outwith the sense of place within a previously undeveloped field and beyond the defined boundaries of the building group. The proposal would be out of keeping with the character of the building group, resulting in an unacceptable adverse impact on the landscape and visual amenities of the surrounding area.
- 2 The development is contrary to Policy HD2 (F) of the Local Development Plan 2016 in that the need for a house for a retiring farmer has not been adequately substantiated and it has not been adequately demonstrated that no other sites exist within the building group and that no suitable existing house or buildings capable of conversion are available for the intended use. This conflict with the development plan is not overridden by other material considerations.
- 3 The development is contrary to Policy ED10 of the Local Development Plan 2016 as the site is within a cultivated agricultural field and the development would result in the permanent loss of prime quality agricultural land, which is a valuable and finite resource.

**FOR THE INFORMATION OF THE APPLICANT**

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

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

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**SCOTTISH BORDERS COUNCIL**

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

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

**REF :** 21/01421/PPP  
**APPLICANT :** Mr John and Mrs Louise Seed  
**AGENT :** Ferguson Planning  
**DEVELOPMENT :** Erection of dwellinghouse  
**LOCATION:** Land North East Of Woodend Farmhouse  
Duns  
Scottish Borders

**TYPE :** PPP Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
865-PPP-1	Location Plan	Refused

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

No representations have been received.

**CONSULTATIONS:**

Roads Planning Service: No objection provided the condition covering parking is included within any consent issued.

Community Council: No response.

Education and Lifelong Learning: No response.

Scottish Water: No objections. There is currently sufficient capacity in Rawburn Water Treatment Works to service the development. There is no public Scottish Water Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.

**APPLICANT'S SUPPORTING INFORMATION:**

o Design Statement

**PLANNING CONSIDERATIONS AND POLICIES:**

Local Development Plan 2016

PMD1: Sustainability  
PMD2: Quality Standards  
ED10: Protection of Prime Quality Agricultural Land and Carbon Rich Soils  
HD2: Housing in the Countryside  
HD3: Protection of Residential Amenity  
EP3: Local Biodiversity  
EP7: Listed Buildings  
EP13: Trees, Woodland and Hedgerows  
IS2: Developer Contributions  
IS7: Parking Provisions and Standards  
IS9: Waste Water Treatment Standards and Sustainable Urban Drainage

Supplementary Planning Guidance:

Placemaking and Design 2010  
Householder Development (Privacy and Sunlight) 2006  
Trees and Development 2008  
Landscape and Development 2008  
Biodiversity 2005  
Development Contributions updated April 2021  
New Housing in the Borders Countryside 2008

**Recommendation by** - Cameron Kirk (Assistant Planning Officer) on 23rd February 2022

Site and Proposal

Woodend Farm is situated to the south of the A6105, between Greenlaw and Duns. The farm comprises of a traditional steading (category B listed) and modern farm buildings, the farmhouse, also a category B Listed Building, two cottages (1 and 2) to the north west of the farmhouse and three cottages (3 to 5) to the south.

The proposal is to erect a dwellinghouse within an agricultural field to the north east of the farmhouse. The indicative site plan shows that the access would be from the main driveway that serves the farm from the public road (A6105). As this is a Planning Permission in Principle application no details of the dwellinghouse have been submitted, though the site plan shows the house positioned on the northern part of the site and trees overhanging the site from the farmhouse garden in the south west corner.

The Design Statement advises that the applicants intend to retire from the family farm within the next few years and are therefore seeking to construct a new home for their retirement.

Planning History

There is no planning history for this site.

Planning Policy

The site is outwith the Development Boundaries for Greenlaw and Duns and so the proposal has to be assessed against the Council's housing in the countryside policies.

Policy HD2 (A) allows new housing in the countryside provided that the site is well related to an existing building group of at least three houses or buildings capable of conversion to residential use. Any consents for new build granted under the building group part of the policy should not exceed two houses or a 30% increase in addition to the group during the Plan period. No further development above this threshold will be permitted. Calculations on building group size are based on the existing number of housing units within the group at the start of the Local Development Plan period. This will include those units under construction or nearing completion at that point. The cumulative impact of the new development on the character of the building group, landscape and amenity of the surrounding area will be taken into account in determining applications.

The Council's Supplementary Planning Guidance: New Housing in the Borders Countryside December 2008 states that the existence of a group will be identifiable by a sense of place which will be contributed to by natural and man-made boundaries. Sites should not normally break into undeveloped fields particularly where there exists a definable natural boundary between the building group and the field and the new development should be limited to the area contained by that sense of place. Any new development should be within a reasonable distance of the existing properties within the building group and this distance should be guided by the spacing between the existing properties in the building group. The scale and siting of new development should reflect and respect the character and amenity of the existing building group. Sites close to rural industries will be given careful consideration to ensure no conflict occurs. Existing groups may be complete and may not be suitable for further additions.

It is accepted that there is a building group at Woodend Farm as there are three or more houses.

The farmhouse is situated on the edge of the farm steading and has extensive garden ground with mature planting on the boundaries. There is a large agricultural field to the north and eastern boundaries in arable use. It is considered that the farmhouse with this mature planting is the logical extent of the building group. The proposed site would break into this previously undeveloped agricultural field, beyond the defined boundaries of the building group and outwith the sense of place. The existing cottages are situated to the west of the access road that serves the steading from the public road and the proposed site does not relate well to these existing properties.

The building group is characterised by the detached farmhouse within a large garden and smaller semi-detached and terraced farm cottages in much smaller plots. The proposal is for a new dwellinghouse within a large plot (3330 square metres/0.3hectares). The proposed dwellinghouse would not be sited within a reasonable distance of the existing properties and the proposal would not reflect or respect the character of the building group.

It is considered that the site represents an inappropriate addition to the building group and as a result, the proposal is contrary to policy HD2 (A).

It is felt that there may be alternative, more appropriate sites within the building group for the proposed dwellinghouse, which could have been investigated if a pre-application enquiry had been submitted. The agent advises that no other sites are suitable due to topography and odour nuisance but this has not been investigated or evidenced. The OS plan for the farm indicates that the land is relatively flat and there does appear to be potential sites well related to the existing cottages, but sufficient distance from the agricultural buildings, which are within the confines of the building group that could be considered.

No new houses have been granted planning permission within the building group within the current Local Development Plan period and so the proposal does not breach the threshold within policy HD2 (A).

Policy HD2 (F) does allow for houses in the countryside for retiring farmers that will release another house on the holding for continued agricultural use.

The Design Statement advises that the applicants intend to retire from the family farm within the next few years and are therefore seeking to construct a new home for their retirement. However, the need for a house for a retiring farmer has not been adequately substantiated and the supporting information does not justify the need for a new house under Part F. It is assumed the proposed house will free up the existing farmhouse for continued use but this has not been clarified. In addition, it has not been adequately demonstrated that no other sites exist within the building group and that no suitable existing house or buildings capable of conversion are available for the intended use, as required by policy HD2 (F).

#### Siting and Design and Impact on Visual Amenities

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 Council's Supplementary Planning Guidance: New Housing in the Borders Countryside December 2008 states that the scale and siting of new development should reflect and respect the character and amenity of the existing building group. The Supplementary Planning Guidance on Placemaking and Design contains design guidance.

As this is a Planning Permission in Principle application no details of the scale, design or materials of the proposed dwellinghouse have been submitted. The design and materials must be of a high quality and in keeping with other houses within the building group so as to protect the visual amenities of the area.

The site is within a large agricultural field outwith the natural boundaries of the building group and does not benefit from any screen planting when viewed from the public road to the north/north east. The proposal would not read as part of the farm complex or building group. Therefore, the development has the potential to be prominent in the landscape and harmful to the visual amenities of the area.

The proposed planting shown on the indicative site plan (tree planting and wild flower meadow with fruit trees) is shown outwith the red line site boundary and so cannot be secured by a planning condition.

#### Impact on Listed Building

Policy EP7 seeks to protect the character and setting of Listed Buildings.

The proposed dwellinghouse would be sited to the north east of the farmhouse, which is a category B Listed Building dating back to the late 18th century and built at the same time as the steading. The farmhouse is situated at the end of the main driveway from the public road, which is lined with hedgerows and trees, and can be glimpsed from the road. The farmhouse was clearly sited to be the focal feature when approaching the farm from the road.

The proposed dwellinghouse would be sited in the field to the north east of the listed farmhouse and could potentially undermine the importance of the Listed Building and, depending on the siting, scale, design and materials of the proposed dwellinghouse, could have a detrimental impact on the setting of the farmhouse.

#### Impact on Residential Amenities

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: Guidance on Householder Developments July 2006 contains guidance on privacy, overlooking and access to light that can be applied when considering planning applications for new household developments to ensure that proposals do not adversely affect the residential amenities of occupants of neighbouring properties.

The proposed dwellinghouse would be sited some distance from the farmhouse and so the proposal should not harm the light or privacy of occupants of the existing house.

No other properties would be affected.

#### Access, Parking and Road Safety

Policy PMD2 requires development to incorporate adequate access and to ensure that there is no adverse impact on road. Policy IS7 requires that car parking should be provided in accordance with the Council's adopted standards.

The proposed dwellinghouse would utilise the existing driveway from the public road and the site is large enough to accommodate on-site parking and turning.

The Roads Planning Service has no objections to the proposal provided that a condition secures the on-site parking.

#### Trees and Woodlands

Policy EP13 seeks to protect trees from development.

There are trees within the garden of the farmhouse that overhang the south western boundary of the site. Although the root protection areas are not accurately shown on the indicative site plan, it should be possible

to erect the house as shown on the indicative site plan without encroaching into the root protection area of these trees and damaging the trees. A tree survey would be required to demonstrate this, should the application be approved.

#### Prime Quality Agricultural Land

Policy ED10 states that developments that result in the loss of prime quality agricultural land will not be permitted unless the site is allocated in the Local Development Plan, the development meets an established need and no other site is available or the development is small scale and directly related to a rural business.

This policy seeks to prevent the permanent loss of prime quality agricultural land (as defined within Classes 1, 2 and 3.1 of the Macaulay Institute Land Classification for Agriculture system), which is a valuable and finite resource that needs to be retained for farming and food production.

The site is within a cultivated agricultural field (as shown in the agent's site photos and on Google Maps, July 2021) and the proposal would result in the permanent loss of 3,330 square metres/0.3 hectares of prime quality agricultural land. The proposal does not meet the exception criteria listed in policy ED10 and so the permanent loss of this prime quality agricultural land would be contrary to policy ED10.

#### Water and Drainage

Policy IS9 states that the preferred method of dealing with waste water associated with new developments would be the direct connection to the public sewerage system and for development in the countryside the use of private sewerage may be acceptable provided that it can be provided without negative impacts to public health, the environment, watercourses or ground water. A SUDS is required for surface water drainage.

The proposed dwellinghouse would connect to the public water supply and Scottish Water has confirmed that there is spare capacity in the system to accommodate the proposed house.

Scottish Water advises that there is no public Scottish Water Waste Water infrastructure within the vicinity of this proposed development. A new waste water treatment unit would be installed with the outfall taken to discharge to the ground via a soakaway or existing field drain system. Surface water would be taken to discharge to the ground or existing field drainage system.

Details of foul and surface water drainage would be secured by conditions should the application be approved.

#### 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. This is set out in policy IS2.

Contributions are required towards Berwickshire High School (£3,809) and Duns Primary School (£5,154). These would be secured by a legal agreement should the application be approved.

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

The development is contrary to Policy HD2 (A) of the Local Development Plan 2016 and Supplementary Planning Guidance: New Housing in the Borders Countryside 2008 in that it would constitute piecemeal, sporadic new housing development in the countryside that would be poorly related to an established building group, outwith the sense of place within a previously undeveloped field and beyond the defined boundaries of the building group. The proposal would be out of keeping with the character of the building group, resulting in an unacceptable adverse impact on the landscape and visual amenities of the surrounding area.

In addition, the proposal would be contrary to Policy HD2 (F) in that the need for a house for a retiring farmer has not been adequately substantiated and it has not been adequately demonstrated that no other sites exist within the building group and that no suitable existing house or buildings capable of conversion are available for the intended use, as required by policy HD2 (F).

Further, the development is contrary to Policy ED10 of the Local Development Plan 2016 as the site is within a cultivated agricultural field and the development would result in the permanent loss of prime quality agricultural land, which is a valuable and finite resource that needs to be retained for farming and food production.

This conflict with the development plan is not overridden by other material considerations.

**Recommendation:** Refused

- 1 The development is contrary to Policy HD2 (A) of the Local Development Plan 2016 and Supplementary Planning Guidance: New Housing in the Borders Countryside 2008 in that it would constitute piecemeal, sporadic new housing development in the countryside that would be poorly related to an established building group, outwith the sense of place within a previously undeveloped field and beyond the defined boundaries of the building group. The proposal would be out of keeping with the character of the building group, resulting in an unacceptable adverse impact on the landscape and visual amenities of the surrounding area.
- 2 The development is contrary to Policy HD2 (F) of the Local Development Plan 2016 in that the need for a house for a retiring farmer has not been adequately substantiated and it has not been adequately demonstrated that no other sites exist within the building group and that no suitable existing house or buildings capable of conversion are available for the intended use. This conflict with the development plan is not overridden by other material considerations.
- 3 The development is contrary to Policy ED10 of the Local Development Plan 2016 as the site is within a cultivated agricultural field and the development would result in the permanent loss of prime quality agricultural land, which is a valuable and finite resource.

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





Newtown St Boswells Melrose TD6 0SA Tel: Payments 01835 825586 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 100464115-001

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 new dwelling house, change of use of agricultural land to form site and garden

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:	Keith Renton Architect		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Keith	Building Name:	Humestanes Studio
Last Name: *	Renton	Building Number:	
Telephone Number: *	01361 810271	Address 1 (Street): *	Hume Hall Holdings
Extension Number:		Address 2:	Greenlaw
Mobile Number:		Town/City: *	Duns
Fax Number:		Country: *	Scotland
		Postcode: *	TD10 6UW
Email Address: *	keith@keithrentonarchitect.co.uk		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Woodend Farmhouse
First Name: *	John and Mrs Louise	Building Number:	
Last Name: *	Seed	Address 1 (Street): *	Woodend
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Duns
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	TD11 3QW
Fax Number:			
Email Address: *			

## Site Address Details

Planning Authority:

Scottish Borders Council

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

Address 1:

WOODEND FARMHOUSE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

DUNS

Post Code:

TD11 3QW

Please identify/describe the location of the site or sites

Northing

651538

Easting

375966

## Pre-Application Discussion

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

Yes  No

## Site Area

Please state the site area:

3330.00

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)

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

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

Note:-

Please include details of SUDS arrangements on your plans

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

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

- Yes  
 No, using a private water supply  
 No connection required

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

## Assessment of Flood Risk

Is the site within an area of known risk of flooding? \*  Yes  No  Don't Know

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

Do you think your proposal may increase the flood risk elsewhere? \*  Yes  No  Don't Know

## Trees

Are there any trees on or adjacent to the application site? \*  Yes  No

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

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*  Yes  No

## Schedule 3 Development

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

Yes  No  Don't Know

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

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

## Planning Service Employee/Elected Member Interest

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

Yes  No

## Certificates and Notices

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

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

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

Yes  No

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

Yes  No

Do you have any agricultural tenants? \*

Yes  No

## Certificate Required

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

Certificate E

# Land Ownership Certificate

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

Certificate E

I hereby certify that –

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are no agricultural tenants

Or

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are agricultural tenants.

Name:

Address:

Date of Service of Notice: \*

(4) – I have/The applicant has taken reasonable steps, as listed below, to ascertain the names and addresses of the other owners or agricultural tenants and \*have/has been unable to do so –

Signed: Keith Renton

On behalf of: Mr John and Mrs Louise Seed

Date: 30/08/2021

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)

Design Statement

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. \*

Yes  N/A

A Design Statement or Design and Access Statement. \*

Yes  N/A

A Flood Risk Assessment. \*

Yes  N/A

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

Yes  N/A

Drainage/SUDS layout. \*

Yes  N/A

A Transport Assessment or Travel Plan

Yes  N/A

Contaminated Land Assessment. \*

Yes  N/A

Habitat Survey. \*

Yes  N/A

A Processing Agreement. \*

Yes  N/A

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

## Declare – For Application to Planning Authority

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

Declaration Name: Mr Keith Renton

Declaration Date: 30/08/2021

## Payment Details

Cheque: Keith Renton Architect, 0001

Created: 30/08/2021 09:20



## Proposal Details

Proposal Name	100557633
Proposal Description	Notice of Review for Planning Application at
Woodend Farm	
Address	
Local Authority	Scottish Borders Council
Application Online Reference	100557633-001

## Application Status

Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete

## Attachment Details

Notice of Review	System	A4
865-PPP-1 Location Plan	Attached	A3
865-PPP-2 Site Plan	Attached	A3
Design Statement	Attached	A4
A103 Site and Landscaping Plan	Attached	A1
A103 Site Plan	Attached	A1
Report of Handling 21_01421_PPP	Attached	A4
Decision Notice 21_01421_PPP	Attached	A4
Local Review Statement	Attached	A4
Soil Assessment	Attached	A4
Illustrative Visualisation	Attached	Not Applicable
Application Form	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-001.xml	Attached	A0

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F E R G U S O N  
P L A N N I N G

NEW DWELLING AT WOODEND FARM

MR & MRS SEED

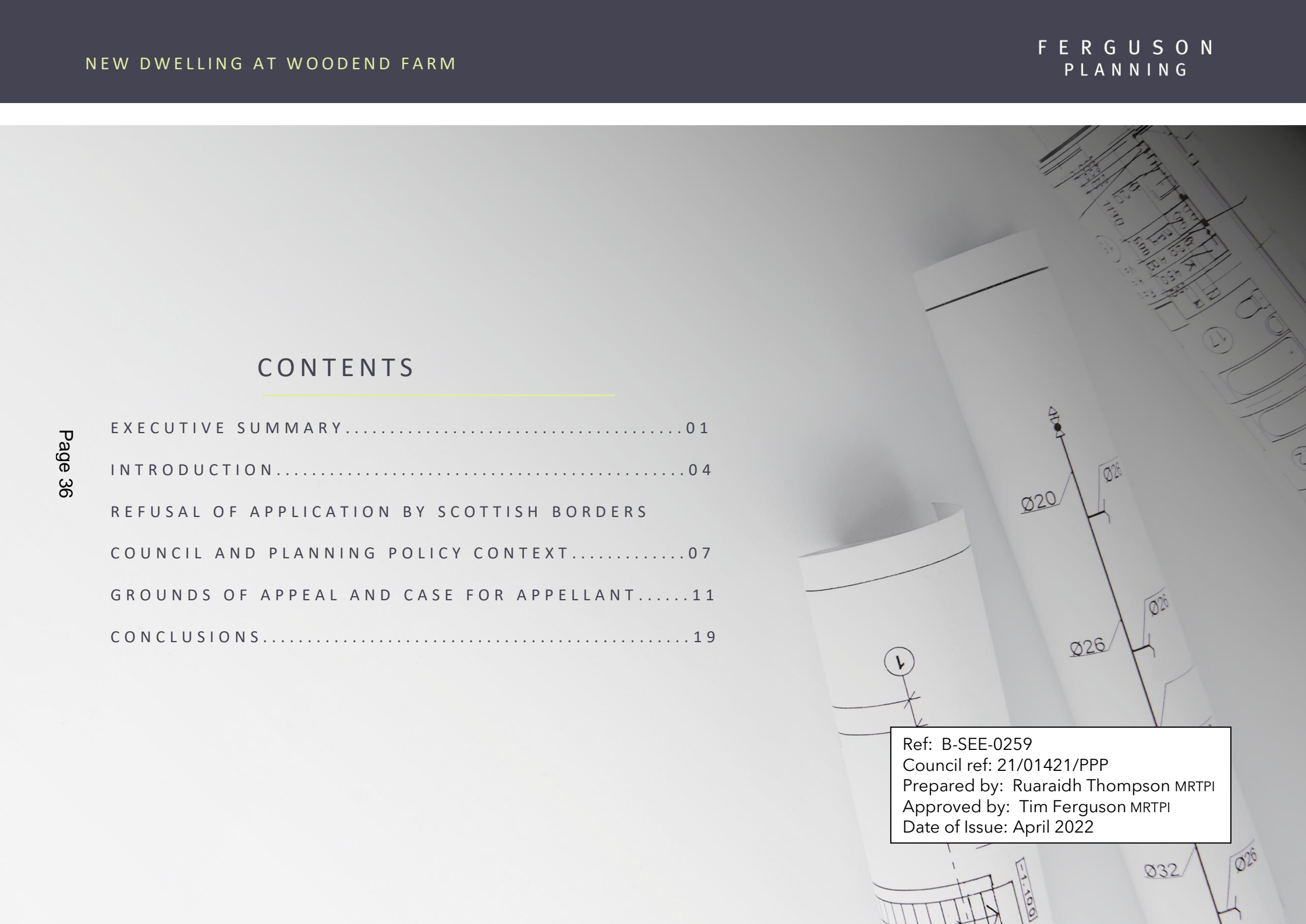
APRIL 2022

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Ref: B-SEE-0259  
Council ref: 21/01421/PPP  
Prepared by: Ruaraidh Thompson MRTPI  
Approved by: Tim Ferguson MRTPI  
Date of Issue: April 2022

F E R G U S O N  
P L A N N I N G

NEW DWELLING AT WOODEND FARM

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EXECUTIVE SUMMARY

## EXECUTIVE SUMMARY

This Statement is submitted on behalf of John & Louise Seed “the Appellants” against the decision of Scottish Borders Council to refuse Planning Permission in Principle for the erection of a dwellinghouse on land north-east of Woodend Farmhouse, Gavinton, Duns on 24th February 2022 (reference 21/01421/PPP). All Core Documents (CD) are referenced in Appendix 1.

The Appellants propose to build a new dwelling on land in their ownership within the agricultural unit of Woodend Farm. It is agreed between the Planning Authority and the Appellants that there is a Building Group comprising three existing dwellings in this part of Woodend. Disagreement centres on whether the appeal site is well related to the existing Building Group.

Mr & Mrs Seed are 64 & 62, respectively. John grew up at Woodend and has worked there since 1976. He is the third generation of this family to do so. Louise has also worked in the agricultural enterprise since their marriage in 1982 (40 years ago). They have lived together at Woodend for 32 years having moved into the farmhouse when John’s father started to retire from the business. The Appellants will continue to work in the Family Partnership but will withdraw from the day-to-day management of the business and wish to continue living at Woodend for the rest of their lives. A new dwelling is required in the agricultural unit to allow the principal farmhouse and farm office to be vacated and allow the Appellants’ son to move in with his family and assume leadership of the farm.

The appeal site sits adjacent to ‘Woodend Farmhouse’ (existing dwelling). Two farm cottages, the other existing dwellings comprising the Building Group, lie opposite the private way; in an approximately linear relationship with the appeal site and principal farmhouse. The Building Group is not enclosed by a distinct landscape feature but is generally orientated around the private way which provides access from the public road network to Woodend Farm.

During the course of the Application’s determination, the following consultee responses were received from Council Officers and partners:

- **Roads Planning team – No objection.**
- **Scottish Water – No objection.**

### Reasons for Refusal

Three reasons were cited for the refusal of the Application.

The first stated reason claimed that the proposed development contradicts Policy HD2 of the LDP as the appeal site “would break into previously undeveloped agricultural field, beyond the defined boundaries of the building group and outwith the sense of place”. The appointed Planning Officer considered that the sense of place “is characterised by the detached farmhouse within a large garden and smaller semi-detached and terraced farm cottages in much smaller plots.”

It is the position of the Appellants that the appeal site shares a strong relationship with all three existing dwellings and particularly the principal farmhouse. The appeal site has a direct access to the private way and sits in close proximity to the other existing dwellings. The existing Building Group is arranged around the private way and the proposed dwelling shares as intimate a relationship as each of the existing dwellings. A new hedgerow boundary lined with native species of tree is proposed on the north-east, north-west, and south-east boundaries of the site providing a distinct landscape feature enclosing the Building Group along its east edge and precluding further development, in line with the guidance provided in 2.b.1 of the New Housing in the Borders Countryside Supplementary Guidance.

It is considered that the proposed development is well related to the existing Building Group lying within the local setting and defined sense of place, orientated around the private way which provides access to Woodend Farm from the A6105. There have been no new dwellings consented within the current LDP period and it is considered that there are no significant cumulative impacts associated with the proposed development. Therefore, the appeal proposal is considered to accord with section (A) of Policy HD2.

The second reason for refusal rests on the proposed dwelling not being justified as a tied agricultural dwelling. However, the proposed dwelling has been presented as an untied (market tenure) addition to the existing Building Group under section (A) of Policy HD2 and justified in policy provisions therewith. Therefore, section (F) of Policy HD2 is not relevant and the second reason for refusal should be set aside.

The third reason for refusal relates to the designation of the site as “Prime Quality Agricultural Land”. Unfortunately, the quality of soil on-site is not premium. The professional advice of the Appellants’ agriculture consultant and chemical analysis results (CD2) have been submitted to substantiate this fact.

In any case, Policy ED10 permits development on “Prime Quality Agricultural Land” where:

“the development is small and directly related to a rural business”.

The Appellants require the proposed dwelling to vacate the principal farmhouse and pass leadership of Woodend Farm to their son. Therefore, the development is directly related to a rural business.

The site is small (0.3ha) and would not be entirely or even mainly developed. Although detailed design is deferred, the new house would be unlikely to extend beyond a footprint of 250m<sup>2</sup>. Therefore, the development is indisputably small in scale.

As the site is essentially poorer quality field margin, is small in scale, and directly related to securing the sustainability of Woodend Farm, the proposed development accords with Policy ED10 and the third reason for refusal falls away.

The Local Review Body, having considered the detail contained within the Planning Application package, together with the information set out herein, will be respectfully requested to allow the Notice of Review and grant Planning Permission in Principle.

F E R G U S O N  
P L A N N I N G

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NEW DWELLING AT WOODEND FARM

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INTRODUCTION



## INTRODUCTION

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- 1.1 This Statement supports a Notice of Review of the delegated decision of Scottish Borders Council to refuse to grant Planning Permission in Principle for the erection of a dwellinghouse on land north-east of Woodend Farmhouse, Gavinton, Duns.
- 1.2 The site sits adjacent to the north-east of the Woodend Farmhouse. Woodend Farm sits as an identifiable and distinct land parcel lying to the south of the A6105 along a private way which forms part of the agricultural unit. The principal farmhouse and farm cottages are located in the east and north-east portion of the parcel, while the agricultural sheds, barns, and yard occupy the west and south-west portion.
- 1.3 There are 3 no. existing dwellings which comprise the existing Building Group at Woodend Farm. While the principal farmhouse lies to the east of the private way, 1 & 2 Woodend Farm Cottages both lie to the west of the road (as seen in Fig.1.).
- 1.4 The site currently comprises a mixture of temporary grass and spring oats. The west boundary of the site is shared with the residential curtilage of Woodend Farmhouse, with access forking off the private way to the north. The site lies broadly flat, however there is a notable fall of land a short distance beyond the east boundary.
- 1.5 The Appellants require a new dwelling on their land in order to retire from Woodend Farm, allowing their son to lead the farm into the future. Mr Seed is now 64 years old and is the third generation of his family to have farmed at Woodend succeeding from his grandfather and father. Both Mr & Mrs Seed want to remain in the local area which has been their home for all their lives.
- 1.6 In addition to the spatial planning justification for the proposed dwelling, the Applicants intend to connect to the district heating and electricity systems which have been installed at Woodend Farm. Connections to both the heating system (biomass) and electricity system (wind turbine and PV panels) run to the south-west boundary of the site and could readily be plugged into.
- 1.7 It is proposed that the new house would be served by private foul and surface water drainage arrangements and mains water supply. The Appellant is content to secure servicing details via condition.
- 1.8 The remainder of this Statement considers the site context and relevant planning policy, before evaluating the accordance of the appeal proposal with the Local Development Plan and other material considerations.



**Fig 1:** Extract from A103 Site Plan, showing the proposed hedgerow lined with trees enclosing the north-east, north-west, and south-east boundaries of the site (Source: Fleming Homes).

NEW DWELLING AT WOODEND FARM

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REFUSAL OF APPLICATION BY SCOTTISH BORDERS  
COUNCIL AND PLANNING POLICY CONTEXT

## REFUSAL OF APPLICATION BY COUNCIL AND PLANNING POLICY

2.1 Planning Application 21/01421/PPP was refused on 24th February 2022. The Decision Notice (CD10) cited three reasons for refusal, set out below:

**“1. The development is contrary to Policy HD2 (A) of the Local Development Plan 2016 and Supplementary Planning Guidance: New Housing in the Borders Countryside 2008 in that it would constitute piecemeal, sporadic new housing development in the countryside that would be poorly related to an established building group, outwith the sense of place within a previously undeveloped field and beyond the defined boundaries of the building group. The proposal would be out of keeping with the character of the building group, resulting in an unacceptable adverse impact on the landscape and visual amenities of the surrounding area.**

**2. The development is contrary to Policy HD2 (F) of the Local Development Plan 2016 in that the need for a house for a retiring farmer has not been adequately substantiated and it has not been adequately demonstrated that no other sites exist within the building group and that no suitable existing house or buildings capable of conversion are available for the intended use. This conflict with the development plan is not overridden by other material considerations.**

**3. The development is contrary to Policy ED10 of the Local Development Plan 2016 as the site is within a cultivated agricultural field and the development would result in the permanent loss of prime quality agricultural land, which is a valuable and finite resource.”**

### Local Development Plan

2.2 Policy HD2 contains six sections, each of which details circumstances in which new houses will be considered acceptable. Section (A) which addresses development relating to Building Groups is considered to represent the pertinent material consideration in the determination of the appeal proposal.

2.3 Section (A) of Policy is replicated below:

#### *“(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 a 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.”*

- 2.4 Policy ED10 states that “development, except proposals for renewable energy development, which results in the permanent loss of prime quality agricultural land or significant carbon rich soil reserves, particularly peat, will not be permitted unless:
- a) the site is otherwise allocated within this local plan
  - b) the development meets an established need and no other site is available
  - c) the development is small and directly related to a rural business.

#### Supplementary Guidance

- 2.5 The Supplementary Guidance ‘**New Housing in the Borders Countryside**’ includes the following criteria for any new housing in the countryside:
- 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.
- The safeguarding of known mineral resources from sterilisation unless this is acceptable following an assessment of the environmental implications.

- 2.6 The section of the Guidance, which covers the expansion of existing Building Groups, states that 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.
- 2.7 The Guidance sets out that the existence of a Building Group “will be 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.”

- 2.8 When expanding an existing building group, the Guidance includes the following points:
- The scale and siting of new development should reflect and respect the character and amenity of the existing group;
  - New development should be limited to the area contained by that sense of place;
  - A new house should be located within a reasonable distance of the existing properties within the building group with spacing guided by that between the existing properties;
  - Ribbon development along public roads will not normally be permitted.

NEW DWELLING AT WOODEND FARM

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GROUNDS OF APPEAL AND  
CASE FOR APPELLANT

## GROUNDS OF APPEAL AND CASE FOR THE APPELLANT

- 3.1 The decision of the Planning Authority to refuse the Application is challenged on the basis of the Grounds of Appeal set out below. It is the submission of the Appellants that the proposal accords with the relevant adopted policy of the Local Development Plan and Supplementary Guidance and that there are no material considerations which justify the refusal of the Application.

**GROUND 1:** The proposed development represents the erection of a dwelling on a site which is well related to an existing Building Group at Woodend Farm and would contribute positively to the local sense of place and setting.

**GROUND 2:** The proposed development represents the expansion of an existing Building Group by a single dwelling and accords with section (A) of Policy HD2. Section (F) of Policy HD2, including all of its provisions are not relevant to the proposed development.

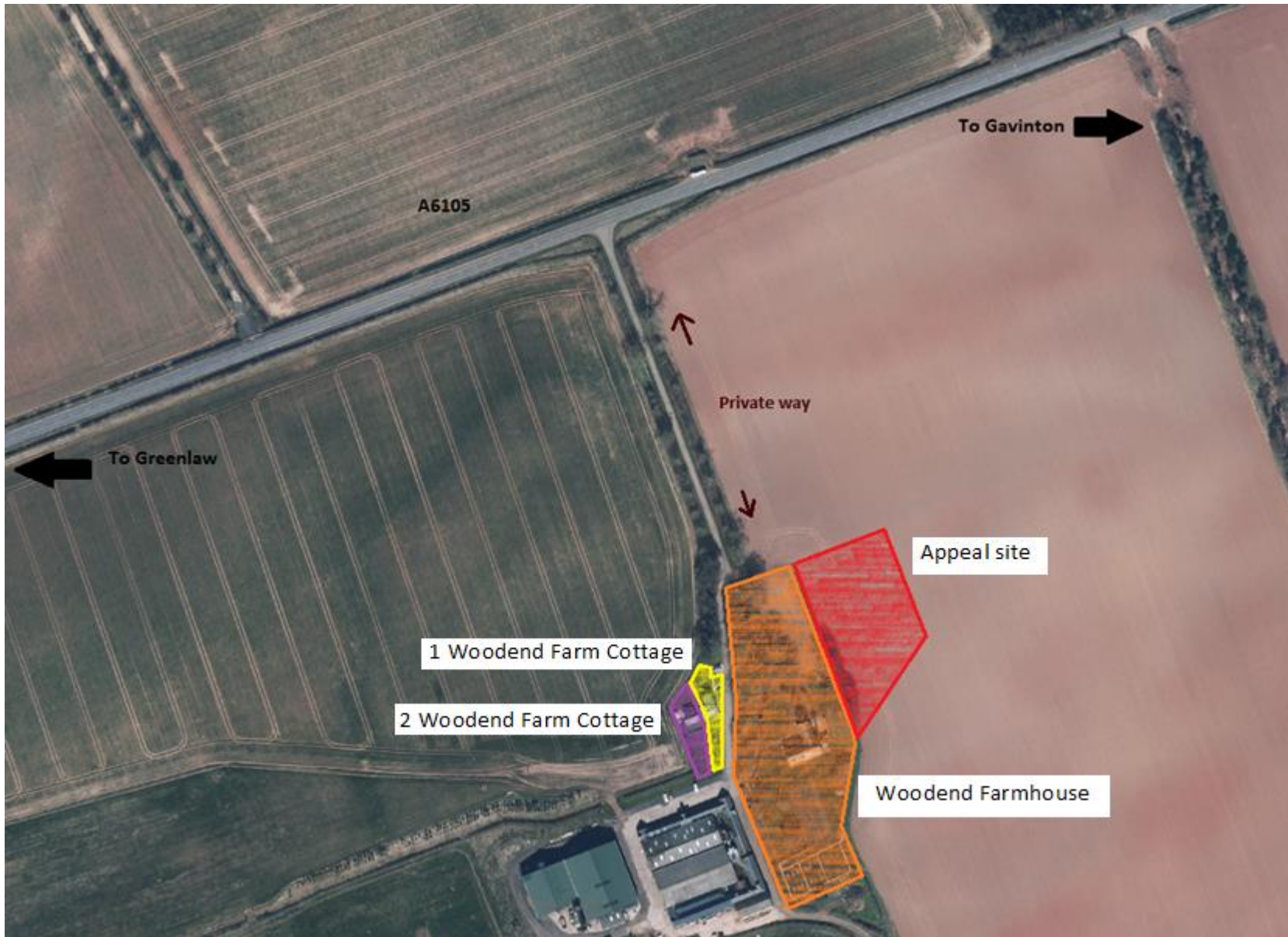
**GROUND 3:** The proposed development does not contradict Policy ED10 as it is small scale, required to support the established agricultural enterprise at Woodend Farm, soil on-site is not high quality and does not achieve a high crop yield.

- 3.2 During the course of the Application's determination, the following consultee responses were received from Council Officers and partners:
- **Roads Planning team – No objection.**
  - **Scottish Water – No objection.**

**GROUND 1: THE PROPOSED DEVELOPMENT REPRESENTS THE ERECTION OF A DWELLING ON A SITE WHICH IS WELL RELATED TO AN EXISTING BUILDING GROUP AT WOODEND FARM AND WOULD CONTRIBUTE POSITIVELY TO THE LOCAL SENSE OF PLACE AND SETTING.**

- 3.3 It is the Appellants' position that the appeal site lies within the setting and forms part of an existing Building Group in this part of Woodend (clearly visible in Fig.2.) and that the proposed dwelling would enhance the defined sense of place.
- 3.4 It is common ground between the Appellants and the Planning Authority that a Building Group exists in this part of Woodend and that capacity does exist for expansion by another 2 no. dwellings. However, Report of Handling 21/01421/PPP (CD9) states that the appeal site "would break into this previously undeveloped agricultural field, beyond the defined boundaries of the building group and outwith the sense of place". The appointed Planning Officer considers that the sense of place "is characterised by the detached farmhouse within a large garden and smaller semi-detached and terraced farm cottages in much smaller plots."
- 3.5 It is agreed between the Appellant and the Planning Authority that the private way is the key access corridor which the existing dwellings centred around. Disagreement centres on whether the proposed dwelling represents a second detached dwelling discreetly sited in the setting of the three existing dwellings facing onto the private way in the core of the agricultural unit.





**Fig 2:** Annotated aerial image of Building Group at Woodend.

- 3.5 The Appellants' position is that the proposed dwelling lies together with the other existing dwellings in this part of the Woodend Farm arranged around the private way. There is no existing distinct landscape feature dividing the appeal site from the rest of the Building Group and a single land level extends throughout. The new tree lined hedgerow proposed would enclose the site and represent a distinct landscape feature defining the easterly extent of the Building Group, in line with the guidance provided in 2.b.1 of the New Housing in the Borders Countryside Supplementary Guidance.
- 3.6 It is acknowledged that the appointed Planning Officer has concerns about the site lying beyond the "mature planting" located in the boundary of the curtilage of the principal farmhouse. However, it is considered that this view relies too heavily on aerial imagery and fails to acknowledge the visual dominance of the principal farmhouse (the foremost dwelling in the Building Group) over the site, clearly visible in Fig.3.
- 3.7 The proposed tree lined hedgerow represents a significant distinct landscape feature enclosing the east boundary of the existing Building Group. The boundary will represent a more distinct and significant one than the existing east boundary of Woodend Farmhouse as visible in Fig.4. Native species will be planted in order to create a natural feel which forms a mature feature in time, which would not be possible if non-native conifers (e.g. cypress, cedar, spruce) were planted. It is considered that the tree lined hedgerow proposed would stand more distinct than any other landscape feature and represents the best opportunity to establish a natural and logical edge to the east extent of the Building Group.
- 3.8 Given the location of the site adjacent to Woodend Farmhouse and partially mirroring the relationship of the farm cottages with the principal farmhouse the site is considered to be well related to the existing Building Group in this part of Woodend Farm and to accord with criteria a) of section (A). The tree lined hedgerow proposed is considered to strengthen this relationship and delineate the sense of place within the existing Building Group from the large arable field beyond to the east.
- 3.9 The appeal proposal is for the erection of a single detached dwelling in a relatively large plot – 0.33ha (0.82ac). The density of proposed development is considered to be broadly representative of the existing pattern of development at Woodend and this part of Berwickshire generally. It is important to note that the plot and curtilage of the proposed dwelling is significantly smaller than that of the principal farmhouse. Furthermore, the residential curtilage has been further reduced (to portion A) as visible on the updated Site Plan, replicated in Fig.1. The balance of the site (portion B) will remain in agricultural use and outside the residential curtilage of the new dwelling. The layout of the site and relationship with the rest of the Building Group would 'round off' the east portion and preclude further residential development.
- 3.10 Views of the site from the west are screened by the established trees which line the drive within the curtilage of Woodend Farmhouse. Views of the site from the north, east, and south would all be screened by the new tree lined hedgerow. This would represent a landscape, as well as ecological, improvement as the boundary hedge of the principal farmhouse is fractured and sporadic and does not distinctly enclose the Building Group from the north or east. The tree lined hedgerow would significantly improve long views of the site by providing a wooded backdrop to agricultural fields.



**Fig 3:** Photograph looking south-west across the site, with Woodend Farmhouse clearly visible in close proximity.



**Fig 4:** Photograph showing the sporadic and separated boundary hedging of Woodend Farmhouse with clear intervisibility with the existing dwelling.



**Fig 5:** Illustrative visualisation of proposed dwelling viewed from the private way. Illustration serves comparison purpose with existing hedging removed to allow comparison of proposed dwelling with Woodend Farmhouse, visible at the end of the residential drive (right).

- 3.11 It is considered that the proposed development represents a negligible landscape impact, at very worst. Given the absence of landscape impacts associated with the proposed development, it is considered that an “*unacceptable adverse impact*” would not be created and that the proposal accords with criteria b) of section (A).
- 3.12 The Building Group in this part of Woodend comprises three existing dwellings, extension by two additional dwellings is allowed for by the Policy. The proposal is considered to accord with criteria c) of section (A) as no new dwellings have been consented within the current LDP period and one new dwelling is proposed.
- 3.13 The Planning Authority and Appellants agree that there is an existing Building Group in this part of Woodend as defined in section (A) of Policy HD2. It is considered that the proposed development is well related to the existing Building Group lying within the local setting and defined sense of place, orientated around the private way which provides access to Woodend Farm from the A6105. There have been no new dwellings consented within the current LDP period and it is considered that there are no significant cumulative impacts associated with the proposed development. Therefore, the appeal proposal is considered to accord with section (A) of Policy HD2.

**GROUND 2: THE PROPOSED DEVELOPMENT REPRESENTS THE EXPANSION OF AN EXISTING BUILDING GROUP BY A SINGLE DWELLING AND ACCORDS WITH SECTION (A) OF POLICY HD2. SECTION (F) OF POLICY HD2, INCLUDING ALL OF ITS PROVISIONS ARE NOT RELEVANT TO THE PROPOSED DEVELOPMENT.**

- 3.14 The second reason for refusal asserts that the proposed development does not accord with section (F) of Policy HD2. However, this assessment has no valid relevance to the application.
- 3.15 Section (F) of Policy HD2 addresses and is relevant only to “*housing with a location essential for business needs*” – agriculture, horticulture, and forestry are identified as typical examples in criterion a). Although the Applicants are the proprietors of Woodend Farm, the proposed dwelling is not an agricultural tied dwelling. Therefore, section (F) has no relevance to the application.
- 3.16 Report of Handling 21/01421/PPP has opined:  
 “It is felt that there may be alternative, more appropriate sites within the building group for the proposed dwellinghouse”.
- 3.17 This assessment relates to criterion d) of section (F) – “*no [other] appropriate site exists within a Building Group*”. While this is relevant to applications made under section (F); it has no pertinence to this application or any made under section (A).
- 3.18 Given the irrelevance of section (F) and all its criteria (including criterion d) the second reason for refusal and all consideration of section (F) should be set aside.

**GROUND 3: THE PROPOSED DEVELOPMENT DOES NOT CONTRADICT POLICY ED10 AS IT IS SMALL SCALE, REQUIRED TO SUPPORT THE ESTABLISHED AGRICULTURAL ENTERPRISE AT WOODEND FARM, SOIL ON-SITE IS NOT HIGH QUALITY AND DOES NOT ACHIEVE A HIGH CROP YIELD.**

3.19 The third reason for refusal is anchored on the extract of Report of Handling 21/01421/PPP (CD9) replicated below:

“The site is within a cultivated agricultural field (as shown in the agent's site photos and on Google Maps, July 2021) and the proposal would result in the permanent loss of 3,330 square metres/0.3 hectares of prime quality agricultural land. The proposal does not meet the exception criteria listed in policy ED10 and so the permanent loss of this prime quality agricultural land would be contrary to policy ED10.”

3.20 It is important to note that Policy ED10 permits development on land designated as “Prime Quality Agricultural Land” in cases in which criterion c) is satisfied:

*“c) the development is small and directly related to a rural business.”*

3.21 Firstly, it is considered that 0.3 hectares is a small parcel of land. The larger agricultural field in which the application site nominally lies extends to approximately 14.9 hectares. Therefore the application site represents only 2% of the field. The field represents a very small portion – less than 0.5% – of (i) the agricultural unit of Woodend Farm and (ii) the belt of Prime Quality Agricultural Land which extends across this part of the Borders.

3.22 Furthermore, the footprint of the house itself (while deferred to the next stage of the planning process) is unlikely to extend larger than 250m<sup>2</sup>. Garden space and retained field would occupy the rest of the site and could hypothetically return to agriculture.

3.23 The proposed dwelling is required to enable the Applicants to retire from leadership of the farm and to be succeeded by their son. It is therefore indisputable that the proposed development is required by and directly related to an established agricultural enterprise. Inability to secure a new house within the agricultural unit would threaten the sustainability of Woodend Farm.

3.24 The Local Review Body should also be aware that soil on-site is not premium quality. The Appellants’ agriculture consultant (Agri intelligence) have collected soil samples and organised chemical analysis by Lancrop Laboratories (BS and ISO/IEC accredited). This analysis (CD2) identifies that the soil is deficient in levels of sulphur, boron, molybdenum, and sodium. The professional advice of Agri intelligence is that these nutrient deficiencies impede plant/crop use of Nitrogen (N).

3.25 The chemical analysis of Lancrop represent empirical results which have been prepared by qualified and accredited scientists. While it is accepted that Soil Classifications are a useful tool they are not specific to every farm or field and cannot replace empirical analysis conducted under strict scientific conditions.

3.26 The proposed development is considered to be small scale, located on the field margin, and directly related to a rural business, while the quality of soil on-site is not representative of “Prime Quality Agricultural Land”. Therefore, the proposed development is considered to accord with Policy ED10 and to support the sustainability of Woodend Farm as an agricultural enterprise.

F E R G U S O N  
P L A N N I N G

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NEW DWELLING AT WOODEND FARM

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CONCLUSION



## CONCLUSION

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- 4.1 The Notice of Review, supported by this Statement, requests that the Council overturns the decision to refuse Planning Permission in Principle for Application 21/01421/PPP and grant consent for the erection of a dwellinghouse on land north-east of Woodend Farmhouse, Gavinton, Duns.
- 4.2 The proposed development is for the erection of a new dwelling on a site which is well related to and within the setting of the existing Building Group in this part of Woodend. The proposed dwelling both reflects the existing pattern of development and respects the local character of Woodend. The proposed dwelling would be enclosed with the Building Group by a new tree lined hedgerow defining the north-east, north-west, and south-east boundaries of the site. The proposed tree lined hedgerow represents a distinct landscape feature precluding further development beyond the boundary it creates. The proposed dwelling would have minimal impact on the amenity of surrounding properties and local landscape. Lastly the Building Group has capacity to expand by two dwellings over the LDP period and no new development has been approved to date. Therefore, the proposed development is considered to accord with section (A) of Policy HD2.
- 4.3 The proposed development achieves full accordance with section (A) of Policy HD2. Therefore, section (F) of the Policy, including all its criteria, are irrelevant to determination of this Notice of Review.
- 4.4 The application site is considered to be both small scale (0.3ha) and not representative of "Prime Quality Agricultural Land". The poor quality of soil on-site has been substantiated by empirical scientific analysis. As the proposed dwelling is required by the Applicants to retire into and enable delivery of the succession plan for Woodend Farm it is directly related to a rural business. Therefore, the proposed development is considered to accord with Policy ED10 and represent sustainable development.
- 4.5 Should Planning Permission in Principle be granted, approval of the deferred details will be required at the next stage of the planning process. Therefore the scale, layout, appearance of elevations, and landscaping can be controlled by the Planning Authority.
- 4.6 The Local Review Body is respectfully requested to allow the appeal for the erection of a dwellinghouse at Woodend Farm.

F E R G U S O N  
P L A N N I N G

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NEW DWELLING AT WOODEND FARM

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CORE DOCUMENTS

## CORE DOCUMENTS

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The following drawings, documents, and plans have been submitted to support the Notice of Review:

- Notice of Review Form;
- CD1 Local Review Statement;
- CD2 Soil Assessment, prepared by Agri intelligence;
- CD3 Illustrative Visualisations, prepared by Fleming Homes;
- Application Form;
- CD4 865-PPP-1 Location Plan, prepared by Keith Renton Architect;
- CD5 865-PPP-2 Site Plan, prepared by Keith Renton Architect;
- CD6 Design Statement, prepared by Keith Renton Architect;
- CD7 A103 Site and Landscaping Plan, prepared by Fleming Homes;
- CD8 A103 Site Plan, prepared by Fleming Homes
- CD9 Report of Handling 21/01421/PPP; and
- CD10 Decision Notice 21/01421/PPP.

# F E R G U S O N P L A N N I N G

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**Agrii**



Mr J Seed  
Woodend Farming Partnership  
Woodend  
Duns  
Berwickshire  
TD11 3QW

Dear John,

Please find attached soil sample results from the Garden Park field area on the west side of the field next to the farmhouse and garden. As you can see from the results the field has an average nutrient status with some considerable deficiencies in Sulphur, Boron and Molybdenum which are all essential nutrients in plant growth and especially Nitrogen use and efficiency. This result highlights some of the reasons that this area of the field has always underperformed in yield and crop growth.

The soil structure in the sampled area is also very poor with a low level of clay particles and a significant amount of stones and some very large rocks. This is also indicated in the Cation Exchange Capacity (CEC) result from the sample which shows a result of 8.5 compared to the guideline of 15. This indicates the soil has a poorer ability of hold onto nutrients and make them available to any growing crop.

All the above factors mean that historically it is very hard to establish a crop in this area of the field which can be seen from the attached photos.

Many Thanks,

Greig Baird





## Analysis Results (SOIL)

<b>Customer</b>	J SEED WOODEND FARM	<b>Distributor</b>	AGRII - GREIG BAIRD C/O CSC COLDSTREAM
<b>Sample Ref</b>	HOUSE	<b>Date Received</b>	22/03/2022 ( Date Issued: 24/03/2022 )
<b>Sample No</b>	E343273		
<b>Crop</b>	NON STATED		

Analysis	Result	Guideline	Interpretation	Comments
pH	6.6	6.5	Normal	Adequate level. Maintain pH to ensure optimum nutrient nutrient availability and ideal conditions for an active soil biology.
Phosphorus (ppm)	36	26	Normal	<b>(Index 3.5)</b>
Potassium (ppm)	128	241	Slightly Low	<b>(Index 2.1)</b>
Magnesium (ppm)	79	100	Slightly Low	<b>(Index 2.6)</b>
Calcium (ppm)	1172	1600	Low	
Sulphur (ppm)	2	10	Very Low	
Manganese (ppm)	78	50	Normal	
Copper (ppm)	3.8	2.1	Normal	
Boron (ppm)	0.93	2.10	Very Low	
Zinc (ppm)	4.3	4.1	Normal	
Molybdenum (ppm)	0.03	0.40	Very Low	
Iron (ppm)	1062	50	Normal	
Sodium (ppm)	27	90	Very Low	
C.E.C. (meq/100g)	8.5	15.0	Low	Cation Exchange Capacity indicates a low nutrient holding ability - soil applied nutrients will be readily leached. Where possible foliar applied nutrients should be recommended.

### Additional Comments

Where applicable soil applied P,K and pH recommendations are taken from AHDB Nutrient Management Guide (RB209)

Any indicated Lime Requirement assumes a medium textured soil.

Additional technical bulletins are available at [www.lancrop.com](http://www.lancrop.com).

### Please Note

Whilst every care is taken to ensure that the Results from Analysis are as accurate as possible, it is important to note that the analysis relates to the sample received by the laboratory, and is representative only of that sample. No warranty is given by the laboratory that the Results from Analysis relates to any part of a field or growing area not covered by the sample received. It is important to ensure that any soil, leaf, silage or fruitlet sample sent for analysis is representative of the area requiring analysis and that samples are obtained in accordance with established sampling techniques. A leaflet containing instructions on how to take soil, leaf, herbage, silage and fruit samples for analysis is available from the laboratory on request. Uncertainty measurements of results are available on request.

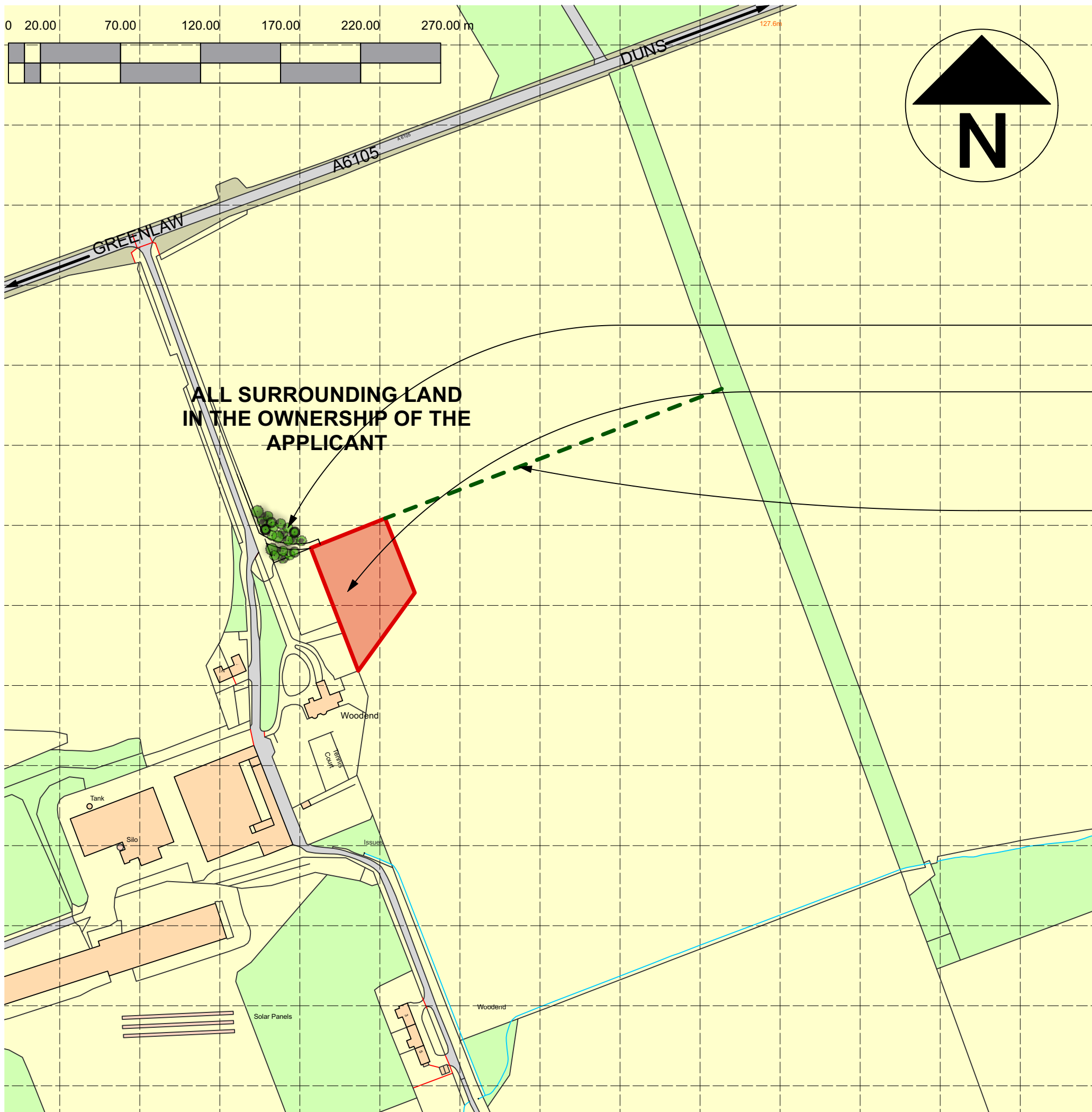
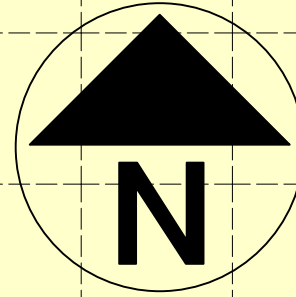
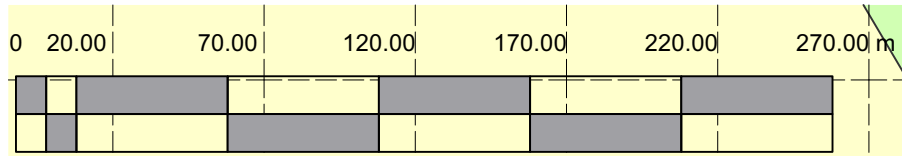
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Released by **Chris Lindley**.....Laboratory Manager on behalf of Lancrop Laboratories





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**ALL SURROUNDING LAND  
IN THE OWNERSHIP OF THE  
APPLICANT**

**Tree planting and access  
drive**

**LOCATION OF PLOT  
3,330 sq.m**

**Original field margin  
reinstated**

Drawing Title: **Location Plan**

Job Title: **Proposed New House, Land to the East of Woodend Farm,  
Duns, TD11 3QW**

Client: **Louise and John Seed**

Drawing Number: **865- PPP- 1**

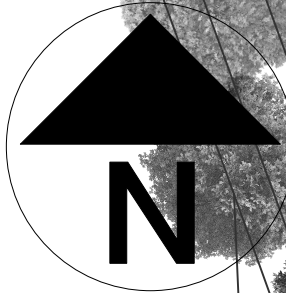
Drawing Date: **19 August 2021**

Drawing Scale: **1:2500**

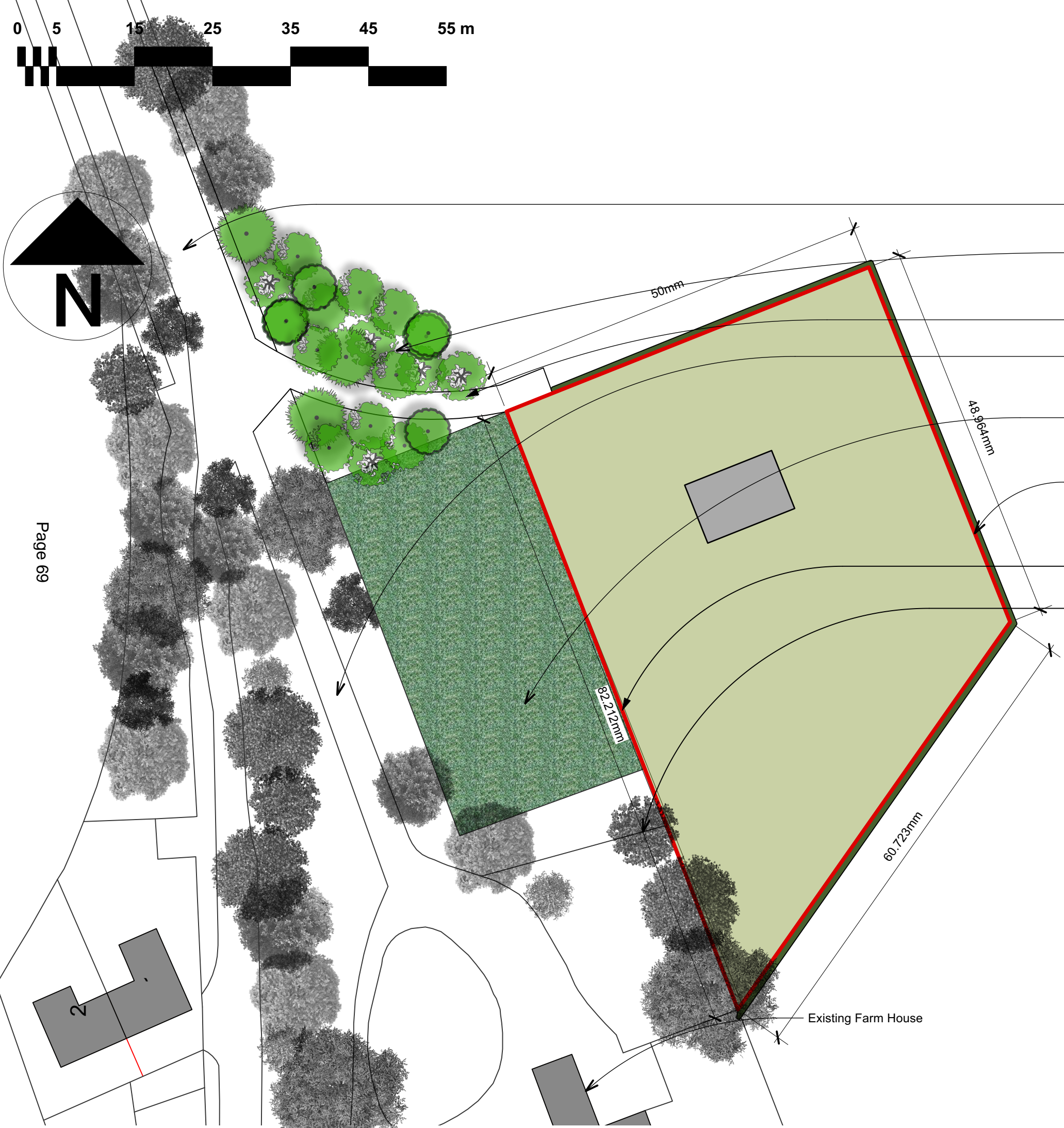
Draw By: **KRA**

Drawing Size: **A3  
Amendments**

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- Existing access drive from main road
- Tree planting either side of new access drive
- New 3.5m wide access drive into house plot
- Existing drive to Farm House
- Wild Flower meadow interspersed with fruit trees
- Post and wire stock fences placed 1m apart on boundary. Space between planted out with native species hedging
- Existing hedge. at eastern boundary
- Existing trees

Drawing Title: **SITE PLAN**

Job Title: **Proposed New House, Land to the East of Woodend Farm, Duns, TD11 3QW**

Client: **Louise and John Seed**

Drawing Number: **865- PPP- 2**

Drawing Date: **19 August 2021**

Drawing Scale: **1:500**

Draw By: **KRA**

Drawing Size: **A3**  
Amendments

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## DESIGN STATEMENT

for

PROPOSED NEW HOUSE

at

Woodend, Duns, TD11 3QW

### SITE DESCRIPTION

Woodend farm consists of a mixture of agricultural buildings, farm cottages and the main Farmhouse.

The development site lies to the east of Woodend Farm and sits to the north east of the existing Farmhouse.

The proposed site will occupy an area of approximately 3,300sq.m and currently forms part of an adjacent field in arable use.



Site Location

## **BUILDING BRIEF**

The application is being made by the current owners, Mr and Mrs Seed, of Woodend Farm and Farmhouse. It is their intention to retire from the family farm within the next few years and are therefore seeking to construct a new home for their retirement.

The house shall have 4 bedrooms, kitchen, dining and sitting area, plus all those spaces required of a modern family home.

Energy efficiency and sustainability are very important to the applicants, currently the farm generates a large amount of power from a land mounted array of solar voltaic panels and wind turbine and heat from a straw fire fired district heating system using straw produced on the farm.

The new home therefore will be designed to have minimal energy demands by adopting the principals of Passive House design. Materials used in the construction shall be selected, where possible, to be sustainable and recyclable at end of use.

In style it is proposed the new home will have a traditional form. It is likely to consist of a mix of single and two storey construction with pitched and slated roofs. Externally materials are to be a mix of traditional materials such as stone, slate, render and timber.

Siting of the house and orientation of windows will make the most of the extensive views available to the south, east and north.

Externally a large part of the garden ground is to be set aside as a wild flower meadow following a similar planting scheme recently adopted in the garden ground to the north of the Farmhouse. The meadow will be planted out with a mix of native grasses and over 30 species of wild flowers to maximise biodiversity

## **PLANNING CONSIDERATIONS**

### **Principle of development**

It is considered that the proposals to build a new home within the proximity of an existing building group which exceeds 3 dwellings and includes the Farm House, 5 Cottages and an assortment of agricultural buildings can be supported. Additionally providing a new home for retiring farmers on farmland has been supported for many years by Scottish Borders Council

### **Placemaking and design**

The proposed site boundaries are to be defined as follows:

Western Boundary: This will be formed by the existing eastern boundary to Woodend Farmhouse and consists of a stock fence, hedging and existing trees.

Northern Boundary: This will be created by extending the line of the current northern boundary to the Farmhouse and shall consist of twin stock fences planted between with native species hedging. This boundary follows the original field margin between two previously smaller fields which is to be re-instated and is to be planted with a mix of native grasses and over 30 species of wild flowers to maximise biodiversity

Eastern and Southern Boundaries: These are to be formed with twin stock fences between which are to be planted out with native species hedging.

The above measures and traditional building form proposed will ensure that any new house at this location retains it's relationship with the existing building group and be appropriate for it's setting.

### **Residential amenity**

The proposed location presents no loss of amenity to the existing farmhouse or other nearby houses.



### **Access and parking**

Access to the house will be via a short length of drive taken from the existing farm access road to the northern boundary of the plot. This new section of drive will be swept in towards the plot and be defined with tree plating either side of the drive matching the tree lined pattern of the existing drives to the Farm and Farmhouse.

Parking and turning for a minimum of 2 cars would be provided on site

### **Servicing**

Water: Mains water is available from the mains serving the farm.

Power: Mains power is also available nearby.

Waste Water Drainage: A new waste water treatment unit will be installed with the outfall taken to discharge to the ground via a soakaway or existing field drain system .

Surface water Drainage: Surface water will be taken to discharge to the ground or existing field drainage system.

### **Trees/Hedges**

There are no existing trees on the proposed site.

Existing trees and hedges to the western boundary would be retained and protected during any construction works. No new buildings would be erected within the root protection area of any existing trees or hedges

### **Ecology, Wildlife and Protective Species**

As the plot currently forms part of a field the development would have no detrimental impact upon the local ecology of the area. The addition of a new wild grass and flower meadow along with re-instated field margin will enhance the current biodiversity of the area.

### **Pollution**

The proposed area for the site has been in constant use as farmland for several hundred years and therefore has no risk of containing harmful pollutants

### **SUMMARY**

The proposal for a new dwelling in this location can be supported as the site clearly lies within a well defined building group of 6 dwellings and shall provide a new home for retiring farmers..

The location and siting of the plot will be a natural extension of the existing Farm and have minimal visual impact from publicly accessible areas outwith the site.

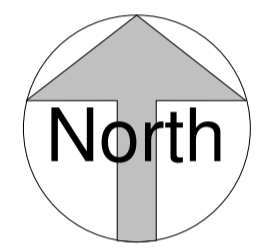
The proposed house will be designed and constructed to greatly exceed current energy usage standards and such meets the aims of local and central government to substantially reducing carbon emissions.

The house will be of a form and scale suitable for it's rural setting.

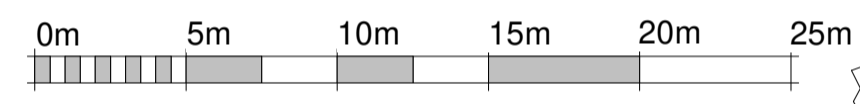
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- Existing access drive from main road
- Proposed new trees
- New 3.7m wide access drive into the house plot
- Existing drive into farm house
- Wild flower meadow interspersed with fruit trees
- Post and wire stock fences as outermost boundary line to north, east and south with 5m deep tree belt. New hedge to planted to North/east to define curtilage.
- Existing hedge at eastern boundary
- Existing trees



**Site Plan**  
1 : 250



VISUAL SCALE 1:250 @ A1

Page 75

  
**FLEMINGHOMES**  
 Station Road, Duns, Berwickshire, UK,  
 TD11 3HS  
 Telephone: (01361) 883 785  
 Fax: (01361) 883 898  
 Email: enquires@fleminghomes.co.uk  
 www.fleminghomes.co.uk

**PROJECT:**  
Erection of dwelling house

**FOR:**  
Louise and John Seed

**SITE:**  
Land to the East of  
Woodend Farm,  
Duns,  
TD11 3QW

Site Plan

THIS DRAWING IS COPYRIGHT

It is the responsibility of the customer and contractor appointed for the design of electrical, bathroom, kitchen and utility fittings. Those indicated by Fleming Homes Ltd. are demonstrative for building control purpose only.  
Do not scale drawing.  
Dimensioned wallplate layout plan will be provided.  
Dimensions given are structural unless noted otherwise.  
It is the entire responsibility of the customer to have ground conditions checked prior to start of work and have foundations designed accordingly.

Rev	Description	Date

SCALE	PAPER	DRAWN	CHECKED	DATE
1 : 250	A1	ERDS	SRH	28.01.22

<b>DRAWN REF:</b> A103	<b>CONTRACT NUMBER:</b> XXXX
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Existing farm house

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Existing access drive from main road

Proposed new oak trees

New 3.7m wide access drive into the house plot

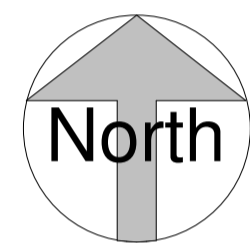
Wild flower meadow interspersed with 9 fruit trees

New hawthorn hedge

Existing drive into farm house

Existing trees

Existing farm house



**Site Plan**  
1 : 250

0m 5m 10m 15m 20m 25m

VISUAL SCALE 1:250 @ A1

Page 77



**FLEMINGHOMES**  
Station Road, Duns, Berwickshire, UK,  
TD11 3HS  
Telephone: (01361) 883 785  
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**PROJECT:**  
Erection of dwelling house  
**FOR:**  
Louise and John Seed  
**SITE:**  
Land to the East of  
Woodend Farm,  
Duns,  
TD11 3QW

Site Plan

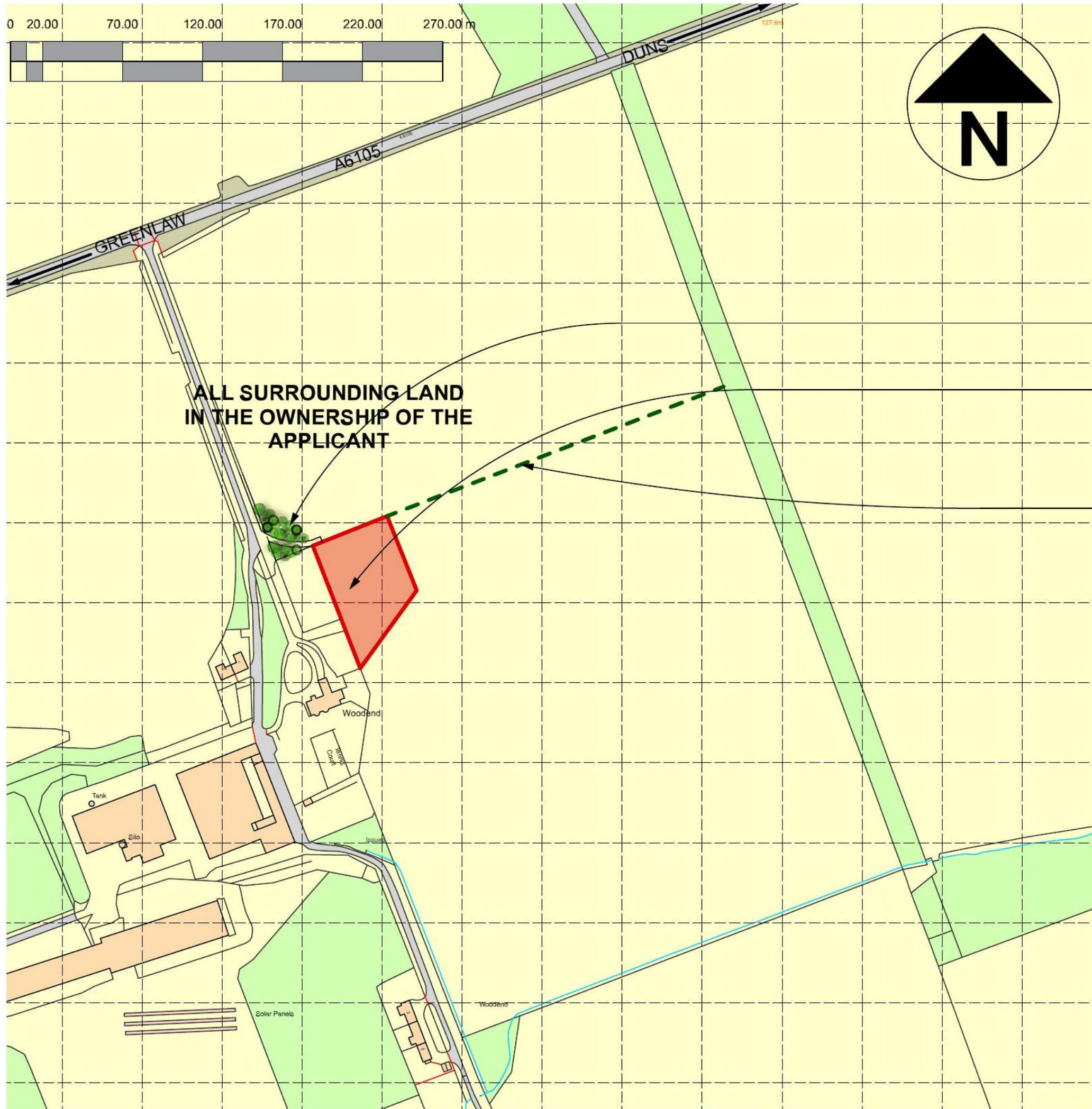
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Dimensioned wallplate layout plan will be provided.  
Dimensions given are structural unless noted otherwise.  
It is the entire responsibility of the customer to have ground conditions checked prior to start of work and have foundations designed accordingly.

Rev	Description	Date

SCALE	PAPER	DRAWN	CHECKED	DATE
1 : 250	A1	ERDS	SRH	17/05/22

<b>DRAWN REF:</b> A103	<b>CONTRACT NUMBER:</b> XXXX
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21/01421/PPP  
24.02.2022

Tree planting and access drive

LOCATION OF PLOT  
3,330 sq.m

Original field margin reinstated

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

**REFUSED**

subject to the  
requirements of the  
associated Decision  
Notice

Drawing Title: Location Plan

Job Title: Proposed New House, Land to the East of Woodend Farm,  
Duns, TD11 3QW

Client: Louise and John Seed

Drawing Number: 865- PPP- 1

Drawing Date: 19 August 2021

Drawing Scale: 1:2500

Draw By: KRA

Drawing Size: A3  
Amendments

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Thursday, 02 September 2021



Local Planner  
Development Management  
Scottish Borders Council  
Newtown St. Boswells  
TD6 0SA

Development Operations  
The Bridge  
Buchanan Gate Business Park  
Cumbernauld Road  
Stepps  
Glasgow  
G33 6FB

Development Operations  
Freephone Number - 0800 3890379  
E-Mail - [DevelopmentOperations@scottishwater.co.uk](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)



Dear Customer,

**Land North East Of Woodend Farmhous, Duns, TD11 3QW**  
**Planning Ref: 21/01421/PPP**  
**Our Ref: DSCAS-0047742-WRT**  
**Proposal: Erection of dwellinghouse**

**Please quote our reference in all future correspondence**

### Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

### Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ There is currently sufficient capacity in RAWBURN Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.
- ▶ Please note the nearest water infrastructure is approx. 800m from the site boundary.

### Waste Water Capacity Assessment

- ▶ Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.

---

### Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

---

## **Surface Water**

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

### **General notes:**

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
  - ▶ Site Investigation Services (UK) Ltd
  - ▶ Tel: 0333 123 1223
  - ▶ Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)
  - ▶ [www.sisplan.co.uk](http://www.sisplan.co.uk)
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

- ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
  - ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
- 

## **Next Steps:**

### **▶ All Proposed Developments**

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

### **▶ Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk)

### **▶ Trade Effluent Discharge from Non Dom Property:**

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development

complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com)

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely,

**Pamela Strachan**

Development Operations Analyst

Tel: 0800 389 0379

[developmentoperations@scottishwater.co.uk](mailto:developmentoperations@scottishwater.co.uk)

### **Scottish Water Disclaimer:**

*"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."*

**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>	Keith Patterson Roads Planning Officer	<a href="mailto:kpatterson@scotborders.gov.uk">kpatterson@scotborders.gov.uk</a> <b>01835 826637</b>		
<b>Date of reply</b>	24 <sup>th</sup> September 2021	<b>Consultee reference:</b>		
<b>Planning Application Reference</b>	21/01421/PPP	<b>Case Officer:</b> Cameron Kirk		
<b>Applicant</b>	Mr John and Mrs Louise Seed			
<b>Agent</b>	Keith Renton Architect			
<b>Proposed Development</b>	Erection of dwellinghouse			
<b>Site Location</b>	Land North East Of Woodend Farmhouse Duns 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>				
<b>Background and Site description</b>				
<b>Key Issues (Bullet points)</b>				
<b>Assessment</b>	I shall have no objection to this proposal provided the condition shown below covering parking is included within any consent issued.			
<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>	Two parking spaces, excluding any garages, to be provided within the curtilage of the site prior to occupation and retained thereafter in perpetuity. Reason: To ensure the development is served by adequate parking at all times.			
<b>Recommended Informatives</b>				

AJS

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**Local Review Reference:** 22/00016/RREF

**Planning Application Reference:** 21/01421/PPP

**Development Proposal:** Erection of dwellinghouse

**Location:** Land North East of Woodend Farmhouse, Duns

**Applicant:** Mr John & Mrs Louise Seed

## **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 wider environment and to meet open space requirements. In some cases agreements will be

required to ensure that landscape works are undertaken at an early stage of development and that appropriate arrangements are put in place for long term landscape/open space maintenance,

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

#### Placemaking & Design

h) It creates developments with a sense of place, based on a clear understanding of the context, designed in sympathy with Scottish Borders architectural styles; this need not exclude appropriate contemporary and/or innovative design,

i) it is of a scale, massing, height and density appropriate to its surroundings and, where an extension or alteration, appropriate to the existing building,

j) it is finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality and, where an extension or alteration, the existing building,

k) it is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form,

l) it can be satisfactorily accommodated within the site,

m) it provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings,

n) it incorporates, where appropriate, adequate safety and security measures, in accordance with current guidance on 'designing out crime'.

#### Accessibility

o) Street layouts must be designed to properly connect and integrate with existing street patterns and be able to be easily extended in the future where appropriate in order to minimise the need for turning heads and isolated footpaths,

p) it incorporates, where required, access for those with mobility difficulties,

q) it ensures there is no adverse impact on road safety, including but not limited to the site access,

r) it provides for linkages with adjoining built up areas including public transport connections and provision for buses, and new paths and cycleways, linking where possible to the existing path network; Travel Plans will be encouraged to support more sustainable travel patterns,

s) it incorporates adequate access and turning space for vehicles including those used for waste collection purposes.

#### Greenspace, Open Space & Biodiversity

t) It provides meaningful open space that wherever possible, links to existing open spaces and that is in accordance with current Council standards pending preparation of an up-to-date open space strategy and local standards. In some cases a developer contribution to wider neighbourhood or settlement provision may be appropriate, supported by appropriate arrangements for maintenance,

u) it retains physical or natural features or habitats which are important to the amenity or biodiversity of the area or makes provision for adequate mitigation or replacements.

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

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

The Council wishes to promote appropriate rural housing development:

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



- b) associated with existing building groups where this does not adversely affect their character or that of the surrounding area, and
- c) in dispersed communities in the Southern Borders housing market area.

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

#### (A) BUILDING GROUPS

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

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

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

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

#### (B) DISPERSED BUILDINGS GROUPS

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

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

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

### (C) CONVERSIONS OF BUILDINGS TO A HOUSE

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

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

### (D) RESTORATION OF HOUSES

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

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

### (E) REPLACEMENT DWELLINGS

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

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

### (F) ECONOMIC REQUIREMENT

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

- a) the housing development is a direct operational requirement of an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and it is for a worker predominantly employed in the enterprise and the presence of that worker on-site is essential to the efficient operation of the enterprise. Such development could include businesses that would cause disturbance or loss of amenity if located within an existing settlement, or
- b) it is for use of a person last employed in an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and also employed on the unit that is the subject of the application, and the development will release another house for continued

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

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

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

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

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

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

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

### **POLICY 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 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;
- 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 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;
- d) leisure, sport, recreation, play areas and community facilities, either on-site or off-site;
- e) landscape, open space, allotment provision, trees and woodlands, including costs of future management and maintenance;
- f) protection, enhancement and promotion of environmental assets either on-site or off-site, having regard to the Local Biodiversity Action Plan and the Council's Supplementary Planning Guidance on Biodiversity, including compensation for any losses and/or alternative provision;
- g) provision of other facilities and equipment for the satisfactory completion of the development that may include: measures to minimise the risk of crime; provision for the storage, collection and recycling of waste, including communal facilities; provision of street furniture and digital connectivity with associated infrastructure.

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

#### **POLICY IS7: PARKING PROVISION AND STANDARDS**

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

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

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

#### **POLICY IS9: WASTE WATER TREATMENT STANDARDS AND SUSTAINABLE URBAN DRAINAGE**

##### **WASTE WATER TREATMENT STANDARDS**

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

- a) direct connection to the public sewerage system, including pumping if necessary, or failing that:

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

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

Development will be refused if:

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

#### **SUSTAINABLE URBAN DRAINAGE**

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

#### **Other Material Considerations**

- SBC Supplementary Planning Guidance on Housing in the Countryside 2008
- SBC Supplementary Planning Guidance on Developer Contributions 2021
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006
- SBC Supplementary Planning Guidance on Placemaking and Design 2010
- SBC Supplementary Planning Guidance on Biodiversity 2005
- SBC Supplementary Planning Guidance on Landscape and Development 2008
- SBC Supplementary Planning Guidance on Trees and Development 2008



Newtown St Boswells Melrose TD6 0SA Tel: Payments/General Enquiries 01835 825586 Email: regadmin@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 100575025-001

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:	<input type="text" value="Ferguson Planning"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Lucy"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Moroney"/>	Building Number:	<input type="text" value="54"/>
Telephone Number: *	<input type="text" value="01896 668 744"/>	Address 1 (Street): *	<input type="text" value="Island Street"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text" value="Galasheils"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Scottish Borders"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="TD1 1NU"/>
Email Address: *	<input type="text" value="lucy@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="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="c/o Agent"/>
First Name: *	<input type="text" value="James"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Hewit"/>	Address 1 (Street): *	<input type="text" value="c/o Agent"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="c/o Agent"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="c/o Agent"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="c/o Agent"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="c/o agent"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="lucy@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

<input type="text" value="Land adjoining 16 Hendersyde Drive, Kelso, TD5 7TQ"/>
---

Northing	<input type="text" value="635137"/>	Easting	<input type="text" value="373382"/>
----------	-------------------------------------	---------	-------------------------------------



## 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)

Planning Permission in Principle for the erection of a new dwelling house with associated infrastructure works

## 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 appeal statement and Core Documents

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

Yes  No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

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)

Appeal Statement and Core Documents

## Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

22/00093/PPP

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

25/01/2022

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

29/04/2022

## 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: Miss Lucy Moroney

Declaration Date: 08/06/2022

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

**Town and Country Planning (General Development Procedure) (Scotland) Order 1992**

**Application for Planning Permission**

**Reference : 97/05512/FUL  
Old Reference : 97/0788/C**

**To : Oregon Quality Homes Bank House 40 High Street Jedburgh Roxburghshire TD8 6DQ**

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

**Proposal : Erection of 20 dwellinghouses (amendment to house types/layout)**

**at : Site At Plots 65-84 Hendersyde Ednam Road Kelso Roxburghshire**

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 38 of the Town and Country Planning (Scotland) Act 1997 **subject to the following condition:-**

that the development to which this permission relates must be begun within five years from the date of this consent.

**Dated 6th November 1997  
Planning and Development Department  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

Signed ..   
**Head of Development Control**

*Assistant*

Application reference : 97/05512/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**

**PLANNING AND DEVELOPMENT COMMITTEE**

**APPLICATION FOR PLANNING PERMISSION**

**REF :** 97/0788/C

**APPLICANT :** Oregon Quality Homes

**AGENT :** None

**DEVELOPMENT :** Erection of 20 dwellinghouses (amendment to house types/layout)

**LOCATION :** Plots 65 - 84  
Hendersyde  
Kelso

**TYPE :** Full

---

**Observations by Development Control Officer - Miss A.M.Bunting**

This application is for the erection of 20 dwellinghouses (amendment to house type and layout), plots 65-84 Hendersyde Park, Kelso. The application requires to be passed through the Chairman Delegated Procedure because of an objection received from Mr & Mrs Beattie, 62 Hendersyde Park. Mr & Mrs Beattie object to the style of the house on plots 77-78, namely a two storey three bedroomed semi-detached dwelling which they believe is out of character with the adjacent single storey properties. They have also expressed concern over potential detrimental impact on their property if the application is approved namely overshadowing, overlooking/loss of privacy. Mr & Mrs Beattie informed the Department on the 13th August that work had commenced prior to planning approval and that plots 77-84 have been re-sited approximately 2.8m to the west of the sites illustrated on the submitted plan. Oregon Homes have amended the plan to illustrate the revised siting of the dwellings. According to Oregon Homes plots 77-84 have been resited 600mm to the south and 750mm to the west. Having measured the plots on site I can confirm that this is an accurate measurement. In regards to Mr & Mrs Beattie's concerns over the potential detrimental impact on their amenity it is my opinion that the distance between their property and plots 77-78 ie 10m from the boundary is sufficient to maintain their amenity in terms of privacy etc. In regards to the design of plots 77-78 a two storey two bedroom dwelling was originally approved in 1995. This proposal is for a slightly larger house, again I do not foresee any problems in relation to this style of house as it is consistent and conforms to the existing house types in Hendersyde.

**Recommendation**

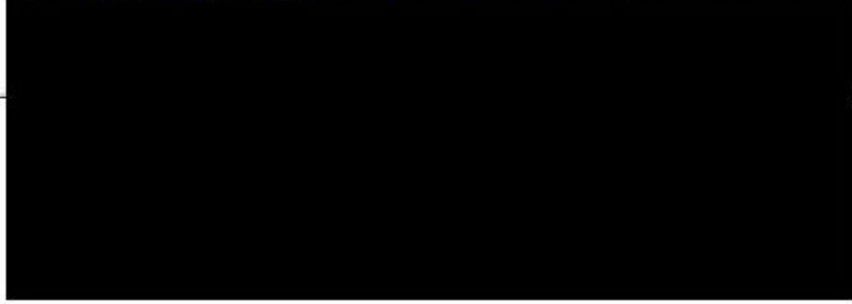
~~It is recommended that the application be approved~~

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**DELEGATED PROCEDURE**

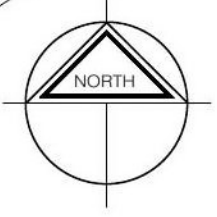
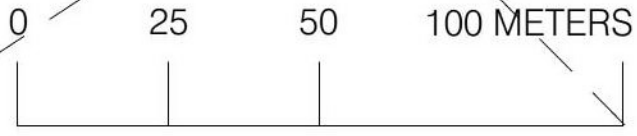
It is considered that this application can be determined in accordance with the procedure for delegation to the Chairman, the Local Member and the Head of Development Control.

No response from local member. (Local Member)  31/10/97 (Date)

 (Chairman) 4/11/97 (Date)



SCALEBAR  
1:1250 @ A3



22/00093/PPP  
28.04.2022

Disclaimer:  
This generation of drawings is for the stated purpose only and should not be used for any other purpose without the originators consent. Do not scale from this drawing.

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

**REFUSED**

subject to the  
requirements of the  
associated Decision  
Notice



Page 105

CAMERONS  
STRACHAN  
YUILL  
ARCHITECTS

client:	Jim Hewit		
project:	New Build at Hendersyde Drive Kelso		
title:	Location Plan		
status:	Preliminary	drawn:	IR
scale:	1:1250	@ A3	date: Dec 2021
number:	10172-0-01	rev:	

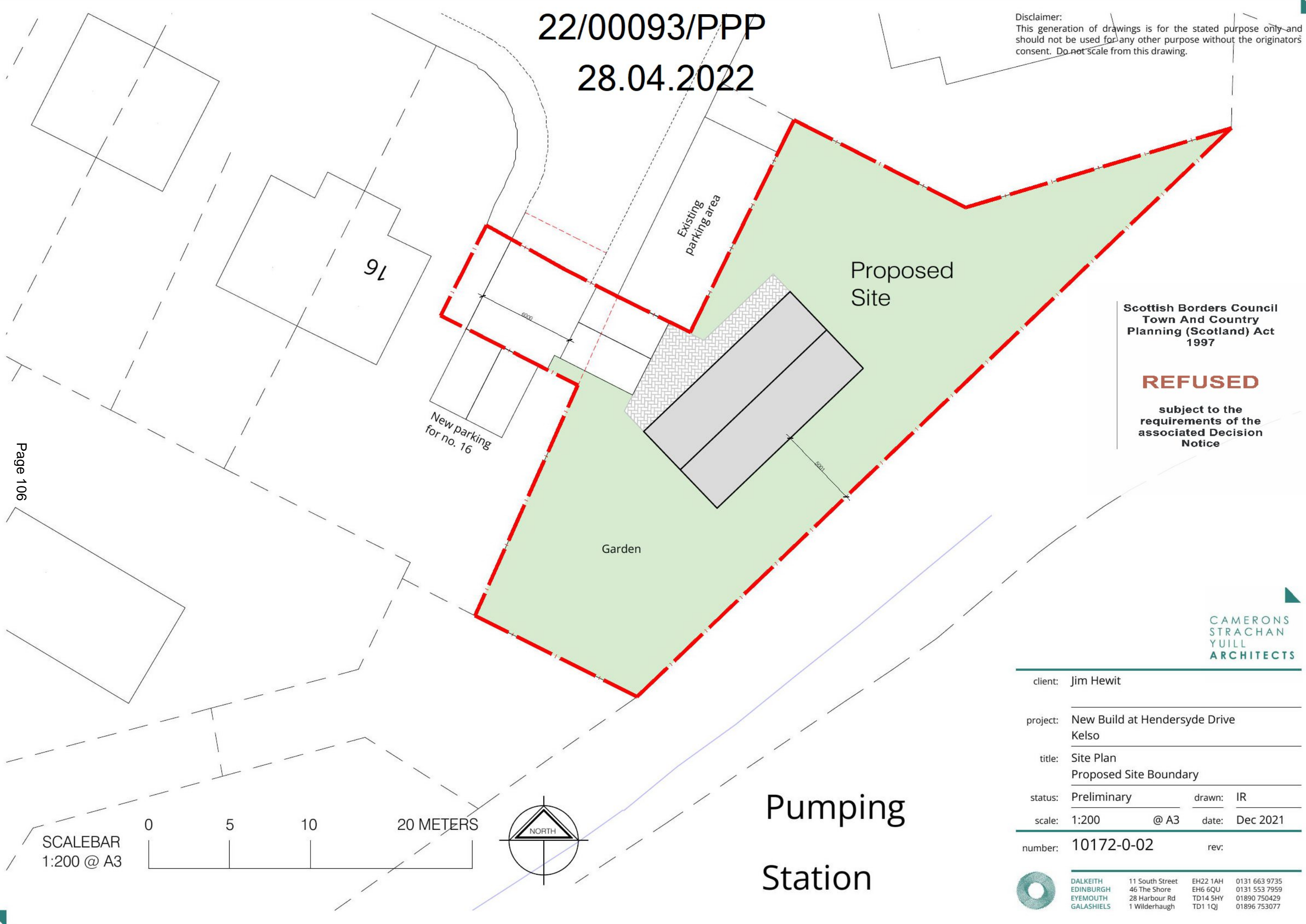


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EDINBURGH	46 The Shore	EH6 6QU	0131 553 7959
EVEMOUTH	28 Harbour Rd	TD14 5HY	01890 750429
GARNSHIELS	1 Wilderhaugh	TD1 1QJ	01896 753077

22/00093/PPP

28.04.2022

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

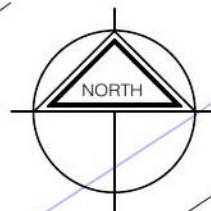
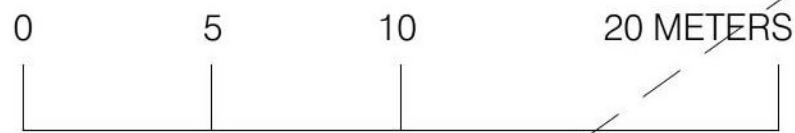
**REFUSED**

subject to the  
requirements of the  
associated Decision  
Notice

CAMERONS  
STRACHAN  
YUILL  
ARCHITECTS

client:	Jim Hewit		
project:	New Build at Hendersyde Drive Kelso		
title:	Site Plan Proposed Site Boundary		
status:	Preliminary	drawn:	IR
scale:	1:200	@ A3	date: Dec 2021
number:	10172-0-02	rev:	

DALKEITH	11 South Street	EH22 1AH	0131 663 9735
EDINBURGH	46 The Shore	EH6 6QU	0131 553 7959
EYMOUTH	28 Harbour Rd	TD14 5HY	01890 750429
GALASHIELS	1 Wilderhaugh	TD1 1QJ	01896 753077



Pumping  
Station

F E R G U S O N  
P L A N N I N G

16 Hendersyde Drive, Kelso, Scottish Borders

James Hewitt

June 2022

FERGUSON  
PLANNING  
FERGUSON  
PLANNING

## CONTENTS

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16 Hendersyde Drive, Kelso, Scottish Borders

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## INTRODUCTION

F E R G U S O N  
P L A N N I N G

## INTRODUCTION

- 1.1 This Appeal Statement is submitted on behalf of James Hewitt (‘the appellant’) and sets out the grounds of appeal against the decision of the Scottish Borders Council (SBC) to refuse planning application LPA ref: 22/00093/PPP by a delegated decision on 28/04/2022.
- 1.2 The Planning Permission in Principle Application sought consent for the *“Erection of a New Dwelling House with Associated Infrastructure Works at 16 Hendersyde Drive, Kelso, Scottish Borders.”*
- 1.3 The four reasons for the refusal of the application as set out below.
- The proposals would be contrary to Policies PMD2: Quality Standards and PMD5: Infill Development of the LDP 2016 and the SPG on Placemaking and Design 2010 in that it would result in development that is out of character with the existing development pattern and would represent over-development and town cramming to the detriment of the amenity of potential occupants and to the amenity and character of the surrounding area.
  - The proposal would be contrary to Policy EP13: Trees, Woodlands and Hedgerows of the LDP 2016 and the SPG: Trees and Development 2020 as the development would result in the loss or harm to the woodland resource to the detriment of the visual amenity of the area and it not been demonstrated that the public benefits of the development outweigh the loss of this landscape assets.
  - The proposal would be contrary to Policy EP11: Protection of Greenspace in the LDP in that it has not been demonstrated that there is a social, economic or community benefit for the loss of open space or that the need for the development outweighs the need to retrain open space. No comparable replacement or enhancement of existing open spaces has been provided to mitigate the potential loss.
  - The proposal would be contrary to Policy IS8: Flooding of the LDP as the site is potentially at risk from surface water flooding, to the detriment of persons and property, and no evidence has been presented to evaluate the potential impacts.

1.4 The table below provides a summary of the technical consultee responses:

Consultee	Comment
Roads Planning	<b>No Objection. Detailed plans to be submitted at AMC stage</b>
SEPA	<b>No Objection</b>
Community Council	<b>No Objection, the council supports the application.</b>
Archaeology Officer	<b>No Objection</b>
Ecology Officer	<b>No Objection</b>
Flood Risk Officer	<b>Requests Flood Risk Assessment at Detailed Planning Application Stage.</b>
Scottish Water	<b>Requests Flood Risk Assessment at Detailed Planning Application Stage.</b>

1.5 The remaining sections in this appeal statement comprise:

- A description of the appeal site and surrounding context (Section 2)
- A summary of the appeal proposals (Section 3)
- Ground of Appeal (Section 4)
- Summary of the appellant’s case and conclusion (Section 5).

### Supporting Documents

1.6 This appeal statement should be read in conjunction with all the supporting documents and drawings submitted as part of the original planning application.

### Application Process

1.7 This appeal is made to the Local Review Body on the basis it was a local application, and which was determined under delegated powers. For the reasons outlined in this statement, we conclude that the development is in accordance with relevant development plan policies and supported by significant material considerations.

16 Hendersyde Drive, Kelso, Scottish Borders

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## APPLICATION SITE AND CONTEXT

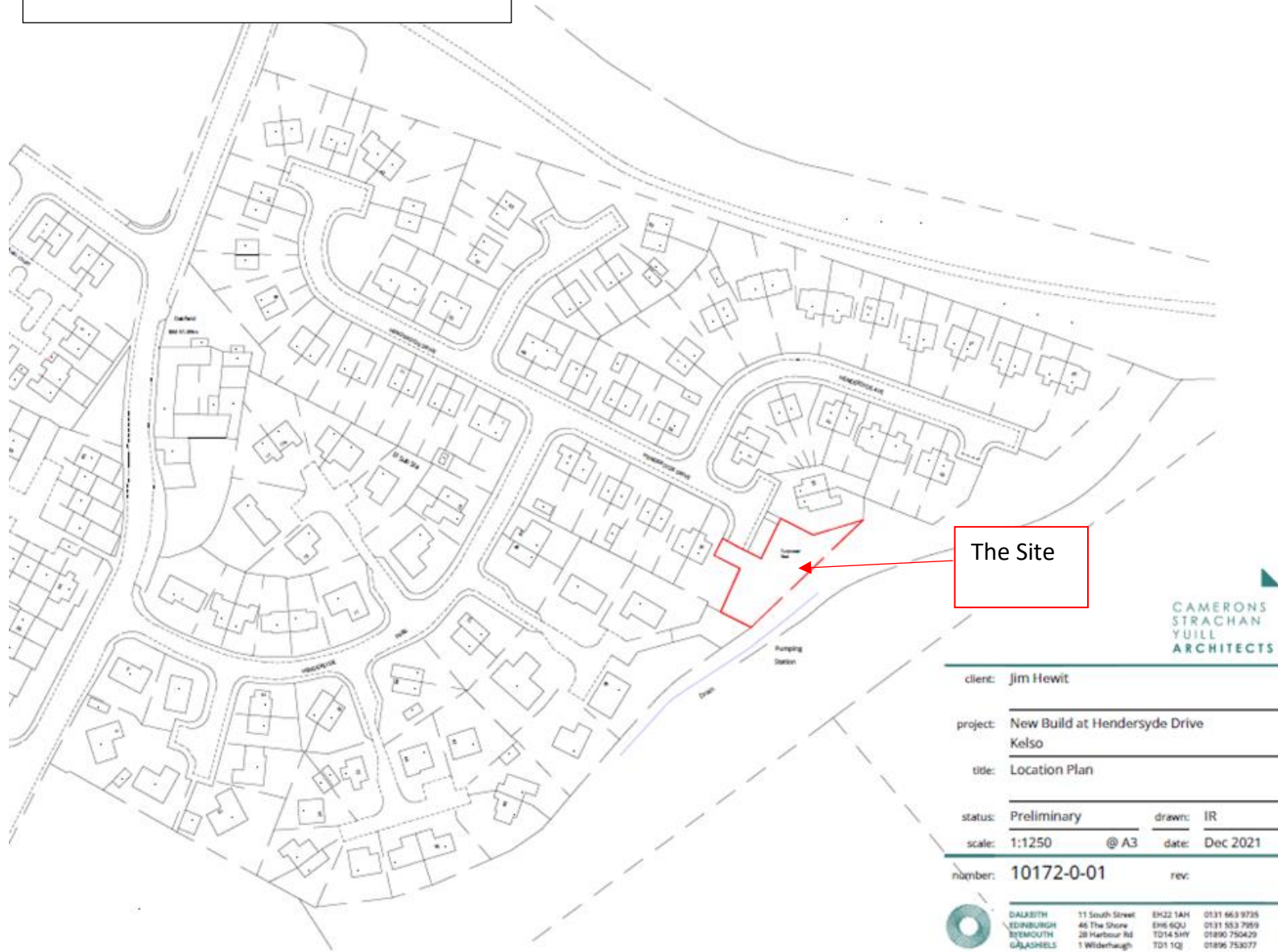
## APPLICATION SITE AND CONTEXT

- Page 112
- 2.1 The site is located within the Settlement Boundary of Kelso, to the far east of Hendersyde Drive, at the end of the cul-de-sac. At present, the site is currently laid to grass, with trees along the western border. Adjoining the site to the north and west are residential properties along Hendersyde Drive as illustrated in Figure 1 below.
  - 2.2 In terms of topography, the site itself is relatively flat, with the topography rising beyond the site boundary to the north.
  - 2.3 With regards to the Local Development Plan adopted proposals map, along with being situated within the Settlement Boundary of Kelso, the site also falls within a designated landscape area as illustrated in Figure 2 in the Planning Statement forming part of the Core Documents.
  - 2.4 The proposed dwelling is shown indicatively within the plot, towards the west of the site. The intention being that they would be set within the infill plot and retain the trees towards the easter border of the site, whilst not extending beyond the building line of the adjoining properties to the north.
  - 2.5 In terms of accessibility, the site is approximately 0.8 miles (17-minute walk) to the town centre of Kelso, offering a range of services and facilities, along with ongoing public transport with the local bus stops to Melrose, Galashiels and Tweedbank for rail services to Edinburgh City Centre.
  - 2.6 In terms of Heritage, there are no listed buildings on or within proximity to the site. Hendersyde Park (6-minute walk from the site) is listed as gardens and designated landscape which is not visible from the site.

- 2.7 The Scottish Environment Protection Agency (SEPA) are the statutory body for flood management in Scotland and maintain flood risk maps for public and development purposes. The site does not fall within an area at risk of river flooding. It is acknowledged the site appears to highlight a possible surface water flood risk. Drainage solutions for surface water is achievable and a detailed flood risk assessment can be undertaken at the detailed planning application stage to ensure the proposed dwelling is out with any surface water flood risk and deemed necessary.
- 2.8 There has been planning permission granted for the neighbouring dwellings which, historically would have similar characteristics to the proposed site in terms of the location and positioning.
- 2.9 Referring to the Scottish Borders Planning Application Portal, there have been no historic planning applications to date on the site or notable applications in the neighbouring area.



Figure 1: Proposed Location Plan



The Site

CAMERONS  
STRACHAN  
YUILL  
ARCHITECTS

client:	Jim Hewit		
project:	New Build at Hendersyde Drive Kelso		
title:	Location Plan		
status:	Preliminary	drawn:	IR
scale:	1:1250	@ A3	date: Dec 2021
number:	10172-0-01	rev:	

DALKRITH	11 South Street	EH22 1AH	0131 663 9735
EDINBURGH	46 The Shore	EH6 6QU	0131 553 7959
BLYMOUTH	28 Harbour Rd	T014 5HY	01890 750429
GARNSHIELS	1 Wilderhugh	T01 1JQ	01896 753077

16 Hendersyde Drive, Kelso, Scottish Borders

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## THE PROPOSAL

## THE PROPOSAL

3.1 This section set out the details of the proposal. The description of which is as follows:

***“Planning Application in Principle for a single Residential Dwelling with associated Amenity, Parking, Infrastructure and Access at land adjacent to 16 Hendersyde Drive, Kelso”.***

3.2 The proposed development involves the provision of a single detached residential property with associated infrastructure, adjoining 16 Hendersyde Drive, to the east of the Col-de-sac, within the settlement boundary of Kelso. The indicative site layout plan is identified below and within the submitted Core Documents.

Figure 2: Proposed Layout Plan



3.4 In terms of layout, the access is proposed off Hendersyde Drive, adjoining number 16 Hendersyde Drive to the west of the plot. The existing parking area is to be retained as illustrated in figure 2 above with two parking spaces proposed for the new dwelling, and the relocation of two new parking spaces for residents at 16 Hendersyde Drive.

3.5 Careful consideration has been taken in the positioning of the proposed dwelling within the site, ensuring there is reasonable separation distances to the existing dwellings adjoining the western and northern borders, safeguarding the daylight and sunlight provision and privacy of residents.

3.6 The proposed built form is set back from the road and is considered to not impinge upon the streetscape of the suburban area. This is further supported by the height of the proposal, not existing being the height of the neighbouring two-storey dwellings.

3.7 Private outdoor amenity provision for the proposed dwelling would be substantial, complimenting the designated landscaped area to the rear. The site benefits from being bordered by existing trees and vegetation to the southeast which will be retained where possible, minimising the visual impact and safeguarding the adjoining Special Landscaped Area.

3.8 As this Appeal relates to an application is for Planning Permission in Principle, the requirement to submit detailed drawings to secure the outstanding elements of the design in the next stage of the Planning process is acknowledged.

16 Hendersyde Drive, Kelso, Scottish Borders

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Grounds of Appeal

## Grounds of Appeal

4.1 The Local Authority’s decision to refuse the application is challenged on the basis of one reason for refusal and to which a response has been split into three grounds set out below. It is asserted that the Proposal accords with the relevant policies and intentions of the Local Development Plan and Supplementary Planning Guidance why we consider the application should be approved.

4.2 The Appellant sets out the following three Grounds of Appeal.

- **Ground 1:** The proposed development complies with Policies PMD2 and PMD5 as it is located within the settlement boundary and is considered to contribute to the character of the surrounding area and would not represent overdevelopment.
- **Ground 2:** The proposed development complies with Policies EP11 and EP13 as it would not result in the loss or harm of the woodland nor be considered detrimental to the amenity of the area.
- **Ground 3:** There are no other material considerations which warrant refusal of the application. The material considerations have not fully been taken into account. SPP and NPF4 both support sustainable development within settlement boundaries.

4.3 **Ground 1: The proposed development complies with Policies PMD2 and PMD5 as it is located within the settlement boundary and is considered to respect to the character of the surrounding area and would not represent overdevelopment.**

4.5 **Policy PMD2: Quality Standards:** *The Policy sets out a range of sustainability, placemaking and design, accessibility and open space/biodiversity requirements, whereby the proposal must:*

- *Take appropriate measures to maximise the efficient use of energy and resources, in terms of layout, orientation, construction and energy supply.*
- *Make provision for sustainable drainage.*
- *Incorporate appropriate measures for separate storage of waste and recycling.*
- *Incorporate appropriate landscaping to help integration with the surroundings.*
- *Create a sense of place, based on a clear understanding of context.*
- *Be of a scale, massing and height appropriate to the surroundings.*
- *Be finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality.*
- *Be compatible with, and respect, the character of the surrounding area, neighbouring uses and neighbouring built form.*
- *Be able to be satisfactorily accommodated within the site.*
- *Provide for appropriate boundary treatments to ensure attractive edges, and to help integration with the surroundings.*
- *Incorporate access for those with mobility difficulties.*
- *Not have an adverse impact on road safety in terms of the site access.*
- *Incorporate adequate access and turning space for vehicles including those used for waste collection purposes.*
- *Retain physical or natural features which are important to the amenity or biodiversity of the area.*

- 4.6 **Policy PMD5: Infill Development:** *The policy states the development on infill sites within development boundaries will be approved where the following criteria are satisfied:*
- a) *Where relevant, it does not conflict with the established land use of the area; and*
  - b) *It does not detract from the character and amenity of the surrounding area; and*
  - c) *The individual and cumulative effects of the development can be sustained by the social and economic infrastructure and it does not lead to overdevelopment or town and village cramming; and*
  - d) *It respects the scale, form, design, materials and density in context of its surroundings; and*
  - e) *Adequate access and servicing can be achieved, particularly taking account of water and drainage and schools capacity; and*
  - f) *It does not result in any significant loss of daylight, sunlight or privacy to adjoining properties as a result of overshadowing or overlooking.*

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**Appellant’s Case**

- 4.7 We have set out below the circumstances for why this development should proceed in line with policy. We first demonstrate that the proposal is in keeping with the surrounding area whilst being within the settlement boundary on a site which has capacity for a dwelling, in accordance with Policy PMD2.
- 4.8 We then provide justification for the proposed development of the site respects the character of the surrounding area and its context within an infill location in line with Policy PMD5.
- 4.9 The proposed is positioned within the settlement boundary of Kelso, adjacent to existing residential properties along Hendersyde Drive. Planning Policy seeks to encourage a sustainable pattern of development focused on defined settlements in accordance with the need to support existing services and facilities and to promote sustainable development.

- 4.10The proposal has been prepared to provide a good level of amenity for future occupiers of the proposed dwelling whilst safeguarding the amenity of residents within existing neighbouring properties at Hendersyde Drive and the wider settlement of Kelso. Although the detail off the proposal is deferred for future consideration, the indicative layout and location of the property within the site has ensured adequate separation distancing between properties can be reached, meaning there will be no adverse impacts on overshadowing and daylight/ sunlight provision whilst protecting privacy of residents.
- 4.11It is considered the indicative scale of the proposed dwelling up to two stories in height is appropriate to the site and the local area. The building height does not extend beyond those of the neighbouring dwellings and the proposal is set back, enclosed within its infill location.
- 4.12While this application is for Planning Permission in Principle, the proposal intends to support a sustainable for of development through renewables such as solar panels, air source heat pumps and electrical charging points.
- 4.13The site is within a 17-minute walk into the town centre of Kelso, providing access to a wide range of services and facilities including a 5-minute walk to Broomlands Primary School and a 13-minute walk to Kelso High School, and is therefore considered to encourage a sustainable mode of transport with residents being less reliant on the car
- 4.14The proposed dwelling has been careful positioned and designed ensuring there is a good level of amenity for future occupiers whilst safeguarding the privacy of the neighbouring dwellings and providing good quality standards using sustainable methods in accordance with Policy PMD2.
- 4.15The proposal is therefore considered to satisfy criteria set out in Policy PMD2 when taking into account the detailed design elements are reserved for AMC stage.

**Policy PMD5 Part a) states *where relevant, it does not conflict with the established land use of the area.***

4.16 The proposal is within an infill location with residential properties to the north and west of the site as illustrated on the Location Plan within Figure 1 above. It is therefore considered the development will not conflict with the established land use of the area and is in accordance with Policy PMD5 Part a.

**Policy PMD5 Part b) It does not detract from the character and amenity of the surrounding area**

4.17 The proposal is considered to have no detrimental impact on the character and amenity of the surrounding area with being situated within a residential area within the settlement boundary where development is encouraged.

4.18 As previously discussed, careful consideration has been taken in the positioning of the proposed dwelling within the site, ensuring there is reasonable separation distances to the existing dwellings adjoining the western and northern borders, safeguarding the daylight and sunlight provision and privacy of residents, considered to be in accordance with Policy PMD5 Part b.

**Policy PMD5 Part c) states the individual and cumulative effects of the development can be sustained by the social and economic infrastructure and it does not lead to overdevelopment or town and village cramming.**

4.19 The proposal seeks to provide a single, family-sized dwelling that can be accommodated on-site, as demonstrated within the accompanying drawing pack. Kelso benefits from an array of social and economic infrastructure that are considered to have the capacity to support this small-scale development in accordance with Policy PMD5 Part c.

**Policy PMD5 Part d) states It respects the scale, form, design, materials and density in context of its surroundings.**

4.20 As mentioned above, it is considered the indicative scale of the proposed dwelling up to two stories in height is appropriate to the site and the local area. The building height does not extend beyond those of the neighbouring dwellings and the proposal is set back, enclosed within its infill location and the surrounding context in accordance with Policy PMD5 Part d.

**Policy PMD5 Part e) states adequate access and servicing can be achieved, particularly taking account of water and drainage and schools' capacity**

4.21 The indicative plans demonstrate adequate access and servicing can be achieved on-site, with the precise details to be set out in an AMC planning application.

4.22 As the proposal is for a single dwelling, it is considered both the Primary and Secondary Schools within Kelso will have the capacity for further residents, complying with Policy PMD5, Part e.

**4.23 Policy PMD5 Part f) states It does not result in any significant loss of daylight, sunlight or privacy to adjoining properties as a result of overshadowing or overlooking.**

4.24 The proposed drawings forming part of the Core Documents has illustrated substantial separation distances between the proposed plot and existing neighbouring residential dwellings, safeguarding the privacy of residents whilst not impacting on the daylight and sunlight provision in accordance with policy PMD5 Part f.

**Ground 2:** The proposed development complies with Policies EP11 and EP13 as it would not result in the loss or harm of the woodland nor be considered detrimental to the amenity of the area.

**4.25 Policy EP11: Protection of Greenspace:** Greenspace within the Development Boundary of settlements will be protected from development where this can be justified by reference to any of the following:

- The environment, social or economic value of the greenspace
- The role that the greenspace plays in defining the landscape and townscape structure and identity of the settlement
- The function that the greenspace serves.

**4.26 Policy PM13: 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, ecology, recreational, historical or shelter value.

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### Appellant's Case

4.27 It is considered the proposed site does not have a social or economic value to the local community given it is fenced off with no public access as illustrated in Figures 3 and 4. It is however acknowledged the dense woodland bordering the site to the north does hold environmental value. The proposal seeks to be positioned within the grassland of the site illustrated in Figure 5 and 6, retaining the existing woodland area to the east which will assist in minimising the visual impact and safeguarding the adjoining Special Landscaped Area.

4.28 Given the existing fence is above eye level, with no public access, it is considered the site is not a functional greenspace and does not define the identity of the settlement in accordance with Policy PM11.

4.29 A full Tree Survey and Topographical can be undertaken at the detailed planning application stage to ensure the proposed dwelling does not result in the loss or damage of the woodland in accordance with Policy PM13.

Figure 3: Photo taken from the west of the site adjoining Hendersyde Drive



Figure 4: Photo taken from the west of the site adjoining Hendersyde Drive





Figure 5: Photo taken beyond the fence line from the west of the site



Figure 6: Photo taken beyond the fence line from the west of the site



**Ground 3: There are no other material considerations which warrant refusal of the application. The material considerations have not fully been taken into account. The SPP and NPF4 both support sustainable development within settlement boundaries.**

4.29 Whilst it is a modest development site, analysis shows that that a significant proportion of houses built in the Scottish Borders range between 1-4 units and that many are non-allocated / windfall sites. The importance of smaller sites in delivering housing in the Scottish Borders should therefore not be overlooked and this site in question can help meet the housing land targets.

4.30 Our clients' aspirations are for this site to provide one new property, representing an opportunity to utilise a infill plot within a settlement boundary where the Local Development Plan encourages development and to help address the current housing shortfall. The proposal would be built by the applicant who is committed to deliver the development as soon as possible and is therefore effective and deliverable.

4.31 The proposed development supports the ethos of the Draft NPF4 with being situated within the settlement boundary of Kelso, supporting the 20-minute neighbourhood concept, creating sustainable communities.

4.32SPP advises that the planning system should support economically, environmentally, and socially sustainable places by enabling development that balances the cost and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place it is not to allow development at any cost. This means that policies and decisions should be guided by the following principles in Paragraph 29 which we address in turn:

Policy Principle	How the Proposal Complies
Giving due weight to net economic benefit;	The proposal will deliver much needed investment and delivery of family housing within the settlement boundary of the desirable town of Kelso. The applicant will also seek to appoint local tradesmen during the construction process, contributing to the local economy.
Responding to economic issues, challenges and opportunities, as outlined in local economic strategies;	The proposal supports the growth of the community, ensuring there is a generous supply of housing land to cater for the increase in people and families living in the Scottish Borders.
Supporting good design and the six qualities of successful places;	The proposal will deliver one high quality a new family home, utilising sustainable technologies such as PV panels and air source heat pumps.
Making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;	The proposal will capitalise on the existing investment made in Kelso. The additional residents the proposed dwelling will bring to the town will contribute to local services and facilities through having a higher footfall in the local area.
Supporting delivery of accessible housing, business, retailing and leisure development.	The proposal will deliver a much needed family sized dwelling.
Supporting delivery of infrastructure, for example transport, education, energy, digital and water.	The proposal will make a financial contribution through a s.69 or s.75 agreement, as deemed necessary by SBC.
Supporting climate change mitigation and adaptation including taking account of flood risk.	The future proofing of homes for climate change will be agreed during the detailed planning application stage and will include renewable technologies.

SPP Table Continued...

Policy Principle	How the Proposal Complies
Improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation.	The proposed garden within the site offers an opportunity for an array of activities as well as nearby walks and cycle routes. The site is also well located for the existing amenities provided by Kelso.
Having regard to the principles for sustainable land use set out in the Land Use Strategy;	The proposed site is in a sustainable suburban location, within walking distance to Kelso Town Centre, offering sustainable access to a school, shops, services and leisure facilities.
Protecting, enhancing and promoting access to cultural heritage, including the historic environment.	The sensitive approach to the design seeks to safeguard the character of dwellings within the building group.
Protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment.	The safeguarding of the existing tree on site and the provision of additional landscapin will provide a level of beneficial effects, such as enhanced biodiversity and additional screening through the introduction of locally appropriate hedgerow and trees within the proposed development.
Reducing waste, facilitating its management and promoting resource recovery; and	Suitable provision for waste collection can be demonstrated.
Avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.	The low-density scale of development is considered appropriate for a site of this nature.

16 Hendersyde Drive, Kelso, Scottish Borders

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## CONCLUSION

## CONCLUSION

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- 5.1 The submitted appeal, supported by this statement, seeks the Council's decision to refuse planning permission for the Planning Permission in Principle Application relating to the residential dwelling at 16 Hendersyde Drive, Kelso, Scottish Borders.
- 5.2 In summary:
- The proposal represents a logical infill location within the settlement boundary of Kelso, supported by policies HD3 and PMD5 in the LDP.
  - The proposal is sympathetic to the character of the suburban area, positioned in a logical location and will have no detrimental impact upon the amenity of neighbouring residents, ensuring there are adequate separation distances between the existing properties resulting in no overlooking or loss of daylight/sunlight.
  - The proposal will provide a high-quality family-sized dwelling within this desirable and sustainable location, within walking distance to Kelso Town Centre which benefits from a school, shops, cafes, and other local services, supported by the Draft NPF 20-minute neighbourhood.
  - The proposal will utilise sustainable renewable technologies.
  - The proposal will assist in meeting the strong demand for homes within the desirable location of Kelso.
  - There are no road safety concerns or objections from the Roads Officer or any other consultee. A Flood Risk Assessment (FRA) is deemed necessary and could be conditioned.
- 5.3 As we have demonstrated through this statement, we consider that the proposal complies with the development plan, and LDP Policies PMD2, PMD5, EP11 and EP13 against which the original application was refused.
- 5.4 There is a presumption in favour of applications that accord with the development plan unless there are significant material considerations that indicate the development plan should not be followed.
- 5.5 In addition to the above, the proposal will deliver local investment in trade employment, whilst expanding purchasing power in the local economy and supporting existing services.
- 5.6 The proposal is considered with the guiding principles of the SPP, and we do not consider that there are any impacts which are significant and demonstrably outweigh the presumption in favour of development. We therefore respectfully request that the appeal be allowed.
- APPENDICIES: Core Documents
- Core Doc 1: Decision Notice and Officer Report  
Core Doc 2: Location Plan  
Core Doc 3: Proposed and Existing Plan  
Core Doc 5: Planning Statement

# F E R G U S O N P L A N N I N G

## GALASHIELS

Shiel House  
54 Island Street  
Galashiels TD1 1NU

T: 01896 668 744  
M: 07960 003 358

## EDINBURGH

37 One George Street  
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61 Moyle Road  
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WWW.FERGUSONPLANNING.CO.UK



## Proposal Details

Proposal Name	100575025
Proposal Description	Appeal for Planning Permission in Principle for the erection of a new dwelling house with associated infrastructure works
Address	
Local Authority	Scottish Borders Council
Application Online Reference	100575025-001

## Application Status

Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete

## Attachment Details

Notice of Review	System	A4
Appeal Statement	Attached	A0
Core Document 1	Attached	A0
Core Document 1 Part 2	Attached	A0
Core Document 2	Attached	A0
Core Document 3	Attached	A0
Core Document 4	Attached	A0
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-001.xml	Attached	A0

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Newtown St Boswells Melrose TD6 0SA Tel: Payments/General Enquiries 01835 825586 Email: regadmin@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 100522969-001

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)

Planning Permission in Principle for the erection of a new dwelling house with associated infrastructure 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?  
(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: *	Lucy	Building Name:	
Last Name: *	Moroney	Building Number:	54
Telephone Number: *	01896 668 744	Address 1 (Street): *	Island Street
Extension Number:		Address 2:	Galasheils
Mobile Number:		Town/City: *	Scottish Borders
Fax Number:		Country: *	Scotland
		Postcode: *	TD1 1NU
Email Address: *	lucy@fergusonplanning.co.uk		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	c/o Agent
First Name: *	James	Building Number:	
Last Name: *	Hewitt	Address 1 (Street): *	c/o Agent
Company/Organisation		Address 2:	c/o Agent
Telephone Number: *		Town/City: *	c/o Agent
Extension Number:		Country: *	c/o Agent
Mobile Number:		Postcode: *	c/o agent
Fax Number:			
Email Address: *	lucy@fergusonplanning.com		

## 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

Land adjoining 16 Hendersyde Drive, Kelso, TD5 7TQ

Northing

635137

Easting

373382

## Pre-Application Discussion

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

Yes  No

## Site Area

Please state the site area:

0.26

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)

Greenfield. Please refer to planning statement for more details.

## 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

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:

Mr Steven Hewitt

Address:

Park Lane , Croft Park , Kelso, TD5 7ET

Date of Service of Notice: \*

20/01/2022

(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: Lucy Moroney

On behalf of: Mr James Hewitt

Date: 20/01/2022

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: Miss Lucy Moroney

Declaration Date: 20/01/2022

## Payment Details

Cheque: 1234567, 1234567

Created: 20/01/2022 15:34



**SCOTTISH BORDERS COUNCIL**

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

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

**REF :** 22/00093/PPP

**APPLICANT :** Mr James Hewitt

**AGENT :** Ferguson Planning

**DEVELOPMENT :** Erection of dwellinghouse and associated works

**LOCATION:** Land East Of 16  
Hendersyde Avenue  
Kelso  
Scottish Borders

**TYPE :** PPP Application

**REASON FOR DELAY:**

---

**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
1072-0-02	Proposed Site Plan	Refused
A location plan	Location Plan	Refused

**NUMBER OF REPRESENTATIONS: 2**  
**SUMMARY OF REPRESENTATIONS:**

17 neighbours were notified. Two representations have been received objecting to the proposal and raising the following planning issues:

- Detrimental to the environment and wildlife
- Increased traffic
- The land is currently grassland
- Noise nuisance
- Overlooking/privacy of neighbouring properties affected
- Trees/landscape affected
- Concerns for size/ height and aesthetics of the proposed property
- Loss of public open space and play area
- Contrary to Local Plan
- Inadequate drainage
- Loss of light
- Would envelope gardens

**CONSULTATIONS:**

Community Council: Support.

Education: No response

Roads Planning: Further information required. No objections in principle to this proposal, however before I am able to offer full support, I shall require a more detailed site plan that adequately shows the existing situation, in particular the footway around the turning head. The proposed access and parking for the plot should ensure that it does not result in a vehicle reversing along the public footway to exit the site.

Confirmation is also required that the applicant has control/agreement to provide the replacement parking for No 16, which is out with the site boundary, and to take access over what appears to be their land.

Scottish Water: Foul only connection and public water supply are available. There is infrastructure (90mm distribution water main) with the site and a 3m stand-off distance is required from any property and structure. There is a 100mm and a 300mm diameter surface water sewer within the site boundary and no buildings, structures or other obstructions should be located within the 3m access distance of a public sewer.

Flood Risk Officer: A Flood risk assessment and/or drainage assessment is required to address surface water flooding concerns.

### **PLANNING CONSIDERATIONS AND POLICIES:**

Local Development Plan 2016

PMD2: Quality Standards

PMD5: Infill Development

HD3: Protection of Residential Amenity

EP11: Protection of Greenspace

EP13: Trees Woodland and Hedgerows.

IS7: Parking Provision and Standards

IS8: Flooding

IS9: Waste Water Treatment Standards and Sustainable Urban Drainage

Supplementary Planning Guidance:

Developer Contributions, 2021

Guidance on Householder Developments, July 2006

Placemaking and Design, 2010

Trees and Development 2020

**Recommendation by** - Euan Calvert (Assistant Planning Officer) on 27th April 2022

Site and Proposal

This is an application for planning permission in principle for a dwellinghouse within greenspace at Hendersyde Drive and Hendersyde Avenue, Kelso.

This is a relatively flat grass site within a residential cul-de-sac located between number 16 and 18 Hendersyde Drive. The land is set behind 5 no visitor parking bays, which form an end to a hammerhead turning area.

A site plan has been submitted for an irregular shaped strip of land measuring 50m or so in length x 14-19m in width. A timber-board hit and miss fence has been erected (without planning permission) on the western boundary dividing the site from the public realm. Timber fences enclose the site from the neighbouring gardens. The site plan shows proposals to use a 6m square area of the in-curtilage parking belonging to no 16 as vehicular access to this site. Parking for no. 16 would be moved back onto the plot and would share this access. A rectilinear planned dwellinghouse has indicatively been shown measuring 6.5m x 12m in plan.

The building layout is indicatively shown as being 5m offset from the woodland. The woodland would form the south east boundary of the plot.

#### Planning Policy

This site is allocated in the Local Development Plan 2016 as an area of Structure Planting/Landscaping and is identified in the Planning Brief as such in the adjacent housing development site (Broomlands East, Kelso Supplementary Planning Guidance, March 2007).

The determining consideration in this case is whether proposals are in accordance with Policy PMD5: Infill Development. This policy identifies criteria for assessing potential development opportunities within settlement boundaries. This application seeks to test whether this is a potential infill development opportunity on a non-allocated site within the Kelso Development Boundary and discussion will surround whether development can be accommodated without recourse to residential amenity and character.

A second consideration is Policy EP11: Protection of Greenspace. A previous committee report of September 2006, 04/00763/COU had considered change of use of this site to garden ground. The application was refused due to the resultant loss of valuable public open space (to the detriment of the amenity and appearance of the locality) contrary to the policy of the time.

The application will be assessed against the criteria of Policy EP11.

#### PMD2: Quality Standards and Supplementary Planning Guidance: Placemaking and Design

The character of the surrounding area and the visual amenities of the area are material considerations and regard will be had as to whether the proposal is in accordance with scale, character and appearance being sought by the SPG. All development must be high quality, integrate into landscape surroundings and not negatively impact on existing buildings.

#### IS7: Parking

The Roads Planning Officer has been invited to comment on road safety and sufficiency and parking.

#### HD3: Residential Amenity

Siting, scale and location of development is considered with regard to protecting neighbouring residential amenity.

#### EP13: Trees Woodland and Hedgerows and Supplementary Planning Guidance: Trees and Development 2020

The impacts to the woodland resource in terms of the landscape, ecological, recreational, historical or shelter value will be considered.

#### Assessment

##### Criterion a) of policy PMD5

In principle, proposal for a further dwellinghouse in this established residential estate would be a compatible use. There would be no conflict in land use in so much as it would not appear incongruous or conflict with established levels of residential amenity of neighbours. However, I must be cognisant to wider pattern of development and the reasons for this space being undeveloped in the first instance. This area was shown on the approved layout for the wider housing development as public open space and a play area, approved in November 1997 (ref 97/0788/C). In 2006 the committee report stated that the developer had fulfilled their obligation to landscape the site for use as public amenity open space.

The site has been enclosed with a timber hit and miss fence in the interim period (Planning Committee, September 2006).

The land was allocated as and has continued to be green space or open space and this proposal is in direct conflict with the use it was laid aside for (criterion a).

Policy EP11 specifically states (criteria a, b and c) that Greenspace within the development boundary will be protected where it can be justified to have environmental, social or economic value. A second consideration

is the role that the greenspace plays in defining the landscape and townscape structure and identity of the settlement. Lastly, the function that the greenspace serves must be considered.

I have considered both neighbouring objections and must conclude that the site remains valuable open space. This site continues to deliver environmental and social benefits to the local community, especially those in the immediate environs. Both objections highlight that the site is grassland and delivers wildlife benefits and acts as an informal recreation space. Both comments highlight the role the site plays in defining the appearance (the visual amenity) of the cul-de-sac and as a foreground to the mature woodland. The site is said to also be used for informal recreation therefore delivers wider societal benefits.

I conclude that this loss of greenspace (open space) is not acceptable and is not in accordance with policy EP11. There has been no consultation with user groups and no advice presented from relevant agencies, as required by Policy EP11.

The agent has not demonstrated that the Greenspace use has ceased since 2006. They have not presented an argument for this greenspace to be retained or relocated to an alternative location (EP11, criterion f). A case has been presented that there is a shortfall in effective housing land supply therefore this site is appropriate to meet local housing need and economic benefit. However there has been no consultation with the user groups to substantiate that the loss of greenspace is either acceptable in principle or outweighed by need to meet these national housing targets.

#### Criterion b) of policy PMD5

I must conclude that loss of greenspace (open space) will detract from character and amenity of this part of Hendersyde cul-de-sac. Loss of greenspace will adversely impact visual amenity of the cul-de-sac and is directly in conflict with a pattern of development established in 1997 and vindicated in 2006.

The Committee report from 2006 reads; "Landscaping has now been carried out and the area will be managed and maintained as public open space". As a greenspace, it has not been demonstrated in this application that there is an economic, social and community justification for its loss (policy EP11).

#### Criterion c) of policy PMD5

No tree survey or tree retention plan has been produced to demonstrate the relationship or potential impacts to adjacent trees. This is a minimum requirement of policy EP13, Supplementary Planning Guidance: Trees and Development and BS5837:2012. I have concerns that this site is marginal in size and may not provide adequate levels of residential amenity in terms of natural light. Close relationship to the mature woodland to the south is liable to result in adverse residential amenity impacts for the occupants of any proposal (overshadowing and poor daylighting), contrary to policy PMD2.

On account of these concerns I conclude that the proposals represent over-development or 'town cramming' which Policy PMD5 specifically guards against.

This is a balanced decision. I have considered the value that an additional dwellinghouse will contribute to housing stock of the local area. It is the Planning Authority's duty to mediate space and ensure making of place and in this instance the individual and cumulative negative effects to character and amenity outweigh any social and economic infrastructure benefits to Kelso. A further dwelling may contribute to local housing stock; may raise the standard of living for a local member of the community; may contribute to economic growth through direct jobs in its construction; or by providing a house for an essential worker but none of these strategic changes should outweigh the negative character and amenity impacts in this instance.

#### Criterion d) of policy PMD5

I acknowledge the agent's comment regarding scale, layout and density. They highlight that the choice of position, size and separation distances to neighbouring houses, which would protect residential amenity in principle (policy HD3). In principle, this plan demonstrates a layout which would reflect adjacent plot/building ratios but it ignores the tree/ natural light constraint, which I highlight above, and further it ignores to potential conflict with the public sewer location which is commented below.

#### Criterion e) of policy PMD5

The site plan has not successfully demonstrated protection and connection to the public water and sewerage networks. Whilst these issues are usually reserved for further consideration by planning condition, serious concerns are raised by Scottish Water in this instance that there is existing water and sewer

infrastructure within site. The site presently houses two sewers and would be incompatible with the proposed use change to garden ground. Scottish Water specifically prohibits the land above sewer pipes becoming garden ground. In addition, a 3m stand-off distance is required to both sides of any sewer. There is also concerns for a 90mm HPPE diameter distribution water main. The application is insufficient in detail to understand whether the access distance and stand-off distances to water mains can be accommodated. The proposals are not considered to be in compliance with Policy IS9 in this instance.

Vehicular access has been considered by the Roads Planning Officer. More detailed site plans are required to consider standards set by Policy IS7 in the interest of protecting road sufficiency and safety. Accessing of the site in this proposal is reliant on relocation of the parking and use of part of the drive of no.16. The precise details of the pavement crossing have not been established. There is a concern that the existing pavement at this location may be crossed or lost to a driveway, to the detriment of road safety. Furthermore, there is also concern that the right to use the drive of no.16 has not been established. Presently the plans do not satisfy Policy IS7 in so much as parking provision and standards have not been met.

A further consideration with this site is flood risk and drainage concerns, highlighted by neighbours, and I have considered Policy IS8 and consulted the Flood Risk Officer. The site is at risk from surface water flooding and a Flood Risk Assessment and/or Drainage Impact Assessment (FRA/DIA) is required to substantiate the suitability of this site in future. Finished floor levels would be required, as would any compensatory storage requirements. Presently the application is not in accordance with Policy IS8 as it presents development of land with known surface water flooding potential.

Criterion f) of policy PMD5

Loss of daylight, sunlight and privacy of neighbours has been considered. Overshadowing and overlooking are considered to be acceptable and in accordance with the SPG on Householder Developments, 2006 and policy HD3.

The issue over overshadowing and loss of light to future occupants of the proposed house due to the woodland has been discussed above.

Developer Contributions

There is requirement for contributions in respect of policy IS2 towards Broomlands Primary and Kelso High School.

Conclusion

This site plays an important role in defining the landscape and townscape structure and setting of this part of Hendersyde residential estate and it is considered that this should be protected for its value as greenspace (policy EP11)

In essence, a new dwelling may be physically able to be accommodated on this site, but Infill Policy development opportunities are not to be at all cost or to the detriment of the public's enjoyment of the current levels of visual amenity or greenspace enjoyed in this residential area.

I conclude that, whilst the privacy and amenity of neighbours can be satisfied, this proposal is not in accordance with Infill Development Policy PMD5.

The quality of the area would be compromised and as a result it is considered development will not assimilate successfully with the surroundings (Policy PMD2: Quality Standards and the Supplementary Planning Guidance on Placemaking and Design).

## **REASON FOR DECISION :**

The proposal would be contrary to Policies PMD2, PMD5, EP11, EP13, IS8 and IS9 of the Local Development Plan 2016 and the Placemaking and Design 2010 Supplementary Planning Guidance in that it would result in development that is out of character with the existing development pattern, would represent

over-development and town cramming to the detriment of the amenity and character of the surrounding area.

Development would cause a loss or detrimental impact to the woodland resource to the detriment of the visual amenity of Kelso and it not been demonstrated that the public benefits of the development outweigh the loss of this landscape value.

It has not been demonstrated that there is a social, economic or community benefit for the loss of open space or that the need for development outweighs the need to retain the space. No comparable or enhancement of existing open space has been provided to mitigate the potential loss.

The site is at risk from surface water flooding therefore contrary to Policy IS8 whereby avoidance is the first principle for managing risk. No FRA/DIA has been presented to substantiate the potential impacts or mitigation measures required to satisfy flooding policies.


The site is occupied by waste water sewerage and water supply infrastructure and it has not been demonstrated that the proposal can be accommodated while maintaining Scottish Waters infrastructure standards in accordance with policy IS9, which seeks to maintain and improve public health standards.

**Recommendation:** Refused

- 1 The proposal would be contrary to Policies PMD2: Quality Standards and PMD5: Infill Development of the Local Development Plan 2016 and the Supplementary Planning Guidance on Placemaking and Design 2010 in that it would result in development that is out of character with the existing development pattern and would represent over-development and town cramming to the detriment of the amenity of potential occupants and to the amenity and character of the surrounding area.
- 2 The proposal would be contrary to Policy EP13: Trees, Woodlands and Hedgerows of the Local Development Plan 2016 and the Supplementary Planning Guidance: Trees and Development 2020 as the development would result in a loss or harm to the woodland resource to the detriment of the visual amenity of the area and it not been demonstrated that the public benefits of the development outweigh the loss of this landscape asset.
- 3 The proposal would be contrary to Policy EP11: Protection of Greenspace of the Local Development Plan 2016 in that it has not been demonstrated that there is a social, economic or community benefit for the loss of open space or that the need for the development outweighs the need to retain the open space. No comparable replacement or enhancement of existing open space has been provided to mitigate the potential loss.
- 4 The proposal would be contrary to Policy IS8: Flooding of the Local Development Plan 2016 as the site is potentially at risk from surface water flooding, to the detriment of persons and property, and no evidence has been presented to evaluate the potential impacts.

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

Mr James Hewitt  
per Ferguson Planning  
54 Island Street  
Galashiels  
Scottish Borders  
TD1 1NU

**Please ask  
for:**  


Euan Calvert  
01835 826513

**Our Ref:**  
**Your Ref:**

22/00093/PPP

**E-Mail:**

ecalvert@scotborders.gov.uk

**Date:**

29th April 2022

Dear Sir/Madam

**PLANNING APPLICATION AT Land East of 16 Hendersyde Avenue Kelso Scottish Borders**

**PROPOSED DEVELOPMENT:           Erection of dwellinghouse and associated works**

**APPLICANT:                           Mr James Hewitt**

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

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

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

Yours faithfully

John Hayward

Planning & Development Standards Manager

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

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

**Application for Planning Permission**

**Reference : 22/00093/PPP**

**To : Mr James Hewitt per Ferguson Planning 54 Island Street Galashiels Scottish Borders TD1 1NU**

With reference to your application validated on **25th January 2022** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

**Proposal : Erection of dwellinghouse and associated works**

**at : Land East of 16 Hendersyde Avenue Kelso Scottish Borders**

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

**Dated 28th April 2022  
Regulatory Services  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**John Hayward  
Planning & Development Standards Manager**



**APPLICATION REFERENCE : 22/00093/PPP**

**Schedule of Plans and Drawings Refused:**

Plan Ref	Plan Type	Plan Status
1072-0-02	Proposed Site Plan	Refused
Location Plan	Location Plan	Refused

**REASON FOR REFUSAL**

- 1 The proposal would be contrary to Policies PMD2: Quality Standards and PMD5: Infill Development of the Local Development Plan 2016 and the Supplementary Planning Guidance on Placemaking and Design 2010 in that it would result in development that is out of character with the existing development pattern and would represent over-development and town cramming to the detriment of the amenity of potential occupants and to the amenity and character of the surrounding area.
- 2 The proposal would be contrary to Policy EP13: Trees, Woodlands and Hedgerows of the Local Development Plan 2016 and the Supplementary Planning Guidance: Trees and Development 2020 as the development would result in a loss or harm to the woodland resource to the detriment of the visual amenity of the area and it not been demonstrated that the public benefits of the development outweigh the loss of this landscape asset.
- 3 The proposal would be contrary to Policy EP11: Protection of Greenspace of the Local Development Plan 2016 in that it has not been demonstrated that there is a social, economic or community benefit for the loss of open space or that the need for the development outweighs the need to retain the open space. No comparable replacement or enhancement of existing open space has been provided to mitigate the potential loss.
- 4 The proposal would be contrary to Policy IS8: Flooding of the Local Development Plan 2016 as the site is potentially at risk from surface water flooding, to the detriment of persons and property, and no evidence has been presented to evaluate the potential impacts.

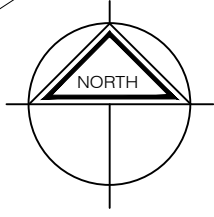
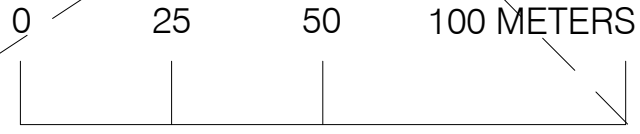
**FOR THE INFORMATION OF THE APPLICANT**

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

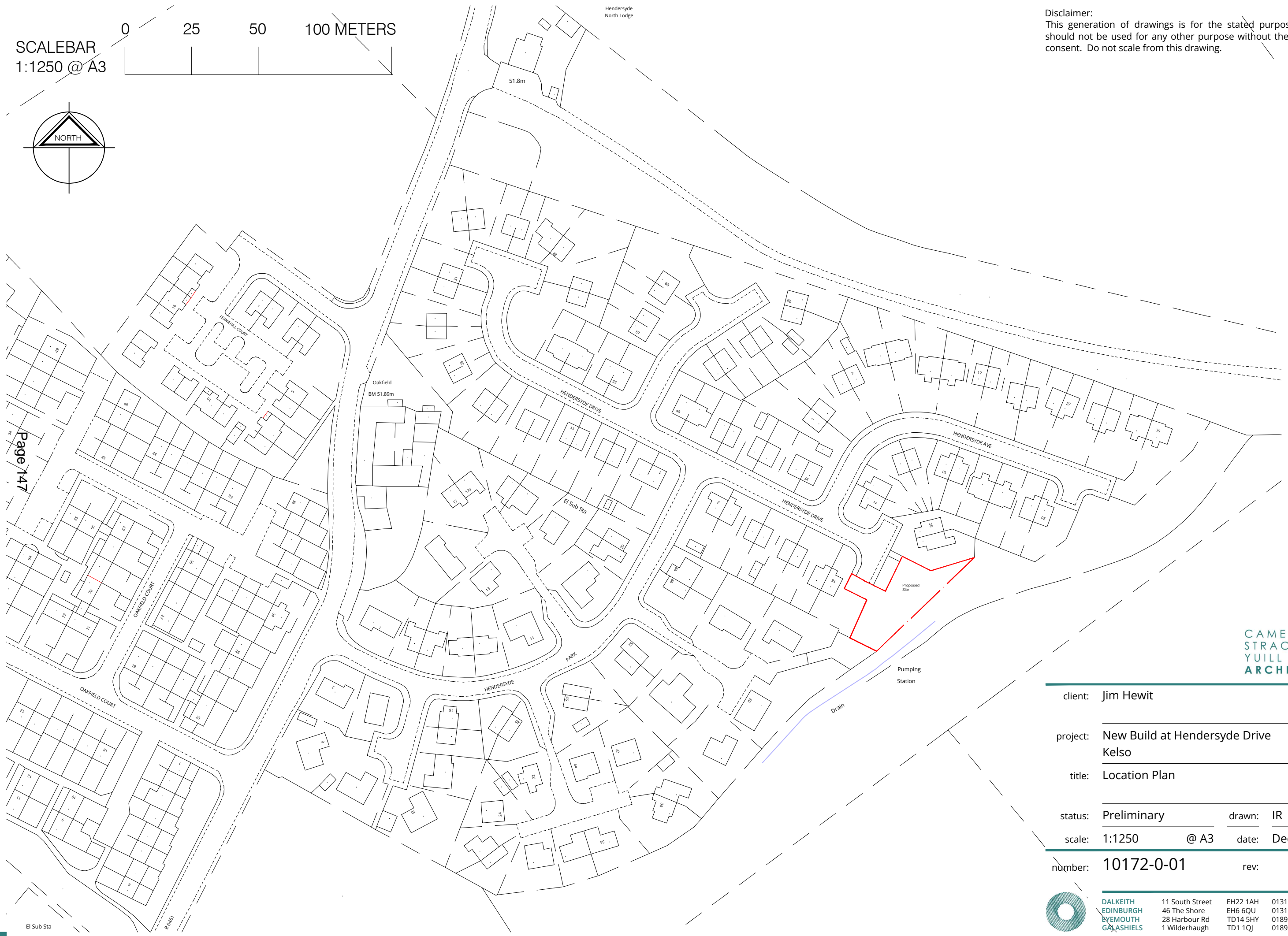
If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably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

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CAMERONS  
STRACHAN  
YUILL  
ARCHITECTS

client:	Jim Hewit		
project:	New Build at Hendersyde Drive Kelso		
title:	Location Plan		
status:	Preliminary	drawn:	IR
scale:	1:1250 @ A3	date:	Dec 2021
number:	10172-0-01	rev:	

	DALKEITH EDINBURGH EYEMOUTH GLASGOW	11 South Street 46 The Shore 28 Harbour Rd 1 Wilderhaugh	EH22 1AH EH6 6QU TD14 5HY TD1 1QJ	0131 663 9735 0131 553 7959 01890 750429 01896 753077
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CAMERONS  
STRACHAN  
YUILL  
ARCHITECTS

client: Jim Hewit

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project: New Build at Hendersyde Drive  
Kelso

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title: Site Plan  
Proposed Site Boundary

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status: Preliminary drawn: IR

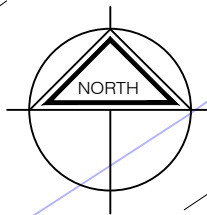
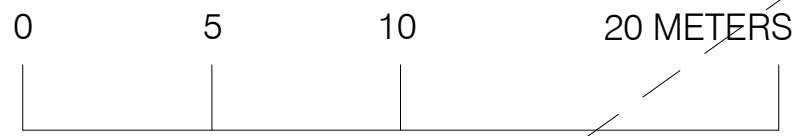
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scale: 1:200 @ A3 date: Dec 2021

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number: 10172-0-02 rev:

SCALEBAR  
1:200 @ A3



Pumping  
Station

DALKEITH	11 South Street	EH22 1AH	0131 663 9735
EDINBURGH	46 The Shore	EH6 6QU	0131 553 7959
EYEMOUTH	28 Harbour Rd	TD14 5HY	01890 750429
GALASHIELS	1 Wilderhaugh	TD1 1QJ	01896 753077

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**PLANNING STATEMENT**

**16 HENDERSYDE DRIVE, KELSO, SCOTTISH  
BORDERS.**

**PLANNING PERMISSION IN PRINCIPLE FOR THE  
ERECTION OF A NEW DWELLING HOUSE WITH  
ASSOCIATED INFRASTRUCTURE WORKS**

**APPLICANT: JAMES HEWITT**

**JANUARY 2022**

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5.	Development Consideration	11
6.	Conclusion	13

**Appendices:**

Appendix 1: Site Location Plan

Author	Date
Lucy Moroney	18/01/2022
Approved	Date
Tim Ferguson	20/01/2022





## 1. Introduction

- 1.1 This Planning Statement has been prepared by Ferguson Planning in support of an application for Planning Permission in Principle submitted on behalf of James Hewitt for the erection of a new dwelling house with associated infrastructure, located in an infill plot on the land adjacent to 16 Hendersyde Drive, Kelso. A site location plan can be found in within Appendix 1.
- 1.2 The proposal will provide much needed residential homes within the Scottish Borders and represents the most suitable and sustainable form of development within the settlement boundary of Kelso, enabling the proposal to contribute to the vitality and viability of Kelso's local services and facilities.
- 1.3 This statement has been prepared to consider the sites context and relevant planning policy, before explaining the developments compliance with the development plan and related material considerations.
- 1.4 The following documents and drawings have been prepared by the consultant team and are submitted in support of this planning application. Notable, the submission documents are in accordance with Scottish Borders Council's Validation Requirements for planning applications of this nature.

Table 1.1 Planning Application Documents

Planning Document	Consultant
Application Form	Ferguson Planning
Planning Application Fee	Applicant
Planning Statement	Ferguson Planning

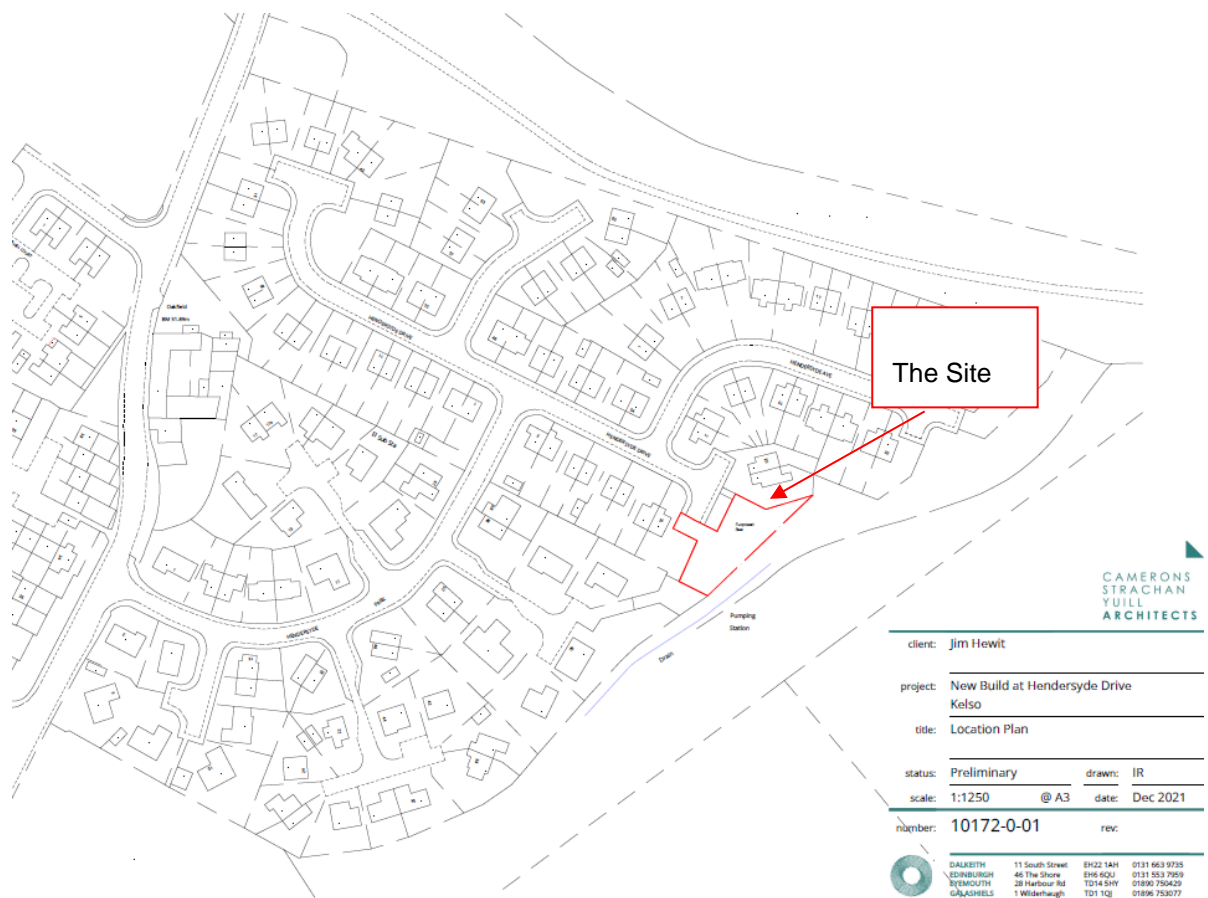
Table 1.2 Planning Application Drawings/ Plan

Drawing	Consultant
Site Location Plan	CSY
Existing Plans	CSY
Indicative Proposed Plans	CSY

## 2. Site Context and Key Planning History

- 2.1 This Planning Application in Principle (PPP) relates to the Planning Consent for the erection of a single dwelling house at land adjacent to 16 Hendersyde Drive.
- 2.2 The site is located within the Settlement Boundary of Kelso, to the far east of Hendersyde Drive, at the end of the cul-de-sac. At present, the site is currently laid to grass, with trees along the western border. Adjoining the site to the north and west are residential properties along Hendersyde Drive.

Figure 1: Site Location



- 2.3 In terms of topography, the site itself is relatively flat, with the topography rising beyond the site boundary to the north.
- 2.4 With regards to the Local Development Plan adopted proposals map, along with being situated within the Settlement Boundary of Kelso, the site also falls within a designated landscape area as illustrated in Figure 2 below.

Figure 2: Adopted Proposals Map



- 2.5 The proposed dwelling is shown indicatively within the plot, towards the west of the site. The intention being that they would be set within the infill plot and retain the trees towards the eastern border of the site, whilst not extending beyond the building line of the adjoining properties to the north.
- 2.6 In terms of accessibility, the site is approximately 0.8 miles (17-minute walk) to the town centre of Kelso, offering a range of services and facilities, along with ongoing public transport with the local bus stops to Melrose, Galashiels and Tweedbank for rail services to Edinburgh City Centre.
- 2.7 In terms of Heritage, there are no listed buildings on or within proximity to the site. Hendersyde Park (6-minute walk from the site) is listed as gardens and designated landscape which is not visible from the site.

Figure 3: Environmental Scotland



- 2.8 The Scottish Environment Protection Agency (SEPA) are the statutory body for flood management in Scotland and maintain flood risk maps for public and development purposes. The site does not fall within an area at risk of river flooding.

### Planning History

- 2.9 Referring to the Scottish Borders City Council planning application search, there have been no historic planning applications to date on this site or notable applications in the neighbouring area.

### 3. The Development

3.1 This section sets out details of the proposed development. The description of which is as follows:

***“Planning Application in Principle for a single Residential Dwelling with associated Amenity, Parking, Infrastructure and Access at land adjacent to 16 Hendersyde Drive, Kelso”.***

3.2 The proposed development involves the provision of a single detached residential property with associated infrastructure, adjoining 16 Hendersyde Drive, to the east of the Col-de-sac, within the settlement boundary of Kelso. The indicative site layout plan is identified below and within Appendix 1 of this report.

Figure 4: Proposed Site Plan



3.3 In terms of layout, the access is proposed off Hendersyde Drive, adjoining number 16 Hendersyde Drive to the west of the plot. The existing parking area is to be retained as illustrated in figure 4 above with two parking spaces proposed for the new dwelling, and the relocation of two new parking spaces for residents at 16 Hendersyde Drive.

3.4 Careful consideration has been taken in the positioning of the proposed dwelling within the site, ensuring there is reasonable separation distances to the existing dwellings adjoining the western and northern borders, safeguarding the daylight and sunlight provision and privacy of residents.

- 3.5 The proposed built form is set back from the road and is considered to not impinge upon the streetscape of the suburban area. This is further supported by the height of the proposal, not existing being the height of the neighbouring two storey dwellings.
- 3.6 Private outdoor amenity provision for the proposed dwelling would be substantial, complimenting the designated landscaped area to the rear. The site benefits from being bordered by existing trees and vegetation to the southeast which will be retained where possible, minimising the visual impact and safeguarding the adjoining Special Landscaped Area.
- 3.7 As the application is for Planning Permission in Principle, the requirement to submit detailed drawings to secure the outstanding elements of the design in the next stage of the Planning process is acknowledged.

## 4. Planning Policy

4.1 This section outlines the principle planning policy considerations which have informed the emerging development proposals and which provide the context for the consideration of the proposed scheme.

### Scottish Planning Policy (SPP) 2014

4.2 SPP creates a presumption in favour of sustainable development and establishes that the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost. Specifically, policies and decisions should be guided by key principles, including:

- giving due weight to net economic benefit.
- responding to economic issues, challenges and opportunities, as outlined in local economic strategies.
- supporting good design and the six qualities of successful places.
- making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities.
- supporting delivery of accessible housing, business, retailing and leisure development.
- supporting delivery of infrastructure, for example transport, education, energy, digital and water.
- supporting climate change mitigation and adaptation including taking account of flood risk.
- improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation.
- having regard to the principles for sustainable land use set out in the Land Use Strategy.
- protecting, enhancing and promoting access to cultural heritage, including the historic environment.
- protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment.
- 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.



## The Scottish Borders Local Development Plan

- 4.3 The Scottish Borders Local Development Plan (LDP) was adopted on 12th May 2016 and sets out the policies on development and land use within the Scottish Borders.
- 4.4 The emerging Local Development Plan 2 for the Scottish Borders is at an advanced stage and was presented to the full council on 25th September 2020. The formal consultation period is between 2nd November 2020 and 25th January 2021. As the plan is nearing adoption, it should be considered a material consideration.
- 4.5 With reference to the adopted Scottish Borders Proposals Map (2016), the site is within the Settlement Boundary of Kelso and farms part of the designated landscape area.
- 4.6 The key policies under which the development will be assessed include:
- LDP Policy PMD1: Sustainability
  - LDP Policy PMD2: Quality Standards
  - LDP Policy HD3: Protection of Residential Amenity
  - LDP Policy HD4: Meeting the Housing Land Requirements/ Further Housing Land Safeguarding
  - Policy EP5: Special Landscape Areas
- 4.7 **Policy PMD1: Sustainability:** The preparation of the Local Development Plan was heavily, by the acknowledged “need for action on climate change” and the Council’s Environmental Strategy, which sit behind the ‘support and encouragement of sustainable development’ across the Borders. Policy PMD1 sets out the “sustainability principles which underpin all the Plan’s policies” and that the Council expects to inform development proposals and planning decisions:
- 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 wastewater 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 public health and safety

- j) the support of 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.

4.8 **Policy PMD2: Quality Standards:** The Policy sets out a range of sustainability, placemaking and design, accessibility and open space/ biodiversity requirements, whereby the proposal must:

- Take appropriate measures to maximise the efficient use of energy and resources, in terms of layout, orientation, construction and energy supply.
- Make provision for sustainable drainage.
- Incorporate appropriate measures for separate storage of waste and recycling.
- Incorporate appropriate landscaping to help integration with the surroundings.
- Create a sense of place, based on a clear understanding of context.
- Be of a scale, massing and height appropriate to the surroundings.
- Be finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality.
- Be compatible with, and respect, the character of the surrounding area, neighbouring uses and neighbouring built form.
- Be able to be satisfactorily accommodated within the site.
- Provide for appropriate boundary treatments to ensure attractive edges, and to help integration with the surroundings.
- Incorporate access for those with mobility difficulties.
- Not have an adverse impact on road safety in terms of the site access.
- Incorporate adequate access and turning space for vehicles including those used for waste collection purposes.
- Retain physical or natural features which are important to the amenity or biodiversity of the area.

4.9 **Policy HD3: Protection of Residential Amenity:** The Policy states that “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 sunlight provisions. These considerations apply especially in relation to garden ground or ‘back land’ development,
  - iii. the generation of traffic or noise,

iv. the level of visual impact.”

- 4.10 **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 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.

## **Material Considerations**

### **Case Law**

- 4.11 The recent appeal decision (LPA ref: PPA-14-2088) published 18th May 2021 in relation to the erection of 22 dwellings at 54 Edinburgh Road, Peebles, the reporter concludes that there is a “Significant five-year effective land shortfall” alluding there is c.631 housing shortfall in terms of 5-year housing land supply. The proposals of this nature can assist in addressing the identified shortfall.

## 5. Development Consideration

- 5.1 This section of the statement sets out the key planning considerations arising from the proposal, setting out a reasoned justification for the development in the context of the adopted planning policy and the specifics of the site and its surroundings.

### Principle of Development

- 5.2 The site in question is positioned within the settlement boundary of Kelso, adjacent to existing residential properties along Hendersyde Drive. Policy HD2 states the Council aims to encourage a sustainable pattern of development focused on defined settlements in accordance with the need to support existing services and facilities and to promote sustainable development.
- 5.3 The principle of development is considered to be acceptable as the proposal comprises the erection of a single dwelling together with access, landscaping and associated works on an infill site within a settlement boundary where residential development is encouraged within Policy HD2, further supported by the Draft NPF4 and 20-minute neighbourhoods.

### Residential Amenity

- 5.4 The proposal has been prepared to provide a good level of amenity for future occupiers of the proposed dwelling whilst safeguarding the amenity of residents within existing neighbouring properties at Hendersyde Drive and the wider settlement of Kelso. Although the detail off the proposal is deferred for future consideration, the indicative layout and location of the property within the site has ensured adequate separation distancing between properties can be reached, meaning there will be no adverse impacts on overshadowing and daylight/ sunlight provision whilst protecting privacy of residents.
- 5.5 It is considered the indicative scale of the proposed dwelling up to two stories in height is appropriate to the site and the local area. The building height does not extend beyond those of the neighbouring dwellings and the proposal is set back, enclosed within its infill location.
- 5.6 As the proposals provides a good level of amenity on-site and safeguards the amenity of the surrounding area, it is considered to be in accordance with Policy HD3.

### Sustainable

- 5.7 While this application is for Planning Permission in Principle, the proposal intends to support a sustainable for of development through renewables such as solar panels, air source heat pumps and electrical charging points in accordance with policy PMD1.
- 5.8 The site is within a 17-minute walk into the town centre of Kelso, providing access to a wide range of services and facilities including a 5-minute walk to Broomlands Primary School and a 13-minute walk to Kelso High School, and is therefore considered to encourage a sustainable mode of transport with residents being less reliant on the car, supported by the Draft NPF4.

### **Access and Parking**

- 5.9 The proposal includes a new access directly onto Hendersyde Drive to the west, onto a private driveway with the provision of two car parking spaces deemed adequate for a proposal of this nature.

### **Housing Need and Economic Benefits**

- 5.10 We consider, while modest in scale, will assist in meeting SBC five-year housing land supply to which we consider to be a shortfall. This has been concluded by the recent case law (LPA ref: PPA-14-2088) published 18<sup>th</sup> May 2021 in relation to the erection of 22 dwellings at 54 Edinburgh Road, Peebles. The reporter concludes that there is a “Significant five-year effective land shortfall” alluding there is c.631 housing shortfall in terms of 5-year housing land supply.
- 5.11 Again, the proposal will support local jobs, creating economic benefits during the construction process.

### **Landscaping**

- 5.12 As discussed above, it is considered the private outdoor amenity provision for the proposed dwelling would be substantial, complimenting the designated landscaped area to the rear. The site benefits from being bordered by existing trees and vegetation to the southeast which will be retained where possible, minimising the visual impact and safeguarding the adjoining Special Landscaped Area in accordance with Policies HD3 and EP5.

## 6. Conclusion

- 6.1 Ferguson Planning has been appointed by James Hewitt (the applicant) to submit this Planning Statement in support of a Planning Application in Principle (PPP application) for one residential dwelling, together with associate infrastructure at land adjacent to 16 Hendersyde Drive, Kelso, TD5 7TZ.
- 6.2 Whilst the proposal utilises this sustainable site, enclosed within the landscape, it will also contribute to the housing land supply with the borders supported by Policy HD4.
- 6.3 The proposed dwelling has been carefully positioned and designed ensuring there is a good level of amenity for future occupiers whilst safeguarding the privacy of the neighbouring dwellings and providing good quality standards using sustainable methods in accordance with Policies PMD1, PMD2 and HD3.
- 6.4 It is proposed to create one new vehicle access point off the adjoining Hendersyde Drive to the west to serve the new dwelling. The proposed development is considered to be acceptable in transport terms. As the site is within walking distance to the local services and facilities, the proposal would support the idea of the 20-minute neighbourhood encouraged within the Draft NFP4.
- 6.5 Overall, it is thought that the proposal is in accordance with relevant adopted Planning Policy of the Local Development Plan and wider planning material considerations. It is therefore respectfully requested that planning permission is granted.

# Appendix 1: Site Layout Plan









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Decision by David Buylla, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-140-2088
- Site address: land east of Knapdale, 54 Edinburgh Road, Peebles, EH48 8EB
- Appeal by S Carmichael Properties Limited against the failure of Scottish Borders Council to determine within the statutory period, an application for planning permission reference 20/00753/FUL dated 13 July 2020
- The development proposed: erection of 22 dwellinghouses with new access road and associated work
- Date of site visit by Reporter: 9 April 2021

Date of appeal decision: 18 May 2021

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## Decision

I dismiss the appeal and refuse planning permission.

## Preliminary matters

The proposed development falls within the description in paragraph 10 (b) of column 1 of the table in schedule 2 to the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 and exceeds the threshold in column 2 of the table in schedule 2. However, on 14 April, I issued a screening direction confirming that the development for which planning permission is sought is not EIA development.

I have considered the potential for the proposal to have a significant effect on the River Tweed, a designated Special Area of Conservation (SAC). The appellant's ecological survey identifies a hydrological connection between the site and the river, via a culverted watercourse under the A703. This report concludes that, due to the potential for pollution, significant effects on the qualifying interests of the SAC could arise during both the construction process and subsequent occupation of the site. It advises that such potential effects could be mitigated by appropriate control of construction works and by suitable surface and foul water drainage arrangements.

When considering whether significant effects on a SAC are likely, no regard should be had to mitigating measures. Therefore, I find that foul and surface water drainage from the proposed development, and the construction works, would give rise to likely significant effects on the SPA, requiring me to carry out an Appropriate Assessment. I summarise this in my consideration of effects on the water environment, later in this notice.



## Reasoning

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. Special regard must also be had to the desirability of preserving the setting of nearby listed buildings.
2. The development plan comprises the Edinburgh and South East Scotland Strategic Development Plan 2013 (SESplan) including its accompanying supplementary guidance on housing 2014 (the SESplan Housing SG) and the Scottish Borders Local Development Plan 2016 (the LDP) including its supplementary guidance on housing 2017 (the LDP Housing SG). A replacement strategic development plan (SESplan 2) was rejected by Scottish Ministers in 2019 so is not part of the development plan. A proposed replacement for the LDP has been published but has yet to be submitted for examination.
3. Having regard to the provisions of the development plan, the main issues in this appeal are: the adequacy of the five year supply of effective housing land; whether the proposal would be sustainable development; and its effects on visual amenity, landscape and townscape character, the setting of nearby listed buildings, and the water environment.

### Is there a five year supply of effective housing land?

4. The appeal site lies outside the LDP defined development boundary for Peebles where LDP Policy PMD4 confirms that housing development proposals will normally be refused. However, both PMD4 and also SESplan Policy 7 potentially permit an exception to this presumption where it can be demonstrated that the proposal would contribute to addressing a shortfall in the five year supply of effective housing land. Scottish Planning Policy (SPP) also recognises the importance of maintaining such a supply.
5. SPP was revised in December 2020. Some of the revisions affect how I must assess the adequacy of the effective housing land supply. There is a current Court of Session challenge to the revised SPP. I have addressed the implications of this challenge in the conclusions section of this notice.
6. SPP paragraph 125 confirms that, where a proposal for housing development is for sustainable development and the decision-maker establishes that there is a shortfall in the housing land supply in accordance with Planning Advice Note (PAN) 1/2020, the shortfall is a material consideration in favour of the proposal. I address the sustainability question later, having first considered the adequacy of the housing land supply.
7. PAN 1/2020 explains how to calculate the five year effective housing land supply. It advises that the plan period housing land requirement from the adopted development plan should be divided by the plan period in years to identify an annual figure, which is then multiplied by five. This figure should then be compared with the five year supply of effective housing land, based on information collected as part of the housing land audit process, to establish whether there is a shortfall or surplus.
8. The plan period housing land requirement for the entire SESplan region is set out in SESplan Policy 5 and this is broken down into individual council areas in the accompanying SESplan Housing SG. These authority-specific targets are nearly seven years old and only run until 2024. Replacement housing requirements will be introduced in the fourth National

Planning Framework (NPF4) probably in 2022. Until then, one must decide either that it is impossible to determine whether there is a housing supply shortfall (on the basis that there is no up to date development plan housing land requirement) or alternatively, use a five times multiplier of the annualised SESplan Housing SG housing land requirement until NPF4 is in place. I regard the latter option as preferable, as it should still allow appropriate windfall sites to be justified by a shortfall in supply, which would be impossible if the alternative approach were taken.

9. Figure 3.1 of the SESplan Housing SG confirms the housing land requirement for each LDP area within the SESplan region for the periods 2009 to 2019 and 2019 to 2024. For Scottish Borders, the figures are 9650 and 3280 respectively, giving a total of 12930 for that 15 year period - an annual average build rate of 862. The SESplan Housing SG expected most of these to be built on land which was already committed for development either because it had already been allocated for that purpose or because planning permission had been granted.

10. Applying the methodology in PAN 1/2020 gives a five year requirement of  $862 \times 5 = 4310$  homes.

11. One role of the LDP is to allocate sufficient housing land to meet that requirement. The LDP examination found that insufficient land had been allocated and the council was required to submit supplementary guidance to Scottish Ministers within 12 months of the LDP adoption that would find land for an additional 916 units. In accordance with LDP Policy HD4, the council produced the LDP Housing SG in 2017. Due to adjustments to the supply since the LDP examination, this needed to identify land for an additional 811 units to meet the SESplan Housing SG requirement.

12. Having established the number of homes that require to be provided, it is necessary to consider whether the supply of effective land is likely to be sufficient. The council and appellant disagree on this matter. In drawing together my own conclusions, I have borne in mind that any assessment of this issue requires assumptions to be made about when sites in the established supply will be developed. Therefore, it is unrealistic to regard any calculation as infallible.

13. The council relies upon the most recent Scottish Borders Housing Land Audit (the 2019 HLA), which was published in April 2020 following input from local and national housing developers and the owners of sites that are identified within the established housing land supply. It finds an established supply of 9176, of which 3679 are considered to be effective or capable of becoming effective within the five year period 2019 to 2024 and a further 1945 units identified as potentially effective in years 6 and 7 (2025 and 2026).

14. The council's position (as set out in the 2019 HLA) is that in a rural area where housing demand is relatively weak, it is most appropriate to base predictions of future demand on the average number of completions that have occurred over the previous five years. It describes this as "prospective market demand" and distinguishes it from "the theoretical requirement", which is derived from the development plan's housing land requirement. Over the period 2015 to 2019, 1462 homes were constructed, which is an average of 292 per annum. If the effective five year supply of 3679 is compared with that rate of completions, there would appear to be a very healthy supply.

15. While I can understand the council's position that it does not consider that a shortage of housing land has constrained the rate of housebuilding in the recent past, it would be inconsistent with PAN 1/2020 to calculate the requirement for the next five years not on the development plan's housing land requirement, but on the level of past delivery. SPP expects any assessment of a housing supply shortfall to be made using the PAN 1/2020 methodology and, according to that methodology, the comparison should be between the five year target of 4310 and the identified effective supply of 3679. If this is credible then it appears there is a significant shortfall in the effective supply which potentially opens up a route to approval under SESplan Policy 7 and LDP Policy PMD4 and is, in any event, a material consideration in favour of allowing this appeal.

16. The appellant believes the 2019 HLA overstates the true extent of the effective five year supply. It has raised three main challenges to its findings. The first relies upon an argument that the housing land supply should be focussed on sites within SDAs, which would best support SESplan's spatial strategy and are likely to be attractive to developers. The second raises queries over the effectiveness of specific sites. The final challenge is to the council's assumptions about delivery from small sites.

17. I do not agree with the first of these grounds of challenge. The fact that a site is not located within an SDA might make it less favourable in policy terms, but if it already has an allocation or permission, then not being located within an area that SESplan identifies as the primary focus for development, should not, in itself, affect an assessment of its effectiveness. I also agree with the council that in order to support rural services and communities, some housing development away from the SDAs may continue to be required as a matter of policy. I note that LDP Policy HD2 specifically allows for housing in the countryside in certain circumstances. Therefore, I agree with the council that the existence of these sites (and the contribution they could make to the effective supply) cannot be ignored on the basis that they are not located within an SDA.

18. I agree with the appellant that, being located in a less accessible (non-SDA) location could affect a site's attractiveness to a potential developer. However, rather than make an assumption that non-SDA sites will, inevitably, be less attractive to prospective developers, I believe the issue requires to be looked at on a site by site basis.

19. Such a site by site analysis of the 2019 HLA-identified effective supply forms the basis of the appellant's second ground of challenge. As already stated, it is impossible to conclude that effectiveness predictions are either correct or incorrect or to quantify the scale of the supply with absolute precision. Instead, I have considered whether it is the council's or the appellant's assessment of the sites in dispute that seems the more credible in order to make a broad estimate of the scale of any shortfall so that the weight it should be given in the planning balance can be gauged.

20. Both sides have clearly looked at this issue very closely. However, the council has the advantage of having access to confidential pre-application discussions with site owners and prospective developers and has provided examples of sites that the appellant thought to be ineffective that have subsequently made progress towards development. Therefore, having regard to all of the submitted commentary on the sites in question, I am more persuaded by the council's site by site assessments of effectiveness.

21. Turning to the appellant's final criticism of the 2019 HLA, I am not persuaded that the council's allowance for future delivery from small sites is unreasonable, as it is informed by evidence of the important role such sites play in the delivery of housing within the Scottish Borders area. The appellant points out that 60% of small sites that were developed over the past five years were outwith settlements, which is inconsistent with the focus on SDAs. However, given the council's support for a certain level of development in rural locations (as confirmed in LDP Policy HD2), I find no justification for reducing the allowance for small sites in this way.

22. Taking all submissions into account, when assessed using the methodology recommended by PAN 1/2020, I find no justification to depart from the findings of the 2019 HLA, which suggests there is a shortfall in the five year all-tenure supply of effective housing land of around 600 units.

23. SESplan 2 has been referred to by both main parties. Had it not been rejected by Scottish Ministers, this would have provided replacement housing requirements to those set out in SESplan. In July 2019, following Scottish Ministers' rejection of that proposed plan, the six authorities within the region agreed a Joint Housing Land Position Statement. This confirmed that, when considering planning applications, along with other relevant material, the authorities would take most SESplan 2 policies into account along with the Housing Need and Demand Assessment (HNDA) 2015 and other studies that fed into SESplan 2.

24. SESplan 2 (as proposed) would have required the Scottish Borders Council area to accommodate an annual average total of 383 homes over the period 2018 to 2030. Applying the PAN 1/2020 methodology, this would have been a five year requirement of  $5 \times 383 = 1915$  homes. This is far lower than the 4310 requirement I calculated from the current SESplan and well below the effective supply identified in the 2019 HLA. This significantly lower target reflects a general reduction in predicted levels of need and demand than had been identified previously, and a greater focus on providing housing within Edinburgh rather than meeting some of the city's demand elsewhere. And in the examination of SESplan 2, it was recommended that the annual housing land requirement for Scottish Borders be further reduced to 320 units per annum (1600 over five years).

25. The SESplan 2 housing land requirement does not replace that set out in SESplan, as SESplan 2 has no development plan status. Therefore, it does not alter my conclusion that there is a significant five year effective land shortfall. I have considered in the conclusions section of this notice whether any weight should be given to the evidence base that informed SESplan 2's proposed approach, which suggests a significant decline in need and demand in the Scottish Borders.

#### Would the proposal be sustainable development?

26. I have assessed the proposal against the thirteen principles that paragraph 29 of SPP expects to be taken into account when assessing whether a proposal would support sustainable development. Not all are relevant to all forms of development so I am principally concerned with identifying any areas where the proposal is in direct conflict with a sustainability principle rather than those where it is unable to achieve a particular objective that is not strictly applicable.

27. The first requires due weight to be given to net economic benefit. I find it reasonable to predict that this (and indeed any) housing development proposal would generate an economic benefit for the land owner and developer, along with wider economic benefits to those employed in the construction process and to businesses within the service and supply sectors that would contribute to the development. The spending power of future residents of the proposed houses is also likely to benefit the economy of the town. There is no evidence to suggest that there would be any negative economic consequences so I am satisfied that the first sustainable development principle is met.

28. The second principle expects development to respond to economic issues, challenges and opportunities, as outlined in local economic strategies. I have not been advised of any such strategy to which this proposal would respond.

29. The third is concerned with supporting good design and the six qualities of successful places which are: distinctive; safe and pleasant; easy to move around and beyond; welcoming; adaptable; and resource efficient. I am confident that, subject to matters of detail being controlled by conditions, this principle could be satisfied.

30. The fourth principle expects efficient use to be made of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities. The proposed development of a greenfield site outside the settlement boundary is inconsistent with this principle, particularly when there are sites identified within Peebles in the 2019 HLA that would better support it.

31. As it is located within a reasonable walking distance of Peebles' extensive range of services, I am satisfied that the site would support the delivery of accessible housing, in accordance with the fifth principle of sustainable development.

32. In accordance with the sixth principle, the developer could be required to make an appropriate contribution towards the delivery of any necessary infrastructure, for example transport, education, energy, digital and water.

33. The seventh principle expects proposals to support climate change mitigation and adaptation including taking account of flood risk. There is no reason to suspect a flood risk issue with this proposal or any other adverse consequence of climate change. In comparison with a less accessibly located site, development here could help to reduce the need for motorised travel and therefore greenhouse gas emissions. Therefore I am satisfied that this principle is met.

34. The eighth principle involves improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation. Other than retaining the upper areas of the site as open land (to which the public already has rights of access under the Land Reform (Scotland) Act 2003) the proposal would not incorporate any specific measures to encourage health and well-being. The development (as with any residential development proposal) would provide an opportunity for its residents to interact socially.

35. The ninth principle has regard to the principles for sustainable land use set out in the Land Use Strategy. These principles encourage a wide-ranging consideration of the impacts of land use decisions. Of those that are relevant to the appeal proposal, I am



satisfied that the land is not so suited to a primary use such as food production or water catchment management that it should be reserved for such purposes; there is no evidence that the proposal would harm the functioning of any ecosystem. However, the inevitable suburbanisation of the site and its prominence mean it would have significantly harmful visual effects and would cause significant harm to the landscape and townscape. I discuss these later in this notice. The site's reasonably accessible location could allow future residents to choose travel options other than the car, thereby potentially reducing greenhouse gas emissions. I am also satisfied that the proposal would not cause a significant loss of outdoor recreation opportunity. Overall, I find the proposal is only partially compatible with the principles of sustainable land use in the Land Use Strategy and that where it is in conflict with that strategy, the adverse consequences would be significant.

36. The tenth principle is concerned with protecting, enhancing and promoting access to cultural heritage, including the historic environment. As I discuss later in this notice, the curtilages of two listed buildings would be adversely affected to some extent by the proposal, contrary to this principle of sustainable development.

37. The eleventh principle is about protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment. For reasons already stated, I predict that the effects of the proposal in this regard would be essentially neutral.

38. The twelfth principle is about reducing waste, facilitating its management and promoting resource recovery. This has no significant relevance to the proposal.

39. The final sustainable development principle is concerned with avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

40. The development density would be compatible with that of its surroundings and there is no evidence of any water, air or soil quality concerns.

41. Some residents of properties on Edinburgh Road are concerned about loss of views, overlooking and overshadowing from the proposed homes. No party has right to a view over land they do not control and the appellant's response to residents' concerns demonstrates that the council's standards for such matters (as set out in its guidance note) would all be exceeded. I am satisfied that, even accounting for the ground level difference between existing homes and those now proposed, the separation distances of between 36 and 46 metres, together with the proposed tree belt, would avoid any unacceptable impression of being overlooked. I have no reason to doubt the accuracy of the appellant's sun path analysis which found that during both winter and summer months, there would be little additional obstruction to sunlight from the proposed houses than is already caused by the rising land to the east of the existing homes.

42. Taking all factors into account, I am satisfied that the effect on these properties would not be overbearing or likely to lead to any material loss of privacy or amenity and my conclusion overall is that this principle of sustainable development would be met.

43. Overall, I find that the proposal would satisfy most, but not all, of the principles that SPP paragraph 29 expects to be taken into account in assessing whether a proposal would

support sustainable development. However, the adverse consequences of the areas where the principles of sustainable development would not be satisfied –the use of a greenfield site outside the settlement boundary when alternatives appear to be available, the resultant significant adverse landscape, townscape and visual harm, and harm it would cause to the setting of two listed buildings, mean it would not be appropriate to characterise the development as sustainable development overall.

#### Landscape, townscape and visual amenity effects

44. The site forms the lower edge of a steeply rising field which occupies a prominent location on the eastern (west facing) side of the Eddlestone Water valley. The Development and Landscape Capacity Study for Peebles 2007 (the LCS) identifies the site as lying within the “west facing slopes” character area of the “Peebles North East” study area. This study primarily considered landscape and visual issues but also had regard to the sustainability of developing in different locations around the town.

45. Key characteristics of the “west facing slopes” landscape character area, and issues of particular concern, identified by the LCS as relevant to any proposed settlement expansion, include: the scenic quality of the landscape, which is a result of the diversity of spaces and woodland types; the need for engineering works due to the steepness of the land; the need to avoid extensive expansion of the town up the hillside; the loss of sinuous woodland and parkland, which contributes to the wider setting of the town and provides containment and shelter; the potential for a robust settlement edge to be lost; and the visibility of these slopes from a number of locations. Taking these issues into account, the LCS identified no options for settlement expansion within the “Peebles North East” study area.

46. The site lies within the Tweed Valley Special Landscape Area (the SLA) where LDP Policy EP5 confirms that particular regard will be had to a proposal’s landscape and visual impact. The Local Landscape Designations supplementary planning guidance 2012 identifies development pressure at settlement edges and recommends that this be carefully managed.

47. Where a proposal for development outside a settlement boundary is considered to be acceptable on an exceptional basis (which is a question I address in my conclusions to this notice) LDP Policy PMD4 requires it to be a logical extension of the settlement, which would not prejudice its character, visual cohesion or natural built-up edge and would not cause a significant adverse effect upon the settlement’s landscape setting or the natural heritage of the surrounding area.

48. In order to reduce the prominence of the proposed two storey homes, the development would be cut into the slope, rear gardens would be terraced and a tree screen would be planted between the proposed development and existing properties on the A703, which lie to the immediate west at a lower ground level than the site.

49. I viewed the appeal site from a number of locations in and around the town including most of the locations in the appellant’s landscape and visual impact assessment. From some locations, this included photomontage visualisations where the proposed development was helpfully depicted in white to enable accurate positioning of the proposal when in the field. I have borne in mind that this approach would significantly increase the

prominence of the proposal when compared with what could be expected if the development were to use materials of a more appropriately subdued palette. I have referred below only to viewpoint locations where I consider the landscape / townscape and / or visual effects would be particularly relevant to my assessment. However, I have had regard to all likely effects.

50. Looking first at effects on landscape and townscape and the interface between the two, I do not agree that keeping the development below the 190 metre contour would allow it to follow the established form of the town. The town occupies the floor of the valleys of the River Tweed and Eddlestone Water and extends only a limited distance up the valley sides. While it may be true that development elsewhere extends as high as 190 metres above ordnance datum, in the vicinity of the site, the edge of the town closely follows the A703, which runs close to the valley floor. Any development above that level is confined to scattered houses and the former Venlaw Castle Hotel. These are clearly separate from the town.

51. The field into which this proposal would extend the town is a very prominent and important feature of the Venlaw hillside backdrop to the town. The introduction of built development into the lower reaches of this field would reduce its scale and visual significance and the separation between the town and the scattered buildings that occupy the higher slopes of the hill.

52. I agree with the council's landscape architect that this field, along with the adjacent woodland, is also an important component of the designed landscape of Venlaw Castle. A linear development of modern houses would site very uncomfortably within this parkland landscape.

53. Turning to visual effects, when the site is approached from the north along the A703, I agree with the appellant that it would be successfully screened by existing development and the natural landform until the viewer was very close to the site. I also agree that from some locations on the A703 very close to the site, the existing houses and the proposed tree screen would avoid any significant visual effects. However, as I describe below, from many other locations within and close to the town, visual effects would be greater and in some cases, significantly harmful.

54. From the appellant's viewpoint VP02 at the car dealership on the A703, the proposed line of houses would be seen at close range above the existing housing along that road. In time, this view would be softened by the proposed tree planting between the development and the existing houses. Both the proposed trees and houses would obstruct views of Venlaw Castle which is currently seen from this stretch of the A703 as a noticeable landscape feature on the slopes of Venlaw.

55. From VP03 at North Lodge, the loss of mature trees to provide a site access and the visibility of that access and the proposed houses within the field would be prominent and urbanising changes to the view experienced by occupants of the lodge and vehicle occupants and pedestrians travelling south towards the town centre. The proposed development – especially the loss of trees and new access, would also be seen by those using the Venlaw Castle access drive, who would include residents and recreational users of Venlaw who would have high sensitivity to visual change.

56. Highly significant visual effects would be experienced from VP06 on Dalatho Street and from the western side of the A703 between Dalatho Street and Dalatho Crescent to the north. This would affect residents and road / footway users. From these locations, development would be seen rising above the existing housing on the A703 giving the impression of an urbanising and prominent incursion into the largely undeveloped hillside behind. A more distant but wider-angle view would also be experienced from the footbridge over the Eddlestone Water between Dalatho Street and Kingsland Road (VP10), which I noted from my site inspection is well used by recreational walkers.

57. I do not agree with the appellant that, at VP07 (Crossburn Farm Road), the fact that existing development already breaks the skyline, materially reduces the visual effect of what is now proposed. Regardless of the prominence of existing houses that are very close to this viewpoint, the proposed development would be seen as a clear incursion into the prominent sloping hillside backdrop to the view, creating a more enclosed and urban view and reducing the visual connection between this existing neighbourhood and the surrounding countryside.

58. From viewpoints VP11 and VP12 and for the entire length of that minor road which links the A703 and Standalane Way / Rosetta Road, the proposed development would be seen as an urban encroachment into the prominent field. This effect would be even more pronounced from Standalane Way, Rosetta Road and Elliot's Park, as exemplified in viewpoints VP13 to VP16 and from the recent housing development at Standalane View. From all of these locations, the sloping field, into the lower reaches of which this development would extend the town, is a critical component of the view – providing a strong visual contrast with the mixed woodland above and a definite edge to the settlement below. It is a critical part of the parkland setting to Venlaw Castle, which is seen across the valley on higher ground. To maintain the visual amenity of receptors in these locations, who include residents and recreational walkers on the Drover's Way long distance path, I consider it essential that this field remains free from urban encroachment.

59. Of great relevance to the experience of this proposal for users of the Drover's Way is VP17. From this more elevated viewpoint, the importance of the open field, of which the application site is a part, is perhaps even clearer, as it can be appreciated that it is one of a number of such open areas on Venlaw which are separated by woodland. Venlaw Castle can also be appreciated in its parkland context with the town of Peebles being confined to the valley floor. The proposed extension of built development into this field would be an immediately apparent incursion of the town into its hillside backdrop, forming a harmful addition to the view of sensitive receptors using this recognised long distance walking route.

60. Recreational users further away from the site would also experience significant harmful visual effects from the proposal. These are exemplified in the photomontages prepared for VP24 (Manor Sware viewpoint), VP25 (on the John Buchan Way to the south of the town) and VP26 (in Cademuir Hill forest). Even accounting for the significantly reduced prominence that appropriate materials and landscaping could deliver when compared with the stark white outlines used to identify the proposed dwellings in the photomontages, from all three of these important recreational receptor locations, the proposal would appear as an eye-catching and inappropriate expansion of the town onto the surrounding hillside.

61. The appellant believes that allocations detailed in the proposed LDP would alter the form of the settlement to such an extent that it would materially affect the context within which views of the appeal site would be experienced. In the settlement plan for Peebles in the proposed LDP there are three proposed site allocations that would significantly alter the shape of the settlement: a seven hectare housing site on land south of Chapelhill Farm; a 6.4 hectare mixed use development on Rosetta Road which was allocated for development in the LDP Housing SG, and a 5.7 hectare housing site on Rosetta Road, which already has planning permission. However, the location of these three proposed allocations (on the Eddlestone Water valley floor and the lower western slopes of that valley) is such that I am satisfied that they would not materially affect the landscape and visual impact of the appeal proposal. And in the case of the Chapelhill Farm site, as this is merely a proposed allocation that has yet to be examined, it is too soon to make any assumptions about the future status of this land.

#### Effect on the setting of nearby listed buildings

62. The site would be accessed from the driveway to the former Venlaw Castle Hotel – a category B listed Scots Baronial building, which occupies a very prominent position on the hillside above the town. The former gatehouse, known as North Lodge, is category C listed and is situated close to the proposed point of access.

63. The proposed development would be visible from, and in conjunction with, both listed buildings and would occupy land that has the appearance of parkland. Although it is not included within the Inventory of Gardens and Designed Landscapes, the appellant's LVIA recognises that historic plans show the site as forming part of the Castle Venlaw historic landscape and identify a similar open character since 1843.

64. LDP Policy EP7 requires, among other things, that the setting of listed buildings be conserved, protected and enhanced. Policy EP10 requires careful siting and design of all proposals within designed landscapes and presumes against proposals that would have an unacceptable adverse impact.

65. The proposed access road and associated tree felling would be likely to have an urbanising effect on the setting of North Lodge. Contrary to Policy EP7 this would fail to conserve or protect the setting of this building.

66. I also have concerns over the effect the proposal would have on the setting of the former hotel. That building occupies a commanding position within trees, looking out across open grazing land that has a parkland appearance. The introduction of a prominent housing development within that setting would give the impression of the town encroaching upon the listed building and would detract from the listed building's relative isolation, which is a visual reminder of its former importance. However well designed and finished the proposed houses were, this would detract from the setting of the listed building contrary to Policies EP7 and EP10.

#### Effect on the water environment

67. It is a requirement of LDP Policy EP15 that development does not result in a significant adverse effect on the water environment. All proposals are to be assessed in terms of their effect on surface and groundwater, their implications for flood risk, any river

engineering works that might be required and the provision of appropriate sustainable drainage (SuDS) infrastructure, . In this instance this issue carries particular importance, as there is a potential pathway for water-borne pollutants to travel from the site and reach the River Tweed SAC. LDP Policy ED1 requires, among other things, that it be demonstrated that the proposal would not adversely affect the integrity of such sites.

68. The developer proposes to connect foul drainage from the development to the public sewer and to handle surface water with a SuDS system. During the construction process, siltation and/or pollution of the water environment could be avoided by appropriate working methods, which could be secured by a construction environment management plan (CEMP).

69. Having considered all of the submitted evidence, I am satisfied that I have sufficient information on all reasonably foreseeable risks to carry out an Appropriate Assessment. My finding is that, with appropriate mitigation in place (which could be secured by planning conditions) there would not be an adverse effect on the integrity of the SAC. The proposal would therefore satisfy Policy ED1.

70. For similar reasons, I am satisfied that, in accordance with Policy EP15, no other element of the water environment would be materially harmed.

#### Other matters

71. In addition to the matters discussed above, local residents have raised concerns over the safety of the proposed site access due to development traffic potentially conflicting with farm and forestry vehicles using the Venlaw Castle access and also the large number of access points onto the A703.

72. I note that the council's Roads Planning Service considers the proposal to be contrary to LDP Policy PMD2 due to safety concerns with the site access . In response, the appellant commissioned a road safety audit of the proposals. This found that sight lines at the A703 are good, that no new junction onto that road would be required, pedestrian approaches to the junction appeared safe and vehicle speeds appeared generally to be within the 30 mph speed limit. Subject to widening the existing access and providing two metre wide footways with dropped kerb crossing points on both sides of the junction, the proposals are predicted to have no adverse road safety implications. The Roads Planning Service maintains its objections to the proposal but has not explained why the recommendations of the engineering consultant (which the appellant is willing to implement) would be inadequate to maintain acceptable levels of road safety. Based on what I saw on site and the balance of professional engineering input I have received, I conclude that it would not be appropriate to withhold planning permission on road safety grounds, as appropriate standards could be achieved via planning conditions, if I were to allow this appeal.

73. LDP Policy HD1 sets out the council's normal expectation that 25% of a housing development will be affordable and / or special needs housing either by on-site provision, the delivery of such housing elsewhere, or through a commuted payment. The non-statutory Affordable Housing supplementary planning guidance (2015) which appears to be extant despite pre-dating the current LDP, expects on-site provision for all developments of 17 or more units. The appellant is willing to provide five units on site with the

remaining 0.5 of a unit (to achieve a 25% contribution) provided as a commuted sum. The council points out that the need to incorporate an element of on-site affordable accommodation appears not to have been considered prior to this proposal coming to appeal and has evidently not been factored into the design of the proposed 22 identical large family homes. I agree that it has not been demonstrated how the proposal would satisfy local housing need although it would appear that the developer's offer would be sufficient to meet the requirements of Policy HD1, as this refers to the scale, but not the type and tenure, of any developer contribution being influenced by an assessment of the housing need. If I were to allow this appeal I am satisfied that an appropriate solution to the affordable housing contribution could be secured.

### Conclusions

74. The appeal site lies outside Peebles' development boundary. LDP Policy PMD4 confirms that development should be contained within such boundaries and that proposals for new development on unallocated sites outwith such boundaries will normally be refused.

75. SESplan Policy 7 potentially permits greenfield housing development outside a settlement boundary where necessary to maintain a five year effective housing land supply. Three criteria must be satisfied. The first is that the development would be in keeping with the character of the settlement and the surrounding area. I have set out above why I conclude that, contrary to this requirement, the proposal would be entirely out of keeping with the settlement and its surroundings. The second relates to green belt objectives, which is not relevant in this location. The third requires all necessary infrastructure requirements to be available or capable of being made available, which should not be a concern for this proposal. Overall, as all three criteria must be satisfied, which they are not, I find the proposal unable to draw support from this policy.

76. LDP Policy PMD4 potentially permits development outside development boundaries. This policy operates in two stages. First, a proposal must provide strong reasons to justify that it fits within one of four potentially acceptable categories of development. Of relevance to this proposal is the third, which is where a shortfall in the effective five year housing land supply has been identified. I have set out above that there appears to be a significant shortfall in the effective five year supply.

77. The second stage of Policy PMD4 then sets out four further requirements, all of which must be satisfied for the proposal to be supported by the policy. The first is that the proposal would represent a logical extension of the built up area. I find that, contrary to this requirement, the landscape, townscape and visual harm I have identified above mean the proposal would be an illogical extension to the town, which would fail to follow its established form and would increase its landscape prominence.

78. The second requires the proposal to be appropriate in scale to the size of the settlement. I have no concerns in this regard.

79. The third requires that the character, visual cohesion or natural built up edge of the settlement are not prejudiced. I find that proposed extension of the town up the valley side into an important and prominent open space would harm the character of the settlement, reducing its visual cohesion and creating an incongruous edge to the town at this point. It would, therefore, be in conflict with this requirement.

80. Due to the adverse landscape effects I have set out above, I also find the proposal to be in conflict with the fourth requirement, which is to avoid a significant adverse effect on the landscape setting of the settlement or the natural heritage of the surrounding area.

81. The policy then sets out three factors to be taken into account when deciding whether planning permission for development outside the settlement boundary should be granted. The first requires account to be taken of any restrictions on, or encouragement of, development in the longer term that may be set out in the settlement profile. The settlement profile for Peebles was modified by revisions to the proposals map in the LDP Housing SG. This allocates land for housing and other uses in the town and indicates that once that has been developed, the preferred area for future expansion will be to the south east of Peebles. There is no support for any development in the vicinity of the appeal site and I conclude that the proposal can take no encouragement from the settlement profile.

82. The second and third factors deal with cumulative effects with other development outside the settlement boundary and with infrastructure and service capacity issues. Neither of these appears to be a factor that would count against this proposal.

83. Overall, I find the proposal to be in conflict with LDP Policy PMD4.

84. Having regard to all of the submitted material, there is no evidence to support the appellant's claim that the appeal site's location fits with the LDP's strategy for development. On the contrary, the appeal site occupies a location (outside the development boundary) where the LDP is clear that development should only be permitted if justified by exception. The appellant states that the LDP specifically identifies Strategic Growth Areas (SGAs) and that Peebles is in such an area. However, there is no such designation in the LDP or indeed in SESplan. SESplan 2 proposed to indicate broad locations (including Peebles) where strategic growth would be encouraged, but was rejected by Ministers and is not part of the development plan.

85. Having regard to all relevant policies of both SESplan and the LDP, I find the proposal overall is not in accordance with the development plan. And, as the proposal would not constitute sustainable development, it can draw no support from SPP paragraph 33 or paragraph 125.

86. The shortfall in the five year supply of effective housing land remains a material consideration in favour of this proposal despite the lack of development plan or SPP policy support. The scale of that shortfall appears to be significant enough to be an important factor in its favour. Also in its favour are the site's reasonably accessible location, adjacent to a settlement that is located within a Strategic Development Area, and the positive economic benefits it would bring.

87. The housing need and demand assessment that fed into SESplan 2 (the 2015 HNDA) suggests that there may now be a significantly lower level of need and demand in the Scottish Borders than was forecast for the region in the Third National Planning Framework (NPF3) and was identified in the HNDA that informed SESplan,. This evidence may feed into future policy decisions about the extent and location of housing that is required across the region. However, at this stage it is impossible to know how it might affect such matters. As I am satisfied that the housing requirement that is set out in



SESplan remains relevant until it is formally replaced, I find no justification to give weight at this time to the 2015 HNDA.

88. Taking all matters into account, I find that the proposal would deliver a net economic benefit and would contribute to addressing what appears to be a significant shortfall in the five year supply of effective housing land. However, such benefits are significantly and demonstrably outweighed by the clear conflict with the development plan and the considerable harm the proposal would cause to the character of Peebles and its surrounding countryside, and to the visual amenity of those who live, work and visit the area.

89. If the current Court of Session challenge to the December 2020 SPP revisions is successful, the national policy position would revert back to its 2014 form. Therefore it is necessary to consider whether it would be reasonable for a decision to be made on this appeal pending the outcome of that challenge.

90. In its 2014 form, SPP paragraph 33 confirmed, among other things, that, where there is a shortfall in the effective housing land supply, and a proposal would contribute to sustainable development, for planning permission to be refused it would need to be demonstrated that its disbenefits would not only outweigh, but would significantly and demonstrably outweigh, its benefits. This became known as the “tilted balance”. The Court of Session has confirmed that development that would remedy, to some extent, a housing shortfall will almost inevitably contribute to sustainable development. It has also confirmed that the angle of tilt in favour of such a proposal may be affected by the extent of the housing supply shortfall.

91. In considering this appeal I have followed the PAN 1/2020 advice to use what is often referred to as the “average” method for calculating the housing requirement. This takes no account of any backlog in supply that may have arisen over the plan period. However, prior to the 2020 revisions to SPP, no methodology was specified. Therefore, it is necessary to consider what would be the effect of using an alternative approach (often referred to as the “residual” method) which takes account of past under-supply, to estimate the overall requirement.

92. The council has confirmed an annual average build rate of 292 between 2015 and 2019. I do not have data for the entire SESplan period, but if one assumes that this is representative of the level of housing delivery over the entire period and compares this with the average annual requirement of 862, then a significant supply backlog will have developed, significantly increasing the forward-looking supply shortfall of approximately 600. This would increase the weight that should be given to the shortfall in the planning balance.

93. If the proposal were found to “contribute to” sustainable development, despite not “being” sustainable development (which I accept is a lower bar) then, in accordance with SPP 2014 and Court of Session rulings, the planning balance would be tilted very significantly in favour of approval. SPP 2014 would also apply the “tilted balance” on account of SESplan being more than five years old. However, even then, the significance of the adverse consequences I have outlined above is so great that my conclusion on the planning balance would remain in favour of refusal, as the disbenefits of the proposal would significantly and demonstrably outweigh its benefits, even accounting for a strongly tilted

balance. Consequently, I see no merit in awaiting the outcome of the Court of Session challenge before determining this appeal.

94. I conclude, for the reasons set out above, that the proposed development does not accord overall with the relevant provisions of the development plan and that there are no material considerations which would still justify granting planning permission.

*David Buylla*  
Principal Reporter

**SCOTTISH BORDERS COUNCIL**

**PLANNING AND BUILDING STANDARDS COMMITTEE**

**1 MARCH 2021**

**APPLICATION FOR PLANNING PERMISSION**

<b>ITEM:</b>	<b>REFERENCE NUMBER:</b> 20/00753/FUL
<b>OFFICER:</b>	Mr C Miller
<b>WARD:</b>	Tweeddale West
<b>PROPOSAL:</b>	Erection of 22 dwellinghouses with new access road and associated work
<b>SITE:</b>	Land East of Knapdale, 54 Edinburgh Road, Peebles
<b>APPLICANT:</b>	S Carmichael Properties Ltd
<b>AGENT:</b>	THE Architecture and Planning

**PLANNING PROCESSING AGREEMENT**

A Planning Processing Agreement existed for extension to decision up until 1 February 2021.

**SITE DESCRIPTION**

The site is located at the north-eastern edge of Peebles, lying to the east and above the housing lining Edinburgh Road. It consists of 5.8 hectares of rough open grassland, formerly used as grazing, rising steeply from the back of the Edinburgh Road houses to the boundaries of the Venlaw Castle (former hotel now flats) access road and the boundaries of houses within the Venlaw Castle building group as well as sporadic houses and a farm to the north and north-east of the site. The rising ground continues up to form Venlaw Hill. The drop from east to west through the centre of the site is approximately 36m at its greatest.

The site boundary is demarcated largely by post and wire fencing with woodland belts out with all but the Edinburgh Road garden boundaries. There are also some mature trees towards the centre of the site which increase towards the south and south-east boundary. A burn runs within and along the northern boundary of the site adjoining the Venlaw Castle access road.

The site does not lie within the Peebles Conservation Area but is within both the Tweed Valley Special Landscape Area and the Venlaw Castle Designed Landscape. There are unscheduled archaeological features to the southern and western parts of the site in the form of cultivation terraces. Two statutorily listed buildings adjoin the site to the south-east (Venlaw Castle –B) and to the north-west (Venlaw N Lodge – C). The site lies wholly out with the settlement boundary of Peebles as defined in the Local Development Plan.

**PROPOSED DEVELOPMENT**

The application is submitted for full planning permission to erect 22 detached dwellinghouses on the westernmost part of the site adjoining the rear of the existing Edinburgh Road houses. The houses themselves will be of contemporary design

aligned along the eastern side of a proposed access road leading in from a revised junction with the Edinburgh Road at the location of the existing Venlaw Castle junction. The 22 houses are identical in design, three storey and aligned at 90 degrees to the access road. They will be zinc clad on dual-pitched roofs and the majority of the walls with reconstituted stone ground floor cladding and a mixture of timber and stone elsewhere in the design as feature panels, especially on the principal gable elevations facing the access road. Windows and door materials are not specified but are dark coloured to match the cladding.

The existing access point onto the Edinburgh Road from Venlaw Castle will be reconfigured to be a secondary access off the new primary one which leads from Edinburgh Road at an angle across the Cross Burn and into the site, resulting in a number of trees needing to be felled. Visibility splays and footpath crossing points will be provided at the junction with a separate pedestrian access ramp and steps adjoining in the position of the existing field access, bordered by a low stone wall. The access road then runs south serving the new development, to the rear of the existing Edinburgh Road housing. Three visitor parking pays and a turning head at the southern end are provided.

The development is accompanied by a significant amount of landscaping and earthworks. Given the slope on the site from west to east, sections show that the houses are two storey to the rear gardens but three storey to the front. The rear gardens are then terraced in steps with a retaining wall towards the rear of the houses, the gardens being staggered in lawn and shrub sections, terminating to the rear in an area of proposed wild meadow, separated from the remainder of the field by a post and wire fence and swale. Each garden will have three ornamental trees and divided by hedging.

The remainder of the landscaping consists of a woodland belt proposed between the new access road and the rear of the Edinburgh Road houses, four specimen trees towards the southern end of the site and areas of other semi-mature tree planting along the access road and at the separate pedestrian access into the site.

The application is classed as a 'Major' development under the Hierarchy of Developments (Scotland) Regulations 2009. The applicants publicised and held a public event in October 2019 as well as consultation with Peebles and District Community Council, Peebles Civic Society and the Ward Councillors.

The outcome of the public consultation exercise has been reported in a Pre-Application Consultation Report submitted with the application. The requirements of the Development Management Procedure (Scotland) Regulations 2013 have now been satisfied.

In addition to the PAC Report, submitted plans and drawings, there are also statements and reports in support of the application. Their findings are taken into account in the relevant sections of the report below. The supporting submissions were as follows:

- Planning Statement
- Design and Access Statement
- Flood Risk Assessment
- Landscape Visual Appraisal
- Road Safety Review
- Transport Statement
- Tree Report

- Ecological Assessment

## **PLANNING HISTORY**

A previous application for residential development on the site was submitted in 2008 (08/00436/OUT) and ultimately withdrawn after the site was not included in the Scottish Borders Local Plan approved amendments. It was then subsequently considered and discounted during the Local Development Plan process, including rejection by the LDP Examination Reporter. It was then promoted by the land owner again as part of the Supplementary Guidance (SG) on Housing but discounted at the first stage by the Department, thus not being included in the SG as a preferred or alternative site.

A further application for planning permission in principle for residential development was submitted for the field, including the site, in 2017 (17/00015/PPP). This was refused by the Council in October 2017 for the following reasons:

1. The application is contrary to Policy PMD4 of the Scottish Borders Local Development Plan 2016 in that the site lies out with the defined settlement boundary of Peebles and insufficient reasons have been given as to why an exceptional approval would be justified in this case.
2. The application is contrary to Policies PMD2, PMD4, EP5 and EP10 of the Scottish Borders Local Development Plan 2016 in that the development would create significant adverse landscape and visual impacts, within a Designed Landscape and Special Landscape Area on a prominent and sensitive edge of the town settlement boundary
3. The application is contrary to Policies PMD2 and IS6 of the Scottish Borders Local Development Plan 2016 in that it has not been demonstrated that the development could be accessed without significant detriment to road safety on the A703 and at the junction with the proposed access road.

The refusal was then appealed unsuccessfully to the Scottish Government, the Reporter turning down the appeal in May 2018. He felt that it had not been established that the housing land shortfall in the Scottish Borders was unable to be met by the Housing SG and he did not agree with the applicant's contention that the sites chosen to meet that shortfall were constrained or ineffective. He dismissed the appeal on the grounds that there had been no exception justified to Policy PMD4. He saw no need to consider the other reasons for refusal relating to landscape and road safety impacts, given the failure of the proposal to meet the fundamental test under PMD4.

Since that decision, further approaches have been made to include the site within the replacement Local Development Plan but these have been rejected and the site is not included within the Plan. The Plan has recently been on deposit for a period of representation and the applicant has objected to the non-inclusion of the site.

## **CONSULTATION RESPONSES:**

### **Scottish Borders Council Consultees**

**Roads Planning Service** – Objects on grounds of road safety in that there is a proliferation of junctions and accesses at this location on Edinburgh Road, leading to driver confusion and interference of turning traffic to each side of the road. Without a full rationalisation of junctions and owner agreement, traffic associated with the development will exacerbate the situation. Further concerns with the layout are that it

is not consistent with Designing Streets with a linear unconnected layout and lack of traffic calming. Also concerned that the Road Safety review was based on inadequate survey in length or timing and refers to traffic count information from 2014. Recognises the number of proposed units is reduced from the previous application but still cannot support application.

**Forward Planning:** Objects to the application on the grounds it is contrary to Policy PMD4 being out with the defined settlement boundary of Peebles and not meeting any of the exception criteria. States that there is no housing shortfall as the Housing Land Audit shows a 13 year effective housing land supply and an 8 year supply in the Northern Housing Market Area. Although SESPlan 2 was rejected, a Housing Land Position Statement has been accepted by a Reporter. Also comments that this site was rejected during the LDP process and in the form of a planning application, subsequently discounted by the Reporter in both instances, for reasons of landscape and visual impact outweighing any benefits of housing land supply.

In considering the applicant's housing land supply findings in the Planning Statement, continue to oppose the application, stating:

- The Council's methodology for monitoring the 5 year housing land supply has been approved by a Government Reporter.
- The 2019 Housing Land Audit concludes there is an effective 5 year land supply.
- The effective land supply is for the whole of the Borders.
- The applicant challenges the programming for a number of sites in the HLA but a planning application is not the correct vehicle for this.
- Disagree with a number of the applicant's site removals in Peebles and wider afield.
- No evidence that no current developer interest means removal from the HLA.
- Comments on SPP
- Await guidance from the Scottish Government on using the new housing land supply calculation in PAN 1/2020.

**Landscape Architect:** Objects to the development on landscape and visual grounds, concluding that the site contributes to a highly visible parkland setting and development would be wholly contrary to the findings of the SBC "Development and Landscape Capacity Study" 2008 which judged there to be no development opportunities in this north-eastern part of Peebles. The strip of tree planting will not mitigate the landscape impact sufficiently and will accentuate the linear nature of development. The site should be retained as parkland as an integral part of the character and setting of Peebles.

In response to the LVA, considers this proves how dominant the development will be from within and out with Peebles, exacerbated by the chosen built form. Considers that the local designed landscape is underestimated in its importance of town setting and that high levels of visibility, combined with the designed landscape, determine that development is not justifiable in landscape terms. The housing design also creates a hard and high line of roofs and gable elevations that dominate in a sensitive location, above much smaller houses and rising above the ineffective tree planting.

**Ecology Officer:** Site has potential for bats and noted that 20 trees will be felled. Further information is necessary in the form of a revised updated Ecological Impact Assessment which should include a survey of trees for bats. This must be resolved before any decision on the application as conditions cannot be imposed to set out

survey requirements. May be run-off impacts on the Tweed SAC so a Construction Environment Management Plan is necessary. Biodiversity enhancement opportunities.

Subsequently accepts the submitted Ecological Assessment which finds low value habitats, mitigation to avoid impacts on the Tweed SAC and bat surveys on the trees to be felled, finding no evidence of bats or roosts. Recommends conditions covering species protection plans (for bats, badger, red squirrel, breeding birds and reptiles), a Construction Environmental Management Plan, Biodiversity Enhancement Plan and a bat-friendly lighting scheme.

**Archaeology Officer:** Acknowledges the site is narrower than that previously applied for, but site does extend (by six houses) into an area of cultivation terraces to the south. Conditions would be required to ensure excavation and recording of this area as well as across the remainder of the site to the north of the area of incursion. Interpretation of findings should also be a condition.

**Access Officer:** No claimed rights of way within the site although under the Land Reform (Scotland) Act 2003 allows a right of responsible access. Should consent be granted, connection to the wider path network in Venlaw would be sought.

**Education and Lifelong Learning:** Contributions sought for Peebles High School and Kingsland Primary School of £1,152 and £8,178 per house, totalling £205,260. Contributions can be phased and may vary in line with the BCIS index.

**Housing Strategy:** The number of houses triggers the requirement under the Council's Affordable Housing Policy to provide on-site affordable units. Eildon HA have been alerted to potentially collaborate with the developer on provision.

### **Statutory Consultees**

**Scottish Natural Heritage:** Response awaited.

**Scottish Water:** No objections. There is water capacity subject to a formal application and further investigation. Cannot confirm there is waste water capacity until a formal application is submitted. No surface water connections allowed into combined sewer system.

**SEPA:** No objections, the Flood Risk Assessment shows that the development is out with the flood plain of the Cross Burn. SUDs drainage will be needed for surface water and foul drainage should be to the public sewer. Any culvert crossing may need a CAR licence and provides further advice on construction site licensing, waste management, contaminated land and air quality.

**Peebles and District Community Council:** Object for the following reasons:

- Out with the LDP settlement boundary of Peebles without valid justification for exception
- Design and scale of development inappropriate for location and out of context
- Detrimental to landscape and visual amenity including loss of significant trees
- Detrimental to residential amenity
- Road safety and access problems on Edinburgh Road at, and in vicinity of, the junction. Traffic has increased over the years. The Road Safety Review submitted is not an Audit and is inadequate
- High biodiversity value of site

**Peebles Civic Society:** Object for the following reasons:

- Out with the LDP settlement boundary of Peebles without valid justification for exception
- Design and scale of development inappropriate for location and out of context
- Detrimental to landscape and visual amenity including loss of significant trees
- Detrimental to residential amenity
- Road safety and access problems on Edinburgh Road at, and in vicinity of, the junction. The Road Safety Review submitted is inadequate

## **REPRESENTATION SUMMARY**

Objections have been received to the application from 134 properties and households. These can be viewed in full on the Public Access website and the main grounds of objection include the following:

### Policy

- Contrary to the LDP and not within the Housing SG, the LDP making adequate housing land provision alongside plenty of windfall sites
- Contrary to the SBC Corporate Plan 2018
- Loss of agricultural land
- Reduction in public access and loss of parkland and green space

### Access

- Road safety impacts resulting from a substantial increase in traffic onto a busy, narrow road with speed limit breaches
- Access junction is unsafe with conflict with multiple accesses in close proximity, including the junction to North Lodge
- Detrimental impacts on pedestrian safety
- Obstructions to emergency vehicle access
- Junction will be difficult for larger agricultural and forestry vehicles
- Traffic Survey is flawed as it avoided rush hours, was an inappropriate time of year and underestimated traffic flows from other uses such as the caravan site and garage

### Landscape and visual impact

- Adverse visual impact from loss of floral beds
- Detrimental visual impacts from viewpoints around the town
- Adverse impact on natural beauty and the landscape, being within the SLA and Venlaw Castle Designed Landscape
- SNH have previously objected to development on landscape impact grounds

### Siting and design

- Overdevelopment with houses being too close together
- Designs are identical and out of character with their surroundings

### Residential amenity

- Loss of privacy and overlooking to windows and gardens



- Three storey height of houses will increase overlooking and dominance
- Increased noise pollution
- Increased light pollution
- New tree planting will cause issues for houses fronting Edinburgh Road

#### Natural and cultural heritage

- Loss of important trees, the Sycamores being potentially ancient trees considered for the Woodland Trust inventory
- Adverse impacts on wildlife
- Adverse impact on archaeology, especially the cultivation terraces and fort

#### Local services

- Housing will be taken by commuters and will not be affordable to local people
- Strain on local services such as schools, healthcare, social and residential care, leisure and waste water treatment
- Detrimental impacts on drainage with surface water and run-off flood risk, SUDS being unable to cope and impacting on existing drains

#### Other matters

- Adverse impact on tourism
- Approval could set precedent for further development in the field
- Application is a repeat and should not be considered again
- The negative public reaction during pre-application consultation not reflected in the PAC report

### **DEVELOPMENT PLAN POLICIES:**

#### **Scottish Borders Local Development Plan 2016**

Policy PMD1 Sustainability

Policy PMD2 Quality Standards

Policy PMD4 Development out with Development Boundaries

Policy HD2 Housing in the Countryside

Policy HD3 Protection of Residential Amenity

Policy EP3 Local Biodiversity

Policy EP4 National Scenic Areas

Policy EP5 Special Landscape Areas

Policy EP7 Listed Buildings

Policy EP8 Archaeology

Policy EP10 Gardens and Designed Landscapes

Policy EP13 Trees, Woodlands and Hedgerows

Policy EP15 Development Affecting the Water Environment

Policy IS2 Developer Contributions

Policy IS6 Road Adoption Standards

Policy IS7 Parking Provisions and Standards

Policy IS8 Flooding

Policy IS9 Waste Water Treatment Standards and Sustainable Urban Drainage

### **OTHER PLANNING CONSIDERATIONS**

SESpplan Strategic Development Plan 2013

SSG: Housing Land  
SBC SG: Housing 2017  
Scottish Planning Policy  
National Planning Framework  
PAN 1/2020 “Assessing the extent of the 5 year supply of effective housing land”

### **Scottish Borders Council Supplementary Planning Guidance**

Affordable Housing  
Biodiversity  
Trees and Development  
Privacy and Sunlight  
Placemaking and Design  
Development Contributions  
Landscape and Development  
Local Landscape Designations  
New Housing in the Borders Countryside

SBC/SNH “Development and Landscape Capacity Study”

### **KEY PLANNING ISSUES**

The main determining issues with this application are compliance with Local Development Plan Policies and Supplementary Planning Guidance on development out with settlement boundaries, impacts on landscape, residential amenity, road safety, archaeology, ecology and the water environment.

### **ASSESSMENT OF APPLICATION**

#### Planning Policy

The application site lies wholly out with the settlement boundary for Peebles as defined within the LDP. Policy PMD4 “Development out with development Boundaries” is, therefore, the most relevant Policy to be applied to the site which states that any development should be contained within that defined boundary and that any development out with will normally be refused.

Before assessing the application against PMD4, it is important to consider the planning history and material factors that have contributed to repeated rejection of the site as either a suitable site for housing allocation or as a natural addition to the settlement boundary in this location. Whilst it is understood that the assessment of the planning application is not an assessment of previous Council or Reporter decisions in rejecting the inclusion of the site within the Peebles settlement boundary, they are, nevertheless, significant material planning decisions to be taken into account and, in particular, the reasons for the non-inclusion of the site. It would obviously be correct to analyse those reasons for non-inclusion against this current planning application and in the light of any revised or new information submitted and against the context of consultation responses and representations received.

The Forward Planning consultation response sets out the history of the submission and consideration of the site through recent years of the Local Plan and LDP process. It was initially withdrawn as a planning application in 2008 and then rejected by the Reporter who held an Examination into the

Local Plan Amendment, stating “...irrespective of the strategic housing target, ....the site is not suitable for housing and the local plan amendment should not allocate the land for that purpose”. Following further attempts to seek inclusion of the site within the “Call for Sites” procedures leading up to the LDP, the site was not included within the settlement boundary at any of these stages – principally for landscape, access, archaeology and topographical reasons. The SBC/SNH Report “Development and Landscape Capacity Study” identified the site as constrained.

The Reporter who held the Examination into the LDP, considered that solutions to archaeological and access constraints may be possible but that there was no ability to overcome the issue of landscape fit within (at the time) a newly designated Special Landscape Area. He concluded that “...I agree with the council that the existing settlement is well contained at this point by rising topography to the east. I found that to be a very attractive feature of this important vehicular entrance to the town. Development of the site is likely to lead to the appearance of urban sprawl ascending the higher land to the east. I conclude overall that the potential benefits of increasing the land supply by allocation of this site are outweighed by the likely significant adverse impact on the character and visual amenity of this sensitive settlement edge location”.

Following rejection of the site within the adopted LDP, it was submitted again as part of the “Housing” SG process whereby the Council were required to find sites for over 900 additional houses throughout the Scottish Borders. The site was excluded from the SG.

Residential development on the site was also subsequently refused planning permission on appeal in 2018 (17/00015/PPP). In concluding rejection, the Reporter concentrated on Policy PMD4 and the claimed housing land supply shortfall. He stated:

*“Accordingly, without evidence to the contrary, I find that the adopted supplementary guidance ensures that an effective land supply is available. In turn policy 7 of SESplan is not engaged. Development out with the settlement boundary of Peebles is therefore not justified under LDP policy PMD4 criterion c). ...*

*Policy PMD4 is a fundamental policy with regard to the spatial strategy of the LDP. A proposal which fails to gain support from that policy would be at odds with the LDP spatial strategy. Therefore, without explicit policy support from within SESplan, I find that the development plan does not favour this proposal. ...*

*Scottish Planning Policy (SPP) (2014) is identified by the council and is a material consideration for planning applications. SPP expects planning authorities to allocate a range of effective (or expected to be effective within a plan period) sites to meet the housing land requirement. A minimum of 5 years effective land supply should be provided at all times. I find that the requirements of SPP have been met by the council in adopting the housing supplementary guidance in 2017. ...*

*In addition, I have not found evidence in the representations or other submissions which would be of greater importance than the spatial strategy of the LDP.*

*I therefore conclude, for the reasons set out above, that the proposed development does not accord overall with the relevant provisions of the development plan and in particular a fundamental LDP policy PMD4. I also conclude that there are no material considerations which would still justify granting planning permission. I have considered*

*all the other matters raised, but there are none which would lead me to alter my conclusions”.*

The site has also been considered again during the current Proposed Local Development Plan process as it was submitted by the applicant. The site was not included and an objection has now been lodged by the applicant to its non-inclusion.

This history demonstrates that the site continues to be rejected at all stages in the LDP and planning permission processes and Members should be aware of this. What is important in assessing this planning application is to both be fully aware of the LDP position and planning history with regard to the site but also ensure that all material issues are assessed as they now stand, including the submission of any additional or enhanced information and whether there have been any Policy or other changes that would have a bearing on the determination of the application. This takes into account the submissions made in the Planning Statement by the agent in relation to PMD4 and housing land supply.

Policy PMD4 will normally reject applications outside the defined development boundary unless one or more qualifying criteria can be met. Only then, would secondary criteria then also need to be met. The main qualifying criteria are discussed as follows:

A job generating development with economic justification

No information has been submitted in support of the application to demonstrate any compliance with this criterion nor is it particularly advanced by the applicant or agent. There is clearly a landowner willing to deliver housing on the site but whilst a new housing development will deliver construction employment opportunities and, thereafter, will feed into the local economy through additional population, it is not, in itself, a job-generating development meant in the context of this criterion.

An affordable housing development

The agent has not stated that this will be an affordable housing development. Whilst, if approved, there would need to be a 25% unit provision on site which is accepted by the agent, this criterion refers to a wholly affordable housing proposal which is not the case with this application.

A housing shortfall identified by the Council in the Housing Land Audit in provision of an effective five year land supply

This is the main criterion that the agent considers is met by the proposal, considering that the site could provide an important contribution to the local housing land supply. The Planning Statement contends that the site is in compliance with Scottish Planning Policy, providing quality housing and contributing to the maintenance of a 5 year supply of effective housing land. It examines the Council's latest Housing Land Audit and concentrates on PAN 2/2010 and the definition of what is classed as “effective” housing land supply, applying seven criteria including ownership, infrastructure and physical constraints.

The agent also examines the position following the abandonment of SESPlan 2 and the Council continuing to pursue strategic growth in Peebles and surrounding area. It is argued that renewed efforts are required to provide sufficient housing land to achieve the national targets, including identifying previously considered proposals and also removing sites that have repeatedly failed to deliver housing. They also discuss the role of windfall sites in the overall housing land supply position and the guidance from Homes for Scotland in relation to housing land audits.

The agent then proceeds to evaluate the housing land supply in the Scottish Borders, using a series of assumptions and criteria about effectiveness. Many sites are removed because of age or small scale. The agent concludes that although the Council's 2019 Housing Land Audit identified an effective land supply of 3,679 units equalling 11 years supply, this overestimates the contribution of small sites and also includes many older or constrained sites where the agent considers development is unrealistic. Appendix 3 in the Report makes allowances for such instances and results in only 1,694 units and five year supply. Appendix 4 then narrows down to only those areas in SESPlan that deliver strategic growth, the units then dropping to 1,242 units or four year's housing land supply. The agent, thus, contends that the site is needed to help bring the total back up to five year's supply and that justification is provided to meet the relevant qualifying criterion in Policy PMD4.

The agent's submissions on housing land supply have been considered and the views of the Forward Planning Team, who prepare the Housing Land Audit, are on Public Access. Members are asked to study their reply and note their views. They continue to oppose the application, stating the following:

- Appendix 2 in the LDP outlines the Council's methodology for monitoring the 5 year housing land supply and this was accepted by a Government Reporter after the LDP Examination.
- The 2019 Housing Land Audit concludes there is an effective 5 year land supply across a wide range of locations.
- The effective land supply is for the whole of the Borders. To restrict analysis to just Strategic Growth Area sites ignores the rural nature of the Borders and the contribution made by rural developments in terms of housing take-up.
- The applicant challenges the programming for a number of sites in the HLA but a planning application is not the correct vehicle for this. The HLA itself can be challenged and is consulted on with the development industry. It is finalised only after such consultation.
- Although a planning application is not the appropriate vehicle to challenge the applicant's site removals from the HLA, the Forward Planning Section disagree with a number of these sites in Peebles and wider afield (discussed below).
- There is no evidence to support the applicant's contention that no current developer interest means removal from the HLA. They should be removed if unlikely to ever be developed and such a process has been undertaken for the new LDP, after contacting landowners.
- Comments on SPP paragraphs modified to support sustainable development. Accepts the application complies with a number of the sustainability principles but that other contraventions outweigh the advantages, especially in relation to the provisions of the LDP and

amenity considerations. This is also in the context of sustainability where the Council have identified a housing land shortfall.

- PAN 1/2020 amended the calculation for assessing the extent of the five year housing land supply. Forward Planning have sought guidance from the Scottish Government on using the calculation, but have not done so at this stage as guidance is still awaited.

Some of the sites that have been removed from the effective housing land supply by the agent, are considered unjustified and are removed to suit the shortfall case being argued, rather than following the correct guidance for HLA inclusion or exclusion. In particular:

### Local

Rosetta Road (TP138) – PPP granted at Committee, consent still to be issued awaiting conclusion of legal agreement. Although site now bought by new owner, PPP application not withdrawn. The new site in the proposed LDP at Land south of Chapelhill Farm (APEEB056) would help towards contribution costs of new bridge

March Street Mills (TP147) – site recently rejected upon appeal but only on grounds of inadequate allotment replacement. Owner still pursuing housing development and met with Council to fully address appeal reason for refusal. Intent to re-apply.

George Place (TP91) – previously received outline consent in 2004, new application needs to address flooding grounds but mitigation is considered possible and pre-app discussions have been held in recent past.

Kirklands (T177) – PPP minded to grant but legal agreements not concluded. Recent developer interest in the form of new pre-app contact, indicates site is moving forward.

Kingsmeadows (TP139) – The agent states no progress since 2015, yet a renewal application was agreed in June 2020 (subject to legal agreement) a month before the application at Venlaw was submitted with its supporting papers.

### Other

School Brae, West Linton (TWL50) – The agent says “No developer no interest”. Whilst it is appreciated the agent wrote that upon application submission in July 2020, it should be noted the site is well underway and properties are on the ground. This indicates how quick the agent has been to write off sites and exclude them, without justification.

West Allan Bank, Lauder (ALA48) – No site constraints. Railway blueprint confirms need to identify economic opportunities in Borders rail corridor. Site easy travel distance to Stow station, many constraints in finding land in Stow

Easter Langlee, Galashiels (EGL84) – This site remains the major developing site within the Scottish Borders. No evidence has been submitted to confirm this site is not effective.

Kelso High School (RKE195) – Contrary evidence that this site is effective. Planning and Listed Building Consent granted, legal agreement presently

being worked on to allow release of consent, discussions ongoing between applicant and Council.

Newtown St Boswells (ENT25) – Remains a site of strategic importance. Pre-app for mixed use site in village a catalyst and confirms developer interest in the village, indicated by 19/00210/PPP actively being pursued for Auction Mart site.

Kerrs Land, Selkirk (ESE118) – Full planning permission granted for site in 2019, subject to issuance of legal agreement which is still being concluded.

Heather Mill, Selkirk (ESE134) – Site only included to housing land supply via SG on Housing 2018. Too early to start seeking its removal

Lowood, Tweedbank (EGL220) - Site only added to housing land supply as recent as 2018 via SG on Housing. Agreed there are some infrastructure issues to be addressed, but the site remains a very attractive dev opportunity, in close proximity to Tweedbank Station, its allocations follow the Railway Blueprint objectives in the heart of the central housing market area

In dismissing the previous appeal, the Reporter favoured the Council's HLA, backed by the Housing SG, as a demonstration that there was a five year effective housing land supply. He stated:

*“A minimum of 5 years effective land supply should be provided at all times. I find that the requirements of SPP have been met by the council in adopting the housing supplementary guidance in 2017....In addition, I have not found evidence in the representations or other submissions which would be of greater importance than the spatial strategy of the LDP.*

Consideration of the agent's submissions has been given above and in the responses from Forward Planning. It is considered that the agent has been quick to exclude sites from the Housing Land Supply but, as stated by Forward Planning, any challenge to the Housing Land Audit should be done directly during preparation of it upon consultation, not within a planning application. The Council stands by the HLA2019 and maintains there is an effective five year housing land supply in line with all current guidance and the SPP. The agent's removal of sites is unsubstantiated in many cases, incorrect in some and does not provide a robust baseline for establishing there is a housing land shortfall. Consequently, the relevant exception clause in Policy PMD4 is not complied with and the development is contrary to the Local Development Plan.

#### Significant community benefits outweighing the need to protect the development boundary

There has been insufficient evidence advanced within the application to suggest that this criterion would be met. Whilst it is stated there is a willing landowner and that more housing will meet with national and local needs, the visual, landscape and access impacts together with the need to contribute to meeting the impacts on local infrastructure and services, determine that there are no significant net community benefits arising from the development which would outweigh the need to protect the development boundary.

Only one of the four qualifying criteria would need to be met under this Policy to then consider it as an exceptional approval out with the settlement boundary, against which secondary criteria would then need to be applied and met. As none of the qualifying criteria are met, the secondary criteria cannot be applied or considered regarding the proposal. Nevertheless, of those criteria that relate to logical settlement extensions, character of the built-up edge and adverse effects on the landscape setting of the settlement, it would be unlikely that the proposed site would meet one or more of these secondary criteria. Similarly, of the three matters that would be taken account of in deciding whether to grant an exceptional approval, the settlement profile for Peebles identifies the strong landscape framework of the town and singles out how it nestles into Venlaw Hill and on the flatter land towards the Eddleston Water. There is, therefore, further reason within one of the additional matters to be taken account of under Policy PMD4, not to grant an exceptional approval for development in this instance.

### Landscape

The site is covered by two local landscape designations, namely Venlaw Castle Designed Landscape and the Tweed Valley Special Landscape Area, covered by respective LDP Policies EP10 and EP5. The Council Landscape Architect describes the landscape features and characteristics of the two designations in the context of the SBC/SNH "Development and Landscape Capacity Study"(2007) which looked at 11 settlements, including Peebles, for landscape character around settlements and what housing development/expansion may be appropriate in terms of landscape fit. The Study identified that the west facing slopes of the Eddleston Water (including the site) have a high sensitivity to new housing development and settlement boundary expansion. This was due to the steep slopes providing a robust settlement edge and a well-defined sense of containment for the town, these slopes being visible from a number of different locations. The Study concluded that there was no opportunity for settlement expansion in this part of Peebles, including the application site. This is probably the main factor in why the site has not been included in the Local Plan Amendment, Local Development Plan, Housing SG or replacement Local Development Plan.

The applicant and agent have addressed landscape impact by submitting a Landscape Visual Appraisal (LVA) and this is available to view in full on the Public Access web site. The Design and Access Statement also includes some photographs and photomontages of the development from selected viewpoints.

The submissions assess the local landscape of the site and its setting in landscape terms, the available views to the site and the way in which the site is perceived in its landscape context, and the effects of development in landscape terms, on the character and composition of the landscape. The Design and Access Statement states that the development is kept below the 190m contour to match with most development in Peebles. It recognises that the site is prominent due to the steep incline and open valley nature but that the position and single line of development will utilise screening from existing development to some extent, sitting within a built environment context. It is contended that further landscape mitigation to the front and rear of the site will improve the setting and reduce landscape impacts further.

The Appraisal provides a Zone of Theoretical Visibility and uses 24 separate viewpoints of the site, all within 3km of the site, the majority being within 1km of the site and some contained within the western lower lying housing areas, west of the Eddleston Water. More elevated viewpoints to the west are also utilised including



Peebles Golf Course, Rosetta Holiday Park and rights of way in the vicinity. There is also an area of visibility predicted south of the river to the south-west of Peebles and viewpoints are utilised at the Manor Sware and south of Edderston Road. Selected viewpoints are investigated in more detail and photomontages are produced with the development transposed onto them. There are also some with new planting and building colours shown to further demonstrate claimed receding landscape impact.

The Appraisal generally identifies that from those higher level viewpoints, the development is more prominent above the line of existing development, albeit at greater distance. However, with existing built context at Venlaw High Road, Venlaw Quarry Road and Venlaw Castle, combined with the intended design cutting into the slopes and new planting, the overall landscape impacts will not be significantly adverse.

The Appraisal concludes by stating:

*“A thorough, structured investigation has been conducted to assess the visual impact of the proposed development, as described in this document. Through desktop analysis, fieldwork and visualisation, the overall visual impact of the scheme has been assessed. There will be localised visual impacts from the proposals on the A703 (notably as discussed in relation to viewpoints 02 and 03). The wider views assessed (including viewpoints 10, 13, 14, 15, 16, 17, 18, 21, 22 and 24) demonstrate that whilst the proposed development is visible, the impact on views and landscape character is overall assessed to be minor/not significant. Viewpoints 11 and 12 are notable as demonstrating more significant impact. In these cases the proposed development is assessed to result in a change to landscape character, this is minimised through the proposed mitigation measures. Overall, the visual impact of the scheme is wide ranging but minimal from most viewpoints, however there are localised areas where the impact is more significant, as outlined above. It is our assessment that the scale and character of the proposed development has through the design process addressed visual and landscape impacts as far as possible. Development has been limited and focused along the bottom edge of the site, thereby significantly reducing and minimising the landscape and visual impact that would result from more extensive development of the site.”*

The findings generally recognise the prominence, elevation and visibility of the site from large parts of Peebles to the west and south-west. The strategy is based upon the development restricting itself to the lowest part of the site, thereby addressing visual and landscape impacts “as far as possible”.

Members will note that the Council’s Landscape Architect has a different view of the landscape impact of the proposals and the findings of the LVA, both responses being available in full on the Public Access system. The Landscape Architect reiterates the background of the SNH/SBC Landscape Capacity Study in 2007 which identified that Peebles has developed on the valley floor and is contained by slopes rising to prominent summits, especially to the north-east where Policy parkland contributes greatly to the setting and amenity of the town. Despite limiting the development to the lower part of the field, it is considered that the submissions do not address concerns over the town developing up steeper slopes, changing the character of what is mostly a valley-based settlement.

The Landscape Architect identifies the following key characteristics of this part of Peebles from the 2007 Study

- Evenly graded slopes rise up from the A703 and enclose the town along its north east edge.
- The area is diverse in character, with grazed land, organically shaped shelterbelts and parkland trees, interspersed with a scattering of large buildings.
- The settlement edge is emphasised by the steep slopes and in places reinforced by woodland.
- The slopes themselves are most prominent in views from the opposite side of the valley, including the golf course, but are also evident on arrival along the A703

The Study identified that the west facing slopes of Peebles had high sensitivity to any new development on the settlement edge and that there were, consequently, no options for settlement expansion in the north-eastern part of Peebles. The Landscape Architect feels the proposed development would have a significant and negative impact on the landscape and would be contrary to the findings of the Capacity Study. The Landscape Architect does not consider that the restriction to the western part of the site nor the line of new woodland planting “...will help to achieve anything like a landscape fit”. It is considered that the site is not an appropriate site for any housing development and the parkland should be maintained as an integral part of the character and setting of Peebles. It is also that the role of the designed Venlaw Castle landscape has been underestimated in defining the town setting and rural edge. There are other locations around the town that could be developed and development on such a prominent slope should be avoided. The recent replacement Local Development Plan, for example, has identified a new site for housing development to the north of Rosetta Road at Chapelhill, following the Western Rural Growth Area Study.

The submitted mitigation proposals are unlikely to reduce the impacts of the development and infrastructure sufficiently, given the slope and presentation of views to the western and south-western parts of the town and its surrounds. Earthworks are significant to attempt to achieve a landscape fit, yet the resultant development will appear an inappropriate fit into the landscape with substantial retaining walls and terraced gardens. As explained elsewhere in this report, the design, density and layout of the housing also serves to accentuate its elevation, mass and prominence on the hillside above the Edinburgh Road housing and valley floor. Whilst colour choices and landscaping can reduce impacts to some extent, the photomontages simply emphasise that those impacts will remain significant and adverse, especially from those viewpoints at a higher level. Any potential benefits of choosing the lowest contour lines within the parkland have been reduced by the height, mass and density of the chosen layout and designs. The landscape impacts are also exacerbated by the loss of mature trees to form the access and mature specimen trees within the site. These are also the views of the Council Landscape Architect. The main findings of the Landscape and Visual Appraisal are, therefore, not accepted.

Resistance to development on landscape grounds is entirely in line with previous decisions following the SNH/SBC Landscape Capacity Study and, indeed, the LDP Examination Reporter who saw sufficient concern in encouraging urban sprawl up the slope that this was the main reason why the site was excluded from allocation. All that has changed in the interim is that there has been a requirement for the Council to identify more housing land (in the SG and replacement LDP) and that the applicant has submitted their own Landscape and Housing Land Appraisals. There is insufficient justification to outweigh the landscape and settlement boundary concerns in this location in order to fulfil a housing demand which is being adequately met elsewhere.

The landscape impact has been considered and expressed through the previous planning history iterations of proposed development on this site, backed up by the findings of the SNH/SBC Landscape Capacity Study and by previous reporter decisions. There are also concerns expressed by many of the objectors and also strongly by the Community Council and Civic Society. Whilst the applicant's landscape submissions are noted and have been considered fully, there is no reason not to accept the advice of the Council Landscape Architect and reflect previous expressed concerns that the development of this site should be opposed on grounds of significant landscape and adverse visual impacts, within designated landscape on a sensitive edge of the town settlement boundary and against LDP Policies PMD2, PMD4, EP5 and EP10.

### Layout and Design

If the site had been considered as a justified exception to Policy PMD4, then as the application is submitted in full, the layout and design of the houses must also be considered against LDP Policy PMD2 and the "Placemaking and Design" SPG in particular. They require any development to both have a sense of place but also to be appropriate and compatible to its surroundings, respecting form and the highest quality of surrounding materials and architecture.

The Design and Access and Planning Statements contend that the layout and design respond to the levels, landscape and the site context. They state that the context is varied and modern and that the linear single-sided nature of the development, cut into the hillside, integrates and aligns behind the linear pattern of development along the Edinburgh Road. The varied materials of zinc, timber and reconstituted stone, especially to the front west facing gables, are argued to integrate with the area and reduce impacts to public view. The contemporary design is considered appropriate to the modern architecture and mixed surroundings by the agent, responding to the rising site topography by being split level and with stepped terraced gardens to the rear.

The design and layout approach is not considered appropriate in this setting. The landscape impacts of the height and linear design have already been discussed in the previous section. The site is a steeply rising parkland field within a designated landscape, heavily visible to much of Peebles, especially to the west and south-west. Had the field been considered acceptable for development as a justified exception under Policy PMD4, then a dense tall "townhouse" row of identical designs with minimal gaps between each unit would not be considered appropriate on a rural edge location, adjoining mixed post-war housing of predominantly single and storey-and-a-half slate roof houses.

The transition with the parkland and countryside edge to the town should not be defined so abruptly with such dominant and tall designs, the height, minimal spaces between houses and gable end designs all providing an unnecessarily hard, jagged and inappropriate transition between town and country. Their relationship with the houses adjoining is similarly incongruous, both in form, uniformity and dominant use of zinc. Their height, gable end alignment and detached nature with minimal spacing are much more appropriate in a more urban or brownfield setting further towards the town.

Their actual design is, however not unattractive and there should be opportunities for such contemporary design, but the location and context has to be appropriate. The site is not an appropriate context for such design and it is concluded that the design and layout are contrary to Policy PMD2 and the “Placemaking and Design” SPG.

### Residential Amenity

A number of residents, especially those along the eastern edge of the Edinburgh Road, have expressed objections about overlooking and the dominant impacts of the design and location of the houses, combined with the overshadowing from the woodland proposed. Obviously, whilst their main outlooks will be onto the Edinburgh Road, the busy nature of that road will lead to a heightened expectation of privacy and amenity from their rear windows and gardens. Residential amenity is assessed by applying LDP Policy HD3 together with the associated “Privacy and Sunlight” SPG. Policy PMD2 also requires development appropriate to its surroundings in scale, form and density.

The current application proposes 22 detached three storey houses close to the rear boundary of the Edinburgh Road houses. The applicant’s reasons for doing this have been based upon mitigating landscape impact from more distant views towards the site and not upon mitigating the impacts on existing residential amenity. Their solution is to create a woodland belt to the rear of the existing houses to prevent impact and overlooking.

This matter was explored on the previous application when the Committee Report stated the following:

*“Although the height differences between the new and existing houses, windows and gardens would be significant, it is likely that Policy and buffer distances within the SPG would be contravened had any development been proposed immediately to the rear of the existing houses in the north-west part of the site. If that had been the case, acceptable daylight, sunlight and privacy distances may have been difficult to achieve in line with Council guidance. However, given the additional information submitted during the processing of the application which indicates that the applicant would accept a “no development” buffer to the rear of the Edinburgh Road houses, the residual effects are of change in outlook, some dominance of visual impact (for the first part of the development where the access road enters the field), loss of informal recreational use of the land and an increase in noise and light pollution, during construction and then in use of the houses. None of these residual effects suggest that a suitably low-density, low-rise, distanced and landscaped development would lead to such adverse impacts that refusal would be justified on residential amenity grounds, even allowing for the elevation of the ground.”*

It should be noted that this development does exactly what the previous application offered not to do – propose development within the previously suggested “no development buffer” to the rear of the Edinburgh Road houses. Consequently, the impacts of the height, proximity of the houses and the intervening woodland planting will have significant overbearing impacts on the houses and gardens fronting Edinburgh Road. The new houses themselves will have main outlooks looking towards the existing houses and gardens, due to their design and proximity to each other precluding any habitable room windows on the side elevations between new houses. Those areas of glass and windows present gables up to 10.6 m from the proposed ground levels. Indeed, according to the latest cross section from the agent, even the road and ground floor levels are at or above the ridgelines of the houses in Edinburgh

Road, especially towards the southern end, meaning the impacts of another 10.6m above that will be considerable. The section suggests there will be between 36 and 46m separation between existing and proposed houses and the agent suggests this is sufficient when also considering the intervening planting. He also suggests it is in compliance with the "Privacy and Sunlight" SPG.

There is no issue with the submission of details relating to daylight and sunlight in terms of the impacts caused by the new houses. The submitted information with shadowcast and winter/summer sun paths does not indicate any particular reason to oppose the application based upon impacts on light. There may be some shading to parts of gardens but this is likely to be much more significant as a result of the woodland planting, which is an element that would not require planning permission in its own right. The concerns are much more in relation to dominance and overlooking impacts on amenity and enjoyment of residential properties and rear gardens. Whilst the "Privacy and Sunlight" SPG does state that 18m is required as a minimum distance window to window to preserve sufficient privacy, the minimum figure increases by 2m for every one metre difference in window level. As the second floor windows in the proposed houses could be viewed out at a level of approximately seven metres above proposed ground level, that level is up to two metres above ridge heights of the existing houses and, conservatively, therefore at least 12m above the level of the highest existing windows in the Edinburgh Road houses.

The minimum distance would then need to be increased by 24m to a minimum of 40m. Whilst the applicant has stated the separation distances vary from 36-46m, it is considered that the separation distances are either less than, or so close to, the minimum that, when combined with the large height difference between houses and the mass of development with minimal gaps between proposed houses, it would create an unacceptable overbearing effect on the rear of the existing houses and gardens, creating uncomfortable, oppressive and overlooked rear gardens and windows. The woodland planting, whilst resolving overlooking in time, would simply serve to emphasise the overbearing and oppressive nature of the development. It is concluded that the proximity, height and gable end design of the houses proposed would have a significant and adverse effect on the residential amenity of the houses and gardens in Edinburgh Road, exacerbated by the proximity, height and type of intervening planting proposed. For these reasons, the development is considered to be contrary to Policies HD3, PMD2 and the "Privacy and Sunlight" SPG.

### Access

If the development site had been considered to be acceptable under LDP Policy PMD4 as a justified exception to that Policy, then Policies PMD2 and IS6 require safe access to and within developments, capable of being developed to the Council's adoptable standards and in accordance with the guidance in "Designing Streets". PMD4 also requires consideration of the service and infrastructure capacity of the settlement, in assessing whether to grant exceptional approvals or not. PMD2, in particular, has an "Accessibility" section of five criteria to be met, including integration into existing street layouts and no adverse impacts on road safety, both at the site entrance and on approaches to it.

The major issues with access are in relation to road safety at the intended access point and, to a lesser extent, the challenges of securing a "Designing Streets" layout on such a sloping and restricted rectilinear site. The proposals involve a new widened vehicular access point from the A703 at the existing Venlaw Castle junction with improved radii and pedestrian crossing facilities. Visibility splays are also shown in both directions of 2.4m by 43m. The Venlaw Castle road will become a minor road leading off the new

road at a new internal junction. The road serving the housing development will cross the burn over a culvert and then broadly follows the path of the 177m contour, rising along its length with a turning head at the southern end. The road will be 6m width with footways. Vehicle parking will be between the houses and there will be a separate pedestrian route at the north of the site using both a 1:14/15 ramp and steps. The Transport Statement explains why a loop road system is not possible and drawings demonstrate that the turning head and road alignment would be accessible to fire tenders and refuse vehicles.

The application was also supported by a Road Safety Review, undertaken on a day in October 2019 between 1330 and 1500 hours. The Review noted average traffic flow on Edinburgh Road to be 6940 vehicles (from traffic survey information in 2014). The Review concluded that the new junction sightlines would be of required standard, no new junctions were being created and the existing road and junctions were not complicated to interpret or negotiate by drivers. Visibility of all junctions was good, speeds seemed low and there was safe pedestrian provision appropriate for the low level of activity.

The Roads Planning Service (RPS) does not accept the application for reasons of road safety due to the increased traffic generation on an “A” class road where various junctions proliferate, serving houses, a commercial garage and filling station (with nose-in parking), caravan site and working farm. They also point out the amount of on-street parking in the vicinity and the overlapping of visibility splays. There is conflict with stacking traffic and confusion over indications to turn into junctions, exacerbated with the application traffic generation, albeit it is recognised that the development is reduced in scale from that previously refused. Many objections have been received from third parties on this matter as well as the adequacy of the submitted transport review and statement. RPS are of a similar opinion and feel that the Road Safety review was based on inadequate survey and outdated traffic flow information.

RPS have previously stated that the only way they would drop objections would be if there was co-operation between junction and business/housing owners to completely rationalise junction arrangements in this location. There is nothing submitted from the applicant or agent to suggest this is a realistic prospect. Whilst the LDP Examination Reporter felt “...a technical solution could be arrived at which would facilitate some development on the site”, he also recognised that there were difficult conditions for drivers and pedestrians arising from the number of access points and that addition of significant development could give rise to further complications. The most he offered was that a technical solution may be possible to facilitate “some” development.

There is no evidence before us to believe that such a technical solution would be achievable. On the basis of the current position and information available, including land ownership restrictions, it is considered that the development could not be accessed without significant road safety issues, contrary to the relevant parts of LDP Policies PMD2 and IS6.

RPS also have significant concerns over compliance of the development with “Designing Streets” guidance. The previous application was submitted as a PPP and covered a much wider part of the site up to the Venlaw Castle drive. Whilst there were concerns expressed previously, it was considered that non-compliance could not be concluded and that only upon the detailed submission, could there be any full assessment of compliance. The current application is a full submission utilising a limited strip of ground along the western edge of the site. RPS have identified a number of issues with this layout which are contrary to “Designing Streets”, including the long

uninterrupted linear layout, lack of traffic calming, lack of internal/external connectivity and prioritisation of movement over place.

The agent submitted a Transport Consultant's response to the objections from RPS. That response disagrees and summarises the findings of the Road Safety review, stating that the development will only create up to 15 additional two-way vehicle movements in the peak period and that other movements out of nearby junctions are low. The response also disputes the criticisms over the development's compliance with "Designing Streets". RPS have assessed this response but maintain their objections for the aforementioned reasons.

Whilst it is acknowledged that the development is reduced in scale compared to that considered previously, the problems over increasing traffic generation to this part of the Edinburgh Road still exist to the detriment of road safety and there are no solutions proposed to overcome them. It is not considered that the development contribution of £1000 per unit towards the bridge and traffic management in the town would be sufficient to overcome these problems. The development also does not satisfactorily demonstrate compliance with "Designing Streets" guidance. For these reasons, the application is contrary to Policies PMD2 and IS6 of the Local Development Plan.

### Cultural Heritage

Local Development Plan Policy EP8 refers to development that could adversely affect archaeological assets. It states that any development creating an adverse effect on assets or their setting will be balanced against the benefits of the proposal and consideration of any mitigation strategies. Unlike the previous application which stopped the developable area of the site north of cultivation terraces, this current proposal extends the development into the cultivation terraces by approximately six houses from the southern end.

The Council Archaeologist identifies the terraces as being of prehistoric or medieval origin and believes that, if preservation isn't possible, investigation is necessary as per LDP Policy EP8, and notes that not all lengths of terracing will be lost. Suitable conditions could address the investigation requirements, as well as trial trenching and investigation of the remainder of the site to the north of the terraces, covering potential archaeology. Suitable conditions should also provide for interpretation of findings.

Although there are also objections expressed by residents on archaeological impacts, the Council Archaeologist considers the impacts can be addressed by a suitable condition, thus this would not be a material factor in the determination of the application.

Local Development Plan Policy EP7 requires new development to safeguard and respect the setting of statutorily listed buildings, two bordering the site to the south-east and north-west. Given the scale, orientation and roadside position of the C-listed Venlaw North Lodge to the north-west of the site, it is not considered that the suggested development would impact significantly on any setting, albeit there would be an increase in junction standard, road priority and width. The greater impact could have been on the setting of Castle Venlaw which is B-listed to the south-east of the site. However, the preservation of the cultivation terraces and a developable area being restricted lower down to the west of the site allows appreciation and sufficient preservation of buffer space and setting of the building to remain. Impacts on the associated Designed Landscape are considered elsewhere in this report.

## Drainage

LDP Policies IS8 and IS9 are the most relevant in consideration of the impacts of development of this site on the water environment. Whilst there have been third party concerns expressed over drainage capacity within Peebles, there has been no suggestion from Scottish Water that this would be an insurmountable issue, albeit they cannot confirm sufficient capacity until an application is made to them to connect.

Of more relevance to the proposals is the potential impact of the sloping site on properties at the lower level along Edinburgh Road and the Cross Burn to the northern boundary of the site, in terms of surface water run-off and potential flood risk. The drainage proposals indicate a double swale and perforated pipes to the rear of the houses at the top and bottom of the new slope behind the terraced gardens, and a further swale and pipe between the new road and the back of the houses fronting Edinburgh Road. Surface water will be led from these pipes and from the houses and hard surfaces, to the Cross Burn. Foul drainage will connect directly to the existing sewer on the Edinburgh Road.

A number of local residents have raised potential issues with such a SUDs system being unable to cope with surface water and causing flooding and impacting on existing drains. However, SEPA have not objected to the drainage solutions nor to the findings and mitigation contained within the submitted Flood Risk Assessment. They accept that the site will not flood from the Cross Burn, even at 1 in 200 year events and existing/proposed culverts can cope even in the event of blockages. SEPA accept the development subject to conditions relating to SUDs, prevention of construction pollution and run-off, foul connection to the public sewer, licences for construction and engineering activities etc.

Whilst the drainage of the site would not be without issues, connected with the steep slopes, surrounding houses, scale of earth excavation and impacts from the Cross Burn, there is no evidence to suggest that they would be issues that could not be overcome with careful and appropriate design, controlled by conditions. It is not, therefore, considered that drainage and flood risk are material issues in the determination of the application and that LDP Policies IS8 and 9 could be addressed satisfactorily if the application was to be approved.

## Other issues

Although all other issues have been considered, none are raised that would outweigh the consideration of the application as set out above. These include perceived impacts on tourism, water supply, local services and ecology. With regard to the latter, much concern was expressed over impacts as a result of the felling of trees and also the biodiversity of the site. However, following submission of an Ecological Assessment and bat survey, the Council Ecology Officer accepts the findings and considers protected species can be safeguarded by appropriate conditions.

The criticisms of the PAC report reflection on local expression of views is a matter of interpretation and should carry little weight, compared to the weight attached to the representations received on the planning application.

## Developer Contributions

Local Development Plan Policy IS2 requires new residential developments to contribute towards certain infrastructure and affordable housing stock, as currently identified. This development, if approved, would require on-site affordable housing



provision at a rate of 25% of the total number of units, given that the total housing numbers would be above the 17 house on-site threshold. The agent had initially wished to provide a commuted sum towards contributions but then confirmed that five affordable units would be provided on site with the residue as commuted payment.

There has been no amendment to the application to reflect any different design of affordable units and it has to be assumed that the current design is proposed. Whilst a three storey detached townhouse with four bedrooms and two public rooms appears an unlikely scale of property to meet the Council's definition of affordable housing, this would need to be investigated and addressed in more detail in any subsequent legal agreement. However implausible, it may be that different forms of rental or shared ownership could allow the designs to be considered as affordable. However, if it does not subsequently prove possible to meet the definition of affordable housing with the submitted design, then the Policy and Guidance Note allow for the developer to allocate an area of land in place of five of the houses, to submit a new application for a new design of five affordable units. The application cannot, therefore, be considered contrary to Policy IS2 and the Guidance Note as the agent has confirmed agreement to on-site provision.

There would also be financial contributions required towards Peebles High School, Kingsland Primary School and Peebles Bridge/Traffic Management in the town. Although local concerns are raised about other infrastructure capacity issues such as health provision, there is no identified requirement for other contributions. If Members are minded to approve the planning application, consent can only be issued upon conclusion and registration of an appropriate Legal Agreement to secure the aforementioned contributions.

## **CONCLUSION**

In conclusion, the application site lies out with the defined settlement boundary of Peebles and insufficient reasons have been given as to why an exceptional approval would be justified. Development would also create significant adverse landscape and visual impacts on a designated, prominent and sensitive rural edge of the town settlement boundary, will cause adverse impacts on residential amenity and is of inappropriate massing, layout and design for the location. It has also not been demonstrated that the development could be accessed safely on the A703 and at the junction with the proposed access road nor that the development would comply with "Designing Streets".

## **RECOMMENDATION BY CHIEF PLANNING AND HOUSING OFFICER:**

I recommend the application is refused for the following reasons:

1. The application is contrary to Policy PMD4 of the Scottish Borders Local Development Plan 2016 in that the site lies out with the defined settlement boundary of Peebles and insufficient reasons have been given as to why an exceptional approval would be justified in this case.
2. The application is contrary to Policies PMD2, PMD4, EP5 and EP10 of the Scottish Borders Local Development Plan 2016 in that the development would create significant adverse landscape and visual impacts, within a Designed Landscape and Special Landscape Area on a prominent and sensitive edge of the town settlement boundary

3. The application is contrary to Policies PMD2 and the “Placemaking and Design” SPG in that the development is of a layout and design inappropriate to, and out of context with, the location and surroundings of the site.
4. The application is contrary to Policies PMD2, HD3 and the “Privacy and Sunlight” SPG in that the development would create significant adverse impacts on residential amenity to the houses fronting Edinburgh Road and their rear gardens, creating an overbearing presence caused by excessive height, mass, proximity, overlooking and design of landscape screening.
5. The application is contrary to Policies PMD2 and IS6 of the Scottish Borders Local Development Plan 2016 in that it has not been demonstrated that the development could be accessed without significant detriment to road safety on the A703 and at the junction with the proposed access road. Furthermore, the proposed layout fails to demonstrate compliance with “Designing Streets” national guidance.

### DRAWING NUMBERS

Location Plan	ZZ-DR-A-90001
Existing Plan	ZZ-DR-A-90002
Elevations	ZZ-DR-A-0010-01
Floor Plans	ZZ-DR-A-00001
Sections	ZZ-DR-A-002001
Existing Topography Plan	ZZ-DR-A-9000
Levels Layout	PO6PRD-WHL-XX-XX-SK-C-90-9200
Landscape Masterplan	1821-PO1
Landscape Sections	12.06.20
Tree Works	12.06.20
Entrance Visibility Splays	PRD-WHL-XX-XX-SK-C-90-9101
Vehicle tracking	PO1PRD-WHL-XX-XX-SK-C-90-9500
Vehicle Tracking Refuse	PO1PRD-WHL-XX-XX-SK-C-90-9501
Drainage Assessment and Arrangement	PO1PRD-WHL-XX-XX-SK-C-9400

### **Approved by**

Name	Designation	Signature
Ian Aikman	Chief Planning and Housing Officer	

The original version of this report has been signed by the Chief Planning and Housing Officer and the signed copy has been retained by the Council.

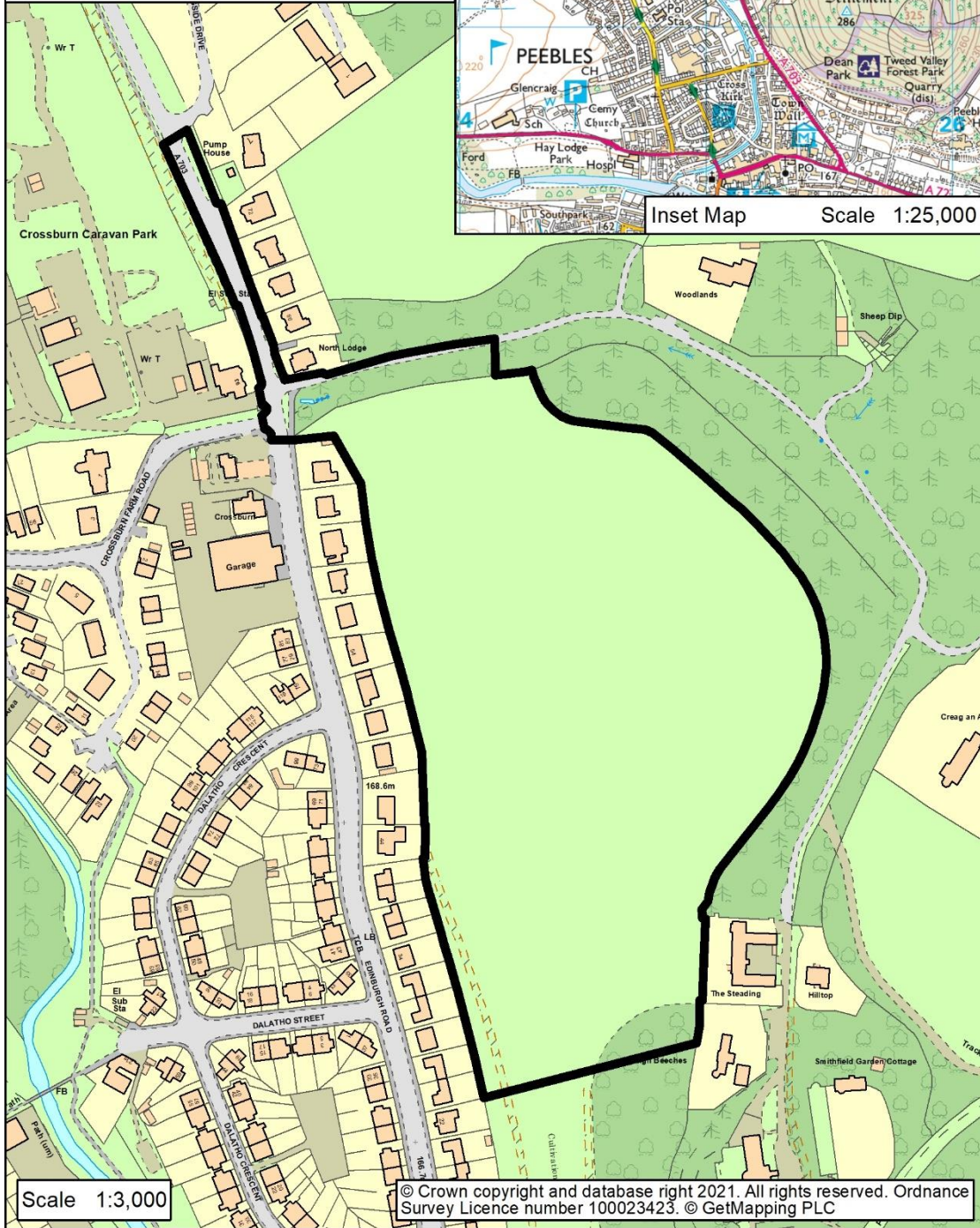
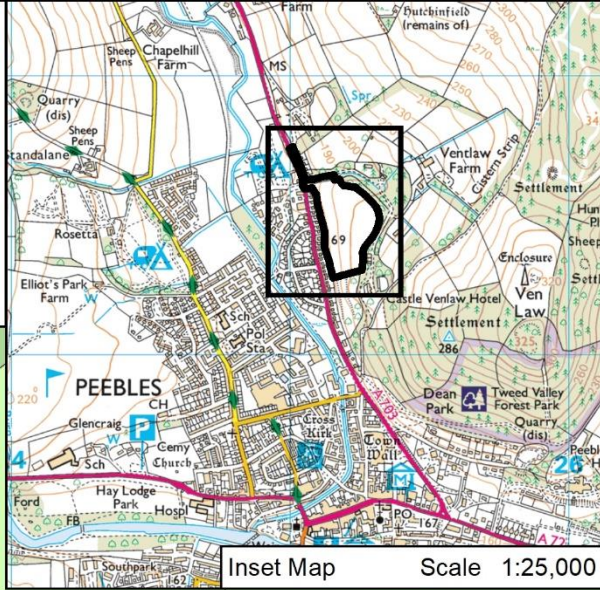
### **Author(s)**

Name	Designation
Craig Miller	Principal Planning Officer



20/00753/FUL

Land East Of Knapdale 54  
Edinburgh Road  
Peebles



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TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Town and Country Planning (General Development Procedure) (Scotland) Order 1992

Application for Planning Permission

Reference : 04/00763/COU

To : Chum Kui Kwan per Derek Wichary 18 Hendersyde Drive Kelso TD5 7TQ

With reference to your application received on 19th April 2004 for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Change of use to garden ground

at : Site At Open Space Hendersyde Avenue Kelso Roxburghshire

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

Dated 20th September 2006  
Planning and Economic Development  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA

Signed

*PP*

.....  
Head of Planning & Building Standards



Application reference : 04/00763/COU

#### REASONS FOR REFUSAL

- 1 The proposal would be contrary to Policies G1 and BE6 contained in the Scottish Borders Local Plan: Finalised December 2005 in that the incorporation of the site into the private garden of the applicant and the adjoining residents would result in the loss of valuable public open space to the detriment of the amenity and appearance of the locality.

#### FOR THE INFORMATION OF THE APPLICANT

If the applicant is aggrieved by the decision of the Planning Authority, an appeal may be made to the Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997, within six months from the date of this notice. The appeal should be addressed to the Chief Reporter, Scottish Executive Inquiry Reporter's Unit, 4 The Courtyard, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR.

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 V of the Town and Country Planning (Scotland) Act, 1997.

**SCOTTISH BORDERS COUNCIL**

**CHEVIOT AREA COMMITTEE**

**20 SEPTEMBER 2006**

**APPLICATION FOR PLANNING PERMISSION**

<b>ITEM:</b>	<b>REFERENCE NUMBER: 04/00763/COU</b>
<b>OFFICER:</b>	Frank Bennett
<b>LOCAL MEMBER:</b>	Councillor A Hutton
<b>PROPOSAL:</b>	Change of use of open space to garden ground
<b>SITE:</b>	Hendersyde Avenue, Kelso
<b>APPLICANT:</b>	Chum Kui Kwan
<b>AGENT:</b>	Derek Wichary

**SITE AND APPLICATION DESCRIPTION:**

The ground which is the subject of the application, is an area of land of some 0.2 acres, between the rear boundaries of properties 65,66,67, 76 and 77 Hendersyde Avenue, and the strip of woodland to the south east within which is a public footpath. The land is part of the housing site allocated in the Roxburgh Local Plan, now developed, and with the houses built and having been occupied now for a number of years. The land that the applicant wishes to have incorporated into the gardens of a number of properties, was shown in the approved layout for the development as retention for public open space and a play area. The area of ground has remained as wasteland until recently, when AWG Property Ltd, to whom the land was transferred by the parent company Morrison Developments, have fulfilled the developers obligation to landscape the site for use as public amenity open space.

**PLANNING HISTORY:**

The application site area relates to phase 2 of the Hendersyde development submitted by Oregon Homes and approved in November 1997 (ref 97/0788/C).

**DEVELOPMENT PLAN POLICIES:**

**Roxburgh Local Plan 1995**

**Proposal HSG. 8**

The site is allocated for housing development in Kelso during the Local Plan period

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**Appendix 1 Playspace Standards**

## Scottish Borders Local Plan: Finalised December 2005

### POLICY G1 – QUALITY STANDARDS FOR NEW DEVELOPMENT

All new development will be expected to be of high quality in accordance with sustainability principles, designed to fit with Scottish Borders townscapes and to integrate with its landscape surroundings. As a general principle, the Council will encourage full planning applications in preference to outline. The standards which will apply to all development are that:

1. It is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form,
2. it can be satisfactorily accommodated within the site,
3. it retains physical or natural features or habitats which are important to the amenity or biodiversity of the area or makes provision for adequate mitigation or replacements,
4. it creates developments with a sense of place, designed in sympathy with Scottish Borders architectural styles; this need not exclude appropriate contemporary and/or innovative design,
5. in terms of layout, orientation, construction and energy supply, the developer has demonstrated that appropriate measures have been taken to maximise the efficient use of energy and resources, including the use of renewable energy and resources and the incorporation of sustainable construction techniques,
6. it incorporates appropriate hard and soft landscape works, including structural or screen planting where necessary, to help integration with its surroundings and the wider environment and to meet open space requirements. In some cases agreements will be required to ensure that landscape works are undertaken at an early stage of development and that appropriate arrangements are put in place for long term landscape/open space maintenance,
7. it provides open space that wherever possible, links to existing open spaces and that is in accordance with current Council standards and incorporating as a minimum, the National Playing Fields Association "Six Acre Standard". In some cases a developer contribution to wider neighbourhood or settlement provision may be appropriate, supported by appropriate arrangements for maintenance,
8. it provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings,
9. it provides for linkages with adjoining built up areas including public transport connections and provision for bus laybys, and new paths and cycleways, linking where possible to the existing path network; Green Travel Plans will be encouraged to support more sustainable travel patterns;
10. it provides for Sustainable Urban Drainage Systems where appropriate and their after-care and maintenance,
11. it provides for recycling, re-using and composting waste where appropriate,
12. it is of a scale, massing, height and density appropriate to its surroundings and, where an extension or alteration, appropriate to the existing building,
13. it is finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality and, where an extension or alteration, the existing building,
14. it incorporates, where required, access for those with mobility difficulties,
15. it incorporates, where appropriate, adequate safety and security measures, in accordance with current guidance on "designing out crime".



Developers may be required to provide design statements, design briefs or landscape plans as appropriate.

## **POLICY BE6 – PROTECTION OF OPEN SPACE**

Open space within the Development Boundary of settlements will be protected from development wherever this can be justified by reference to any of the following:

1. The strategic, local or neighbourhood importance of the open space;
2. The environmental, social or economic value of the open space;
3. The role that the open space plays in defining the landscape and townscape structure and identity of the settlement;
4. The function that the open space serves.

The categories of open space applicable to this policy comprise:

- (a) Functional open spaces including: outdoor sports facilities such as playing fields; play areas; allotments; cemeteries; churchyards; green corridors such as rivers or former railway lines, and
- (b) Amenity open spaces including: parks and gardens; natural green spaces and woodlands; green spaces within residential areas used informally; and civic spaces.

Development that would result in the loss of open space will only be permitted if it can be satisfactorily demonstrated that, based on consultation with user groups and advice from relevant agencies:

1. The loss of the open space is judged to have minimal environmental, social and economic impacts; OR
2. The need for the development is judged to outweigh the need to retain the open space; AND
3. Where appropriate, comparable open space or enhancement of existing open space may be provided and/or paid for by the developer at an alternative location within or immediately adjacent to the settlement where this will provide adequate and acceptable replacement for the open space lost as a result of the development. In some cases, recreational provision in the form of indoor sports facilities may be a suitable alternative provided it is equally accessible and is judged to compensate fully for the loss of the open space resource.

Development that would result in the loss of functional open space where a quantifiable demand can be demonstrated must in addition be justified by reference to:

1. The levels of existing provision and predicted requirements for the settlement;
2. The extent to which current or predicted future demand can be met on a reduced area.

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### **OTHER PLANNING CONSIDERATIONS:**

None

### **CONSULTATION RESPONSES:**

## **Scottish Borders Council Consultees**

None

## **Statutory Consultees**

**Kelso Community Council** -- The proposal to extend the gardens of local residents is supported.

## **OTHER RESPONSES:**

None.

## **PLANNING ISSUES:**

The agent has requested that the application is determined by the Committee

## **ASSESSMENT OF APPLICATION:**

The approved plan for the Hendersyde housing development made provision for public open space, and the application site was one of the areas intended for this purpose. The considerable delays that have occurred in achieving a landscaping of the site have been due to the original developer going into receivership and the site being taken over by another building firm, and the protracted discussions that have taken place between the current owners and the Planning Department.

Landscaping has now been carried out and the area will be managed and maintained as public open space. A change of use of the land to garden ground is considered inappropriate now that the area is to be public open space. It is understood that the owner of the land is not willing to sell the land to the applicant or other house owners.

It is considered that it would be detrimental to the amenities of the housing development to see the loss of this open amenity area.

## **RECOMMENDATION BY THE HEAD OF PLANNING AND BUILDING STANDARDS:**

I recommend that the application be refused for the following reason:

The proposal would be contrary to Policies G1 and BE6 contained in the Scottish Borders Local Plan: Finalised December 2005 in that the incorporation of the site into the private garden of the applicant and the adjoining residents would result in the loss of valuable public open space to the detriment of the amenity and appearance of the locality.

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

04/00763/COU



Site At Open Space  
Hendersyde Avenue  
Kelso



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# ***KELSO COMMUNITY COUNCIL***

*Pinnaclehill Lodge  
Sprouston Road  
KELSO,  
TD5 8ES*

*Tel : 01573 219111  
E-Mail :  
kelsocommunityconcil@gmail.com*

8 February 2022

Planning Office  
Scottish Borders Council  
Council Headquarters  
Newtown St Boswells  
Melrose TD6 0SA

Dear Sirs

The following plans has been considered by the Kelso Community Council this evening -

21/01849/FUL and 21/01850/LBC – Mr and Mrs Hancox – change of use from office to dwelling house – FBR Limited, Abbey Row, Kelso TD5 7JF. The Community Council supported this application.

22/00061/FUL – Mrs Ramsay – change of use of garage and alterations to form holiday let – garage north of 51 Roxburgh Street, Kelso TD5.  
The Community Council supported this application.

22/00093/PPP = Mr Hewitt – erection of dwellinghouse and associated works – land easts of 16 Hendersyde Avenue, Kelso TD5. The Community Council supported this application.

Yours sincerely

**Mrs S A Redgrave**  
**Secretary**

Thursday, 27 January 2022



Local Planner  
Development Management  
Scottish Borders Council  
Newtown St. Boswells  
TD6 0SA

Development Operations  
The Bridge  
Buchanan Gate Business Park  
Cumbernauld Road  
Stepps  
Glasgow  
G33 6FB

Development Operations  
Freephone Number - 0800 3890379  
E-Mail - [DevelopmentOperations@scottishwater.co.uk](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)



Dear Customer,

**Land East Of 16 Hendersyde Avenue, Kelso, TD5 7TZ**  
**Planning Ref: 22/00093/PPP**  
**Our Ref: DSCAS-0057072-W9N**  
**Proposal: Erection of dwellinghouse and associated works**

**Please quote our reference in all future correspondence**

### Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

### Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ There is currently sufficient capacity in ROBERTON Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

### Waste Water Capacity Assessment

- ▶ There is currently sufficient capacity for a foul only connection in the KELSO Waste Water Treatment works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

### Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

---

## **Asset Impact Assessment**

According to our records, the development proposals impact on existing Scottish Water assets.

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team via [our Customer Portal](#) to apply for a diversion.

The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction. Please note the disclaimer at the end of this response.

## **Surface Water**

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

## **General notes:**

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
  - ▶ Site Investigation Services (UK) Ltd
  - ▶ Tel: 0333 123 1223
  - ▶ Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)
  - ▶ [www.sisplan.co.uk](http://www.sisplan.co.uk)
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.

- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
  - ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
  - ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
  - ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
- 

### **Next Steps:**

#### **▶ All Proposed Developments**

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

#### **▶ Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk)

#### **▶ Trade Effluent Discharge from Non Dom Property:**

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email



TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).

- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.
- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com)

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely,

**Pamela Strachan**

Development Services Analyst

Tel: 0800 389 0379

[planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk)

### **Scottish Water Disclaimer:**

*"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."*

**From:** DevelopmentOperations  
<DevelopmentOperations@scottishwater.co.uk>  
**Sent:** 01 February 2022 08:21  
**To:** DCConsultees  
**Cc:** David Purse  
**Subject:** Scottish Water Ref No-DSCAS-0057072-W9N, Planning Reference  
**Attachments:** Screenshot 2022-02-01 075020.png

CAUTION: External Email

Hello Local Planner

The above project has come for review to the Asset Impact/Service Relocation Team due to existing Scottish Water apparatus within/near the site. I make the following comment.

Existing Water & Sewer Infrastructure within Site.

Scottish Water Records indicate that there are a number of water and sewer assets within the site. Please note that Scottish Water records are indicative only and your attention is drawn to the disclaimer at the bottom of this email. It is your responsibility to accurately locate the position of the pipe on site to ensure that it is not damaged during these works. All due care must be taken when working in the vicinity of Scottish Water assets, you should seek our support accordingly prior to any excavation works.

#### WATER

The GIS records indicate a 90mm HPPE diameter distribution water main close to the site. There are two critical issues relating to how close you can build to the above water main:-

##### 1. Access Distance

The Access Distance is the legally supported distance, required to facilitate future SW access to allow repair, maintenance or renewal of the water main in every direction (e.g. at the end of a water main or at changes of direction). The Access Distance will be measured from the extreme

edge of the pipe.

No development that will restrict our access or put at risk the integrity of our assets is permitted within the Access Distance.

## 2. Stand-off Distance

- a. This is the recommended distance to minimise the risk of damage to adjacent properties and structures in the event of a water main failure.
- b. It is suggested that this distance may include garden areas but should not include inhabited structures.

The Access Distance for the 90mm diameter pipe is 3.0 metres either side from the outside edge for the pipe.

No buildings, structures, private gardens, suds ponds or other obstruction should be located within the 3.0 metre Access Distance.

With respect to the Stand-off distance as described above Scottish Water requires developers to seriously consider the consequences of a possible mains failure. The Stand-off distance is calculated using WSSC guidelines and is dependent on the water pressure in the main.

No parking areas are permitted above the existing pipe due to possible contamination by hydrocarbons. If you need to divert this water main then please contact Scottish Water.

To divert a potable water main you will have to employ a Lloyds registered WIRS accredited designer to design your diversion to 'Water for Scotland v4.0' standards and to Scottish Water Specifications and Standards. You will also need to employ a Lloyds registered WIRS accredited contractor to divert the water main.

## SEWERS

The GIS records indicate that there is a 100mm and a 300mm diameter surface water sewer within the site boundary.

You should note that no buildings, structures or other obstructions should be located within the access distance of a public sewer. No public sewers are to be within private garden areas. No trees are to be planted directly over sewers or where excavation onto the sewer would require removal of the tree. The access distance is the minimum clearance required in every direction in the horizontal plane. For sewers of this size and depth a 3.0m access is required both sides of the pipe. This is for future access for maintenance, repair or renewal of the pipes. The site plan should indicate the required access distances. If a diversion is required please contact Scottish Water.

Private infrastructure

Scottish Water records appear to show a private foul drain within your site. Please note that Scottish Water records are indicative only and your attention is drawn to the disclaimer at the bottom of this letter. You should contact the owner(s) to establish their requirements for building in the vicinity of this asset.

Regards

David Purse

Scottish Water  
The Bridge  
Buchanan Gate Business Park  
Cumbernauld Road  
Stepps  
Glasgow  
G33 6FB

Mobile 07484 085 791

+44 (20) 33215205

Email Direct: [David.Purse@scottishwater.co.uk](mailto:David.Purse@scottishwater.co.uk)

Customer Call Centre : 0800 0778778

Dedicated Freephone Helpline : 0800 389 0379

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<https://survey.rantandrave.com/scottishwater-signature/en?V1=David%20Purse&V2=DevelopmentOperations>

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Scottish Water

[www.scottishwater.co.uk](http://www.scottishwater.co.uk)

# Consultation Reply

## INFRASTRUCTURE AND ENVIRONMENT

**To:** Chief Planning Officer

**FAO:** Euan Calvert

**Your Ref:** 22/00093/PPP

**From:** Head of Infrastructure and Environment

**Date:** 29<sup>th</sup> March 2022

**Contact:** Ian Chalmers

**Ext:** 5035

**Our Ref:** 3227

---

**Nature of Proposal:** Erection of dwellinghouse and associated works

**Site:** Land East Of 16 Hendersyde Avenue Kelso

---

In terms of information that this Council has concerning flood risk to this site, I would state that The Indicative River & Coastal Flood Map (Scotland) known as the “third generation flood mapping” prepared by SEPA indicates that the site is may be at risk from a pluvial (surface water) flood event with a return period of 1 in 200 years. That is the 0.5% annual risk of a flood occurring in any year.

The Indicative River & Coastal Flood Map (Scotland) has primarily been developed to provide a strategic national overview of flood risk in Scotland. Whilst all reasonable effort has been made to ensure that the flood map is accurate for its intended purpose, no warranty is given.

Due to copyright restrictions I cannot copy the map to you however, if the applicant wishes to inspect the maps they can contact me to arrange a suitable time to come in and view them.

The key flood risk on the site is the existing drain/stream that is shown to run at the Southern end of the site – this also has a pumping station next to it. At this point, SEPA’s mapping shows that the site is estimated to be flooded from surface water flooding at a 1 in 200 year flood event.

As such, I would require that the applicant submit a Flood Risk Assessment (FRA) and/or Drainage Impact Assessment (DIA) to show the flood risk on the site and to the proposed property and how this flood risk would be mitigated.

Ideally, this should develop a 1 in 200 year plus climate change flood level, assess if the new development is at risk of flooding and if appropriate how much flood plain storage is lost. Should the FRA show that compensatory storage is required the FRA should include measures to provide this.

The FRA/DIA should also include:-

- Flood depths
- Flow paths
- Details of mitigation measures to reduce flood risk (including details of compensatory storage)

A Finished Floor Level (FFL) above the 1 in 200 year plus climate change level should be developed with an appropriate allowance for freeboard.

Please note that this information must be taken in the context of material that this Council holds in fulfilling its duties under the Flood Risk Management (Scotland) Act 2009.

Ian Chalmers  
Engineer – Flood and Coastal Management

**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>	Keith Patterson Roads Planning Officer	<a href="mailto:kpatterson@scotborders.gov.uk">kpatterson@scotborders.gov.uk</a> <b>01835 826637</b>		
<b>Date of reply</b>	18 <sup>th</sup> February 2022	<b>Consultee reference:</b>		
<b>Planning Application Reference</b>	22/00093/PPP	<b>Case Officer:</b> Euan Calvert		
<b>Applicant</b>	Mr James Hewitt			
<b>Agent</b>	Ferguson Planning			
<b>Proposed Development</b>	Erection of dwellinghouse and associated works			
<b>Site Location</b>	Land East Of 16 Hendersyde Avenue Kelso 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>				
<b>Background and Site description</b>				
<b>Key Issues (Bullet points)</b>				
<b>Assessment</b>	<p>I have no objections in principle to this proposal, however before I am able to offer full support, I shall require a more detailed site plan which adequately shows the existing situation, in particular the footway around the turning head. The proposed access and parking for the plot should ensure that it does not result in a vehicle reversing along the public footway to exit the site.</p> <p>Confirmation is also required that the applicant has control/agreement to provide the replacement parking for No 16 which is out with the site boundary and to take access over what appears to be their land.</p>			
<b>Recommendation</b>	<input type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input type="checkbox"/> Do not object, subject to conditions	<input checked="" type="checkbox"/> <b>Further information required</b>
<b>Recommended Conditions</b>				
<b>Recommended Informatives</b>				

AJS



# Comments for Planning Application 22/00093/PPP

## Application Summary

Application Number: 22/00093/PPP

Address: Land East Of 16 Hendersyde Avenue Kelso Scottish Borders

Proposal: Erection of dwellinghouse and associated works

Case Officer: Euan Calvert

## Customer Details

Name: Mr Graeme Gillie

Address: 20 Hendersyde Drive, Kelso, Scottish Borders TD5 7TQ

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Detrimental to environment
- Increased traffic
- Land affected
- Noise nuisance
- Overlooking
- Privacy of neighbouring properties affected
- Trees/landscape affected

Comment: We object for a few different reasons. The area that is the proposed site is currently grassland. To build on this not only impacts on the natural environment for wildlife around here but also the people that live here. We are very fond of the dead end cul de sac we reside in and that is what drew us to buying the property along with the woodlands/ grass covered areas surrounding, which a lot of will be removed if this build goes ahead.

Which also leads me on to the proposed access to the property. We don't want to look at another access road or drive and are very aware that the new access and our road would be the only access in and out while the building works took place if approved. We are concerned about the mess of a one way in and out for materials and vehicles turning for the duration of the build and the increased noise in a normally quiet area.

What about the size and aesthetics of the proposed property. Is it going to match the surrounding properties in looks and size. Even if the same materials were used the surrounding properties are 20+ years older therefore it will look out of place. The proposed garden seems overly substantial for one property and in turn is removing more of the woodland area.

# Comments for Planning Application 22/00093/PPP

## Application Summary

Application Number: 22/00093/PPP

Address: Land East Of 16 Hendersyde Avenue Kelso Scottish Borders

Proposal: Erection of dwellinghouse and associated works

Case Officer: Euan Calvert

## Customer Details

Name: Mr Derek Wichary

Address: 18 Hendersyde Drive, Kelso, Scottish Borders TD5 7TQ

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Comments about play area
- Contrary to Local Plan
- Detrimental to environment
- Detrimental to Residential Amenity
- Height of .....
- Inadequate drainage
- Increased traffic
- Land affected
- Loss of light
- Loss of view
- Noise nuisance
- Overlooking
- Privacy of neighbouring properties affected
- Trees/landscape affected

Comment: We are opposing the planning put forward for the following reasons.

When we received this planning application, we read it in total disbelief and asked the question why?

We bought our property in 1998 and one of the main attractions was that our garden backed on to the open space/play-area which was designated for the whole estate, which meant we were not overlooked by any other properties. We purposely built our home with the main living areas overlooking the woodland which we have enjoyed for 24 years and to be faced with the prospect of our privacy being almost wholly disturbed by this development, is upsetting. We would like to ask also why the planning area is so large? What is the requirement for this as it would envelope

our property along our entire garden boundary line.

There is already enough traffic from residents parking at this end of the estate and so to have another road/access route made with extra cars, would create additional noise which would be noticeable. The prospect of having to live directly next to a building site, in what is a quite well-established residential area is not one to be relished.

Up until 2005, this open space lay as undeveloped wasteland and along with other neighbours whose properties backed on to it, we offered to purchase the land from the developer. It was agreed in principle however SBC refused the application as the area was deemed as public open space. We are not aware that the status of this land has changed. Has the ownership of this land changed?

The space is mostly used by younger children, dog walkers and those who access the woodland walks. As the woodland is now fully established, this does block natural light reaching our home (especially in the winter months) and we would be concerned that any new property built would block more of this light. The area of land is notorious for poor drainage of which we have worked tirelessly to keep our garden well drained. It is a concern that any disturbance to the land could have a knock-on effect for us.

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Dear Local Review Body,

We wish to add a further representation regarding the above appeal number, original planning number 22/00093/PPP.

We object to the original plans and also to the review of the plans for the appeal.

***The appeal states for Grounds 1:***

***'The proposed development complies with Policies PMD2 and PMD5 as it is located within the settlement boundary and is considered to contribute to the character of the surrounding area and would not represent overdevelopment.'***

This is not the case. It would represent overdevelopment as this land was never meant to be built on. Adding an extra access road to an already closed area and building a property on a small area is overdevelopment and would destroy the character of the surrounding area.

***The appeal also states,***

***'The proposal has been prepared to provide a good level of amenity for future occupiers of the proposed dwelling whilst safeguarding the amenity of residents within existing neighbouring properties at Hendersyde Drive and the wider settlement of Kelso. Although the detail of the proposal is deferred for future consideration, the indicative layout and location of the property within the site has ensured adequate separation distancing between properties can be reached, meaning there will be no adverse impacts on overshadowing and daylight/ sunlight provision whilst protecting privacy of residents'***

The proposed will not safeguard the amenity to local residents. That green space is used for dog walking and children playing. How would building a property and closing of the area be deemed as safeguarding our amenities. Not to mention adding in a further road at a dead end area which makes it safe for local children to play without fear of traffic.

As for the privacy of residents, the 4 houses located closest to the site, two semi detached on each side of the road are a fair distance apart. The proposed property would be situated in the middle of these 2 sides which will affect privacy and overlooking and especially light. How can it not affect light when no property is currently there. Of course there will be a further property on what was an empty space.

Also noted on the appeal is,

***'It is considered the proposed site does not have a social or economic value to the local community given it is fenced off with no public access'***

This area absolutely does have public access but from the other side of the woodland and a further access from the neighbouring cul de sac at Hendersyde Avenue which is also full of young families who also use the green space. I note these access points are not portrayed in the 2 photos attached to the appeal. Yes from the front it is a fence where vital car parking is provided for residents. But beyond the fence is green space for dog walkers and children.

And onto a further important issue being the woodland itself. This area, not just the trees but also the green space is home to various animals, it is a natural habitat to insects and wild flowers grow there all spring/ summer. In a time where there is so much emphasis on maintaining our environment and protecting it, we don't see how building a property on a natural habitat and destroying the area is a good idea!

Thank you for taking the time to take on out reservations.

Regards

Tanya Davidson & Graeme Gillie

20 Hendersyde Drive

Kelso

**Local Review Reference:** 22/00021/RREF

**Planning Application Reference:** 22/00093/PPP

**Development Proposal:** Erection of dwellinghouse and associated works

**Location:** Land East of 16 Hendersyde Avenue, Kelso

**Applicant:** Mr James Hewitt

## **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 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 PMD5 : INFILL DEVELOPMENT**

Development on non-allocated, infill or windfall, sites, including the re-use of buildings within Development Boundaries as shown on proposal maps will be approved where the following criteria are satisfied:

a) where relevant, it does not conflict with the established land use of the area; and

b) it does not detract from the character and amenity of the surrounding area; and



- c) the individual and cumulative effects of the development can be sustained by the social and economic infrastructure and it does not lead to over-development or 'town and village cramming'; and
  - d) it respects the scale, form, design, materials and density in context of its surroundings; and
  - e) adequate access and servicing can be achieved, particularly taking account of water and drainage and schools capacity; and
  - f) it does not result in any significant loss of daylight, sunlight or privacy to adjoining properties as a result of overshadowing or overlooking.
- All applications will be considered against the Council's Supplementary Planning Guidance on Placemaking and Design. Developers are required to provide design statements 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 HD4: MEETING THE HOUSING LAND REQUIREMENT/FURTHER HOUSING LAND SAFEGUARDING**

The areas indicated in the settlement profiles for longer term expansion and protection shall be safeguarded accordingly. Proposals for housing development in such expansion areas coming forward in advance of the identification of a shortfall in the effective housing land supply will be treated as premature.

As the plan does not adequately address the housing land requirement set out in SESplan and its Supplementary Guidance on Housing Land, the council will prepare and adopt supplementary guidance in order to identify additional sites to provide for a further 916 units during the plan period.

### **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 EP11: PROTECTION OF GREENSPACE**

- (A) KEY GREENSPACES

Key Greenspaces as identified on Proposal Maps will be protected from development that will result in their loss. Development that protects and enhances the quality of Key Greenspaces will be supported.

#### **(B) OTHER GREENSPACES**

Greenspace within the Development Boundary of settlements will be protected from development where this can be justified by reference to any of the following:

- a) the environmental, social or economic value of the greenspace;
- b) the role that the greenspace plays in defining the landscape and townscape structure and identity of the settlement;
- c) the function that the greenspace serves.

In both cases development that would result in the loss of greenspace, including outdoor sports facilities, will only be permitted if it can be satisfactorily demonstrated that, based on consultation with user groups and advice from relevant agencies:

- d) there is social, economic and community justification for the loss of the open space; or
- e) the need for the development is judged to outweigh the need to retain the open space; and
- f) where appropriate, comparable open space or enhancement of existing open space may be provided and/or paid for by the developer at an alternative location within or immediately adjacent to the settlement where this will provide adequate and acceptable replacement for the open space lost as a result of the development. In some cases, recreational provision in the form of indoor sports facilities may be a suitable alternative provided it is equally accessible and is judged to compensate fully for the loss of the open space resource.

Development that would result in the loss of functional open space where a quantifiable demand can be demonstrated must in addition be justified by reference to:

- g) the levels of existing provision and predicted requirements for the settlement;
- h) the extent to which current or predicted future demand can be met on a reduced area.

#### **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;
- d) leisure, sport, recreation, play areas and community facilities, either on-site or off-site;
- e) landscape, open space, allotment provision, trees and woodlands, including costs of future management and maintenance;
- f) protection, enhancement and promotion of environmental assets either on-site or off-site, having regard to the Local Biodiversity Action Plan and the Council's Supplementary Planning Guidance on Biodiversity, including compensation for any losses and/or alternative provision;
- g) provision of other facilities and equipment for the satisfactory completion of the development that may include: measures to minimise the risk of crime; provision for the storage, collection and recycling of waste, including communal facilities; provision of street furniture and digital connectivity with associated infrastructure.

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

#### **POLICY IS7: PARKING PROVISION AND STANDARDS**

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

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

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

#### **POLICY IS8 : FLOODING**

At all times, avoidance will be the first principle of managing flood risk. In general terms, new development should therefore be located in areas free from significant flood risk. Development will not be permitted if it would be at significant risk of flooding from any source or would materially increase the probability of flooding elsewhere. The ability of functional flood plains to convey and store floodwater should be protected, and development should be located away from them.

Within certain defined risk categories, particularly where the risk is greater than 0.5% annual flooding probability or 1 in 200 year flood risk, some forms of development will generally not be acceptable. These include:

- a) development comprising essential civil infrastructure such as hospitals, fire stations, emergency depots etc., schools, care homes, ground-based electrical and telecommunications equipment unless subject to an appropriate long term flood risk management strategy;
- b) additional built development in undeveloped and sparsely developed areas.

Other forms of development will be subject to an assessment of the risk and mitigation measures.

Developers will be required to provide, including if necessary at planning permission in principle stage:

- a) a competent flood risk assessment, including all sources of flooding, and taking account of climate change; and
- b) a report of the measures that are proposed to mitigate the flood risk.

The information used to assess the acceptability of development will include:

- a) information and advice from consultation with the council's flood team and the Scottish Environment Protection Agency;
- b) flood risk maps provided by the Scottish Environment Protection Agency which indicate the extent of the flood plain;
- c) historical records and flood studies held by the council and other agencies, including past flood risk assessment reports carried out by consultants and associated comments from the Scottish Environment Protection Agency, also held by the council;
- (d) the Scottish Environment Protection Agency's Land Use Vulnerability Guidance.

## **POLICY IS9: WASTE WATER TREATMENT STANDARDS AND SUSTAINABLE URBAN DRAINAGE**

### **WASTE WATER TREATMENT STANDARDS**

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

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

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

Development will be refused if:

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

#### **SUSTAINABLE URBAN DRAINAGE**

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

#### **Other Material Considerations**

- SBC Supplementary Planning Guidance on Developer Contributions 2021
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006
- SBC Supplementary Planning Guidance on Placemaking and Design 2010
- SBC Supplementary Planning Guidance on Trees and Development 2020
- SPP 2014
- Draft NPF4
- Proposed Local Development Plan

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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 100531102-002

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

### 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:	<input type="text" value="Ferguson Planning"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="R"/>	Building Name:	<input type="text" value="Shiel House"/>
Last Name: *	<input type="text" value="Thompson"/>	Building Number:	<input type="text" value="54"/>
Telephone Number: *	<input type="text" value="01896 668744"/>	Address 1 (Street): *	<input type="text" value="Island Street"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Galashiels"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="TD1 1NU"/>
Email Address: *	<input type="text" value="Ruaraidh@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 &amp; Mrs"/>	Building Name:	<input type="text" value="Shiel House"/>
First Name: *	<input type="text" value="C &amp; J"/>	Building Number:	<input type="text" value="54"/>
Last Name: *	<input type="text" value="Stephens"/>	Address 1 (Street): *	<input type="text" value="Island Street"/>
Company/Organisation	<input type="text" value="per Agent"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Galashiels"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="TD1 1NU"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="Ruaraidh@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

<input type="text" value="Agricultural barn at Carterhouse Farm"/>
--

Northing	<input type="text" value="607291"/>	Easting	<input type="text" value="367189"/>
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## Description of Proposal

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

Change of use of barn and alterations and extension to form dwellinghouse

## 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 Local Review 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 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)

Please see Local Review Statement

## Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

22/00207/FUL

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

08/02/2022

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

31/03/2022

## 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

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

None site is available for LRB to visit but please note that it is located in a farmyard

## 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: 20/06/2022

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## Proposal Details

Proposal Name	100531102
Proposal Description	Change of Use and conversion of existing barn to dwelling
Address	
Local Authority	Scottish Borders Council
Application Online Reference	100531102-002

## Application Status

Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete

## Attachment Details

Notice of Review	System	A4
Local Review Statement	Attached	A4
Planning Statement	Attached	A4
Application Form	Attached	A4
STE21S_02_01_109 Site Location Plan	Attached	A3
STE21S_02_95_001 Existing Site Plan	Attached	A2
STE21S_02_95_002_A Existing Floor and Elevation Plans	Attached	A3
STE21S_02_01_105_A Proposed Site Plan	Attached	A3
STE21S_02_01_107_B Proposed Floor and Elevation Plans	Attached	A3
Carterhouse Barn Photosheet	Attached	A4
Report of Handling 22_00207_FUL	Attached	A4
Decision Notice 22_00207_FUL	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-002.xml	Attached	A0

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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 100531102-001

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)

Change of Use and conversion of an agricultural barn to a dwelling 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?  
(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: *	-	Building Name:	Shiel House
Last Name: *	-	Building Number:	54
Telephone Number: *	01896 668744	Address 1 (Street): *	Island Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Galashiels
Fax Number:		Country: *	Scotland
		Postcode: *	TD1 1NU
Email Address: *	Ruaraidh@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: *	C & J	Building Number:	54
Last Name: *	Stephens	Address 1 (Street): *	Island Street
Company/Organisation	per Agent	Address 2:	
Telephone Number: *		Town/City: *	Galashiels
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	TD1 1NU
Fax Number:			
Email Address: *	Ruaraidh@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

Agriultural barn at Carterhouse Farm

Northing

607291

Easting

367189

## Pre-Application Discussion

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

Yes  No

## Site Area

Please state the site area:

940.00

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)

Agriculture

## 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.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? \*

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

## 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: \*

The Applicants propose to secure foul and surface water drainage arrangements via condition. The agricultural unit on which the site lies is within the ownership of the Applicants' family and available for making adequate provision for drainage from the proposed dwelling.

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.

## Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? \*

Yes  No

If Yes or No, please provide further details: \* (Max 500 characters)

Bins will be stored on land in the Applicants' ownership and brought to the roadside for collection, to the satisfaction of the Council

## Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? \*

Yes  No

How many units do you propose in total? \*

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

## 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 & Mrs I.G. & L Stewart

Address:

-, 000, Carterhouse, Jedburgh, TD8 6PS

Date of Service of Notice: \*

07/02/2022

(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: --

On behalf of: Mr & Mrs C & J Stephens

Date: 08/02/2022

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: Mr - -

Declaration Date: 08/02/2022

## Payment Details

Cheque: Mr & Mrs Stephens, 12345678

Created: 08/02/2022 14:04

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BARN CONVERSION AT CARTERHOUSE FARM

MR & MRS STEPHENS

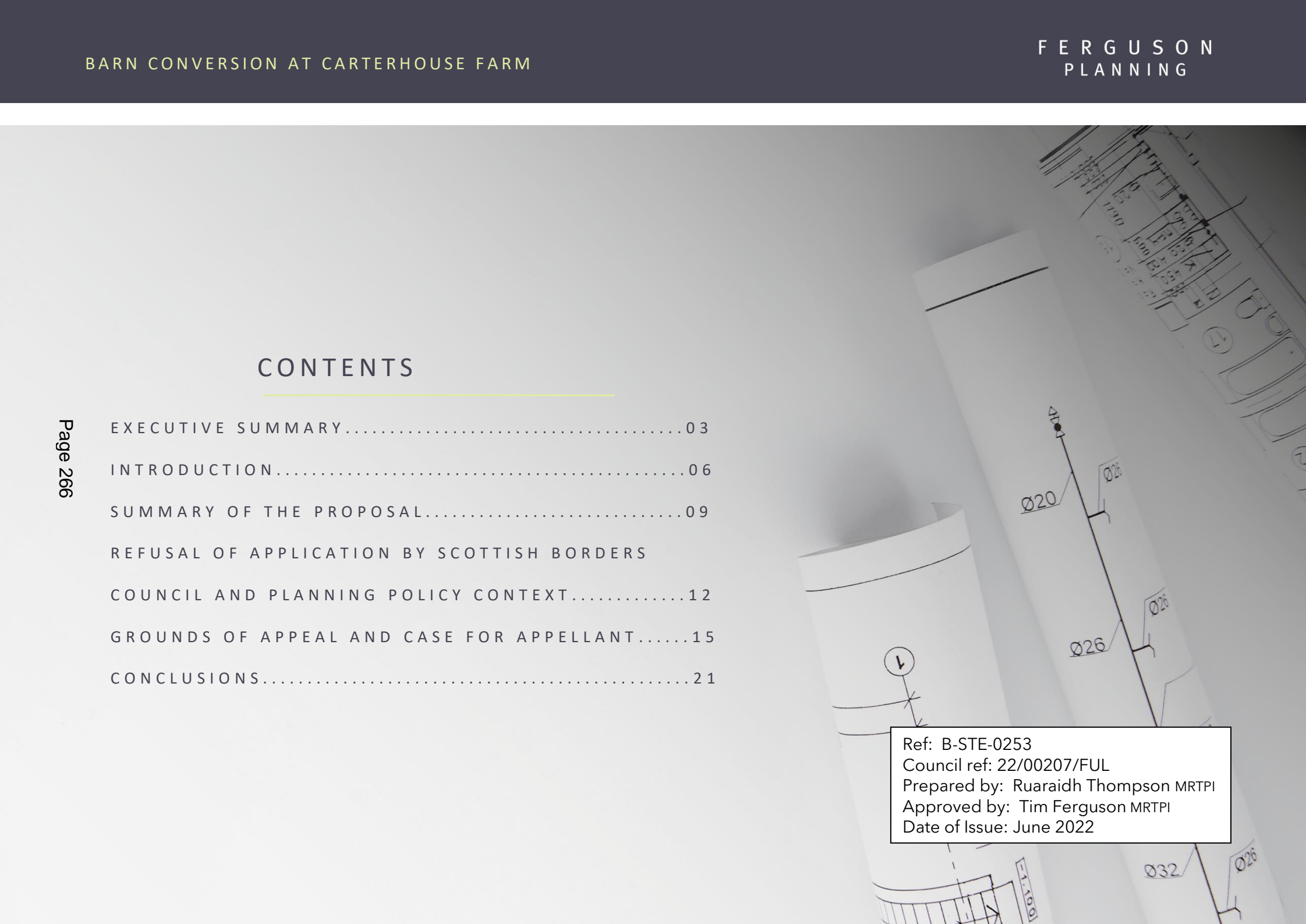
JUNE 2022

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Ref: B-STE-0253  
Council ref: 22/00207/FUL  
Prepared by: Ruaraidh Thompson MRTPI  
Approved by: Tim Ferguson MRTPI  
Date of Issue: June 2022

BARN CONVERSION AT CARTERHOUSE FARM

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## EXECUTIVE SUMMARY

## EXECUTIVE SUMMARY

This Statement is submitted on behalf of Craig and Jo Stephens “the Appellants” against the decision of Scottish Borders Council to refuse Planning Permission for the Change of Use of a barn together with alterations and extension to form a dwellinghouse on land north of Carterhouse, Carterhouse Farm, Jedburgh. All Core Documents (CD) are referenced in Appendix 1.

Conversion of the barn is proposed to provide a new house for the Appellants to relocate with their young family to be close to Mrs Stephens’ parents, who are the owners-occupiers of the existing dwelling (farmhouse) Carterhouse itself. The Appellants intend to permanently relocate from Cornwall where Mr Stephens runs his own joinery business and Mrs Stephens practices as a Registered Nurse to the Borders. Relocation will close the huge distance between the family and their grandparents, allowing everyone to spend more quality time together.

The existing building is a timber barn of substantial construction which remains actively maintained and weather-tight. The Appellants and appointed Planning Officer are agreed that there is no question of the barn requiring rebuilding or restoration. The barn sits with the rest of the farmyard at Carterhouse, with distinct existing boundaries defined by the cutting in which the yard sits.

During the course of the Application’s determination, the following consultee responses were received from Council Officers and partners:

- **Environmental Health team – No objection.**
- **Roads Planning team – No objection.**
- **Scottish Water – No objection.**

### Reason for Refusal

One reason was cited for the refusal of the Application.

The stated reason claimed that the proposed development contradicts Policy HD2 of the LDP as the existing building is “a more contemporary farm shed” which is not suitable for conversion as it “would not retain the character of a traditional farm building which is the aim of the Councils farm steading conversion policy”.

It is the position of the Appellants that section (C) of Policy HD2 applies equally to all existing buildings in the Borders countryside. We do not agree with the characterisation “farm steading conversion policy” as this is not provided for in the text of the adopted policy – neither is there any requirement for a building converted to be a stone barn or any other specific design. Rather, the policy applies simply to any existing building (not including a field shelter or lesser structure) in the countryside. It is accepted that section (C) sets an expectation for good design with which it is considered that the proposal accords.

Furthermore, it is not agreed that the existing timber barn is simply a contemporary farm shed. The elevations of the barn comprise timber construction. They do not incorporate cementitious asbestos sheet, aluminium, iron, pre-cast concrete panels or any other modern building materials which came to define the construction of agricultural sheds in the middle and later years of the 20th Century. Unlike more modern, utilitarian building materials, **timber is considered to be architecturally valuable and suitable for residential use.**

The appointed Planning Officer concluded that the creation of new windows and doors proposed was inappropriate. However, it is considered that this neglects the intrinsic nature of a barn conversion. Put simply houses need multiple windows and a small number of doors – agricultural barns don't.

It is also worth noting that (while the Appellants' case is not based on rights of statutory Permitted Development) the creation of new windows and doors in a barn to enable conversion to residential use does fall under works permitted by Permitted Development rights. Therefore, we consider that it is not justified to attempt to rest a reason for refusal on this consideration. Rather we consider that the proposed dwelling would stand as an attractive timber house which would visibly preserve the character of the barn and would easily be read as a barn conversion.

The Appellant and appointed Planning Officer are agreed that the existing building is capable of conversion. It is considered that the design and construction of the existing barn has architectural merit and is not a utilitarian, modernist construction. It is considered that creation of new windows and doors is necessary for almost all barn conversions. However, the new windows and doors proposed would retain the character of the existing building and attain the essential character of a barn conversion. Therefore, the proposed development is considered to accord with section (C) of Policy HD2.

This approach is directly encouraged and supported by Policy 31 of the draft National Planning Framework 4 which supports development proposals which "reuse a redundant or under used building". The existing building is in low-level use for agricultural storage ("under used building"). Carterhouse Farm has significant existing over-capacity and no new barns are required to enable the proposal to proceed.

The Local Review Body, having considered the detail contained within the Planning Application package, together with the information set out herein, will be respectfully requested to allow the Notice of Review and grant Planning Permission.

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BARN CONVERSION AT CARTERHOUSE FARM

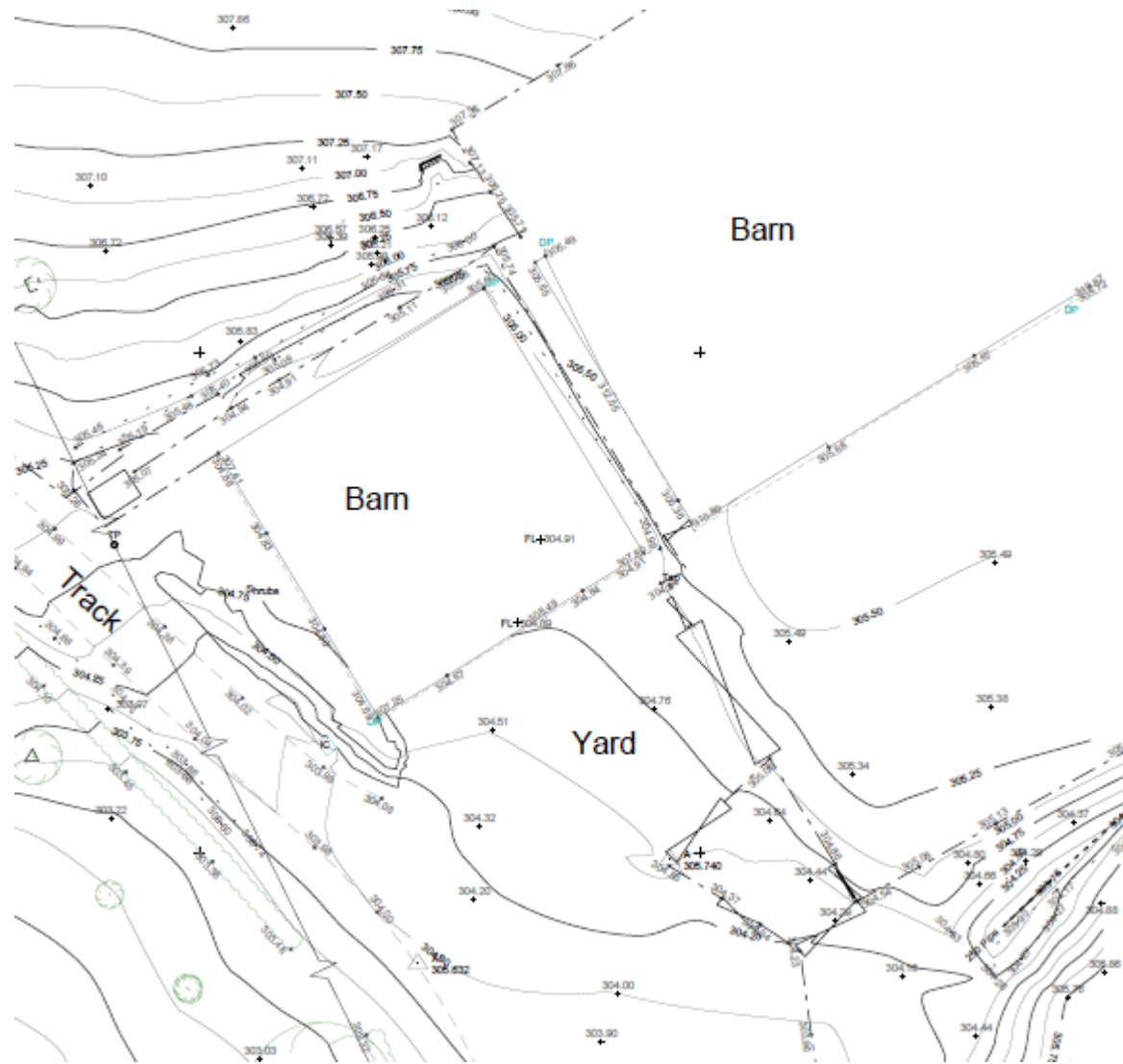
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INTRODUCTION

## INTRODUCTION

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- 1.1 This Statement supports a Notice of Review of the delegated decision of Scottish Borders Council to refuse to grant Planning Permission for the Change of Use of a barn together with alterations and extension to form a dwellinghouse on land north of Carterhouse, Carterhouse Farm, Jedburgh.
- 1.2 The site sits together with the other existing buildings at Carterhouse in a cutting into the hillside. Surrounding land stands noticeably higher, particularly to the north (see Fig.1.). Substantial hardstanding extends to the south of the barn across to the existing dwelling and the access track providing connectivity to the public road in the north accesses the cluster west of the site.
- 1.3 The site lies approximately 360 metres south of the A6088 along an existing track which provides access to the existing buildings at Carterhouse, dwelling and barns. The track is largely surfaced in gravel.
- 1.4 The barn which is subject of the proposal is one of two existing large barns lying north of the existing dwelling. Beyond the barn, land steps up to the north and east of the site, while a large established plantation of coniferous trees extends to the west of Carterhouse.
- 1.5 The new dwelling is proposed to enable the Applicants' to relocate with their young family to be close to Mrs Stephens' parents, who are the owners-occupiers of the existing dwelling Carterhouse itself. The Applicants intend to permanently relocate from Cornwall where Mr Stephens runs his own joinery business and Mrs Stephens practices as a Registered Nurse to the Borders, closing the mammoth distance between grandparents and the rest of the family.
- 1.6 The existing barn proposed for conversion sits in square plan with a gabled roof. The barn is very substantial in design and construction with a weather-tight roof complete with integral rooflights to allow egress of light. The elevations of the barn comprise vertically laid timber board, which are kept in fine condition. Timber doors are set into the south elevation, while the other elevations are devoid of fenestration. The roof comprises composite roofing panels.
- 1.7 A substantial concrete apron extends across the south elevation of the barn. The extent of the apron runs significantly further east past the existing footprint.
- 1.8 The barn remains in active use, although at a low-level. The majority of internal floorspace is given over to medium-long term storage of excess agricultural equipment and materials together with spare parts for agricultural machinery. Some space nearer the entrances in the south elevation are also used for shorter term storage of fertilizer and animal feed.
- 1.9 Carterhouse Farm has substantial over-capacity in existing shed space and all materials and equipment displaced from the barn on-site will be consolidated in other existing sheds.
- 1.10 The site lies close to but entirely outside the Cheviot Foothills Special Landscape Area, which extends as far as the north verge of the A6088 but does not include the road itself. As the site lies south of the A6088 and fully outside the Special Landscape Area, it is considered that the policy is not applicable.



**Fig 1:** Extract from STE21S-02-95-001 Existing Site Plan, showing the barn subject of this proposal together with a second in this part of Carterhouse Farm (Source: CB3 Design Architects).





**Fig 2:** Extract from STE21S-02-01-105A Proposed Site Plan, showing the site together with the north portion of Carterhouse Farm (Source: CB3 Design Architects).

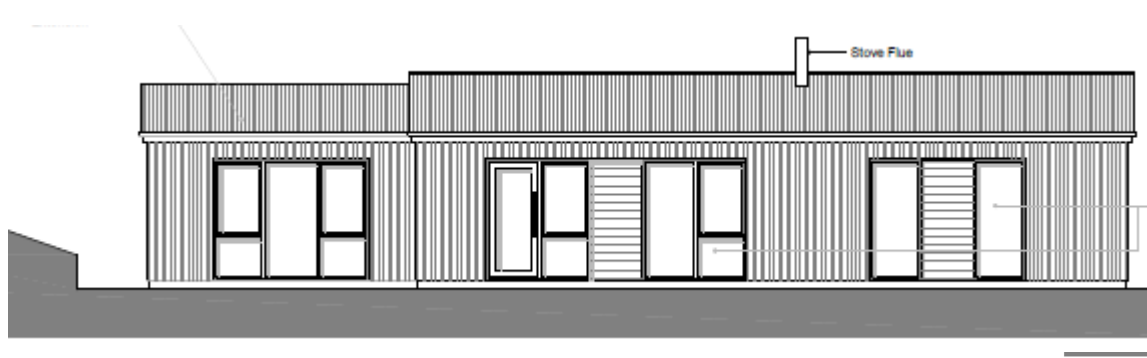
BARN CONVERSION AT CARTERHOUSE FARM

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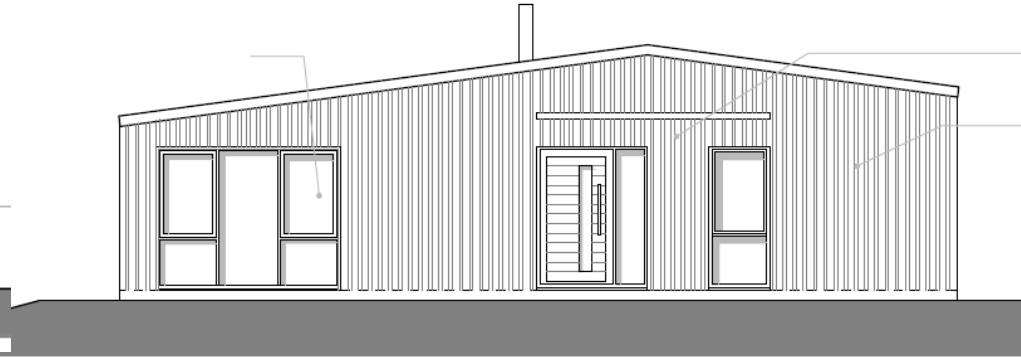
## SUMMARY OF THE PROPOSAL

## SUMMARY OF THE PROPOSAL

- 2.1 The proposed development comprises the Change of Use and conversion of a barn to a dwelling together with alterations and extension. The proposed dwelling will make use of an existing building which is no longer required for the purposes of agricultural production and sits in the existing cutting which contains the rest of the yard of Carterhouse Farm.
- 2.2 The proposal retains the greater part of the built fabric of the existing building. Both the timber elevations and composite roof panels will be retained for the building's new use. The existing barn door opening in the south elevation will be partly infilled with glazing and timber panels to achieve fenestration appropriate to a residential property (visible in Fig.3.). New openings in the existing built fabric are proposed to achieve windows, while connectivity to the proposed extension is achieved via a smaller existing opening.
- 2.3 The extension is proposed in rectangular plan sitting contiguous with the existing building (see Fig.2.). The proposed layout will retain the square plan of the existing building and preclude the plan form from transitioning to an unsympathetic and/or intrusive structure.  
The roofline of the extension will match the shape of the north (host) elevation while standing at a shorter height. A bathroom and two bedrooms will be provided in the additional accommodation provided by the extension. Internal space contained within the extension will be accessible only from the main body of the existing building, reflective of the role of the extension as an appendix of the new house.
- 2.4 Materials proposed in the roof and elevations of the extension are to match the existing building, with elevations proposed in timber board. New windows are proposed in aluminum frame.
- 2.5 Erection of the extension will require a small portion of land levelling. The levelled land will be stabilised by a new retaining wall. The retaining wall shall allow sufficient space within the envelope of the dwelling for both construction and maintenance access. Incorporation of this feature at design stage shall preclude the need for subsequent addition, which would be likely to have a more intrusive effect in the local landscape.
- 2.6 Access from the public road network to the site shall continue to be gained along the existing track. Space for the parking of two cars shall be provided adjacent to the south elevation, making use of existing substantial laid hardcore.
- 2.7 The proposed dwelling will be serviced by connection to a privately held septic tank and soakaways within the Applicants' control. The Applicants propose to connect to the mains water network which serves the existing farmhouse.

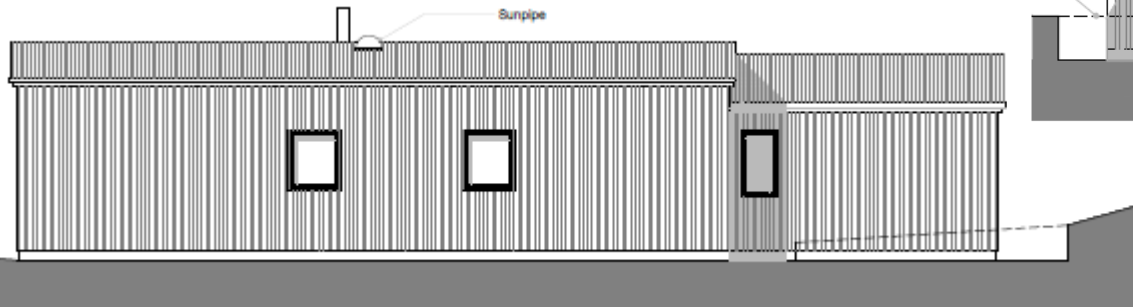


West Elevation

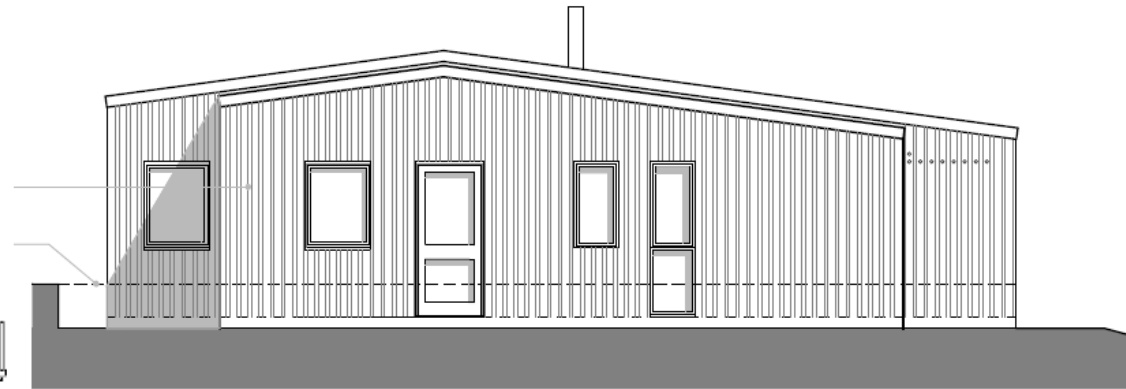


South Elevation

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East Elevation



North Elevation

**Fig 3:** Extracts from STE21S-01-01-107B Proposed Floor and Elevation Plans  
(Source: CB3 Design Architects).

BARN CONVERSION AT CARTERHOUSE FARM

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REFUSAL OF APPLICATION BY SCOTTISH BORDERS  
COUNCIL AND PLANNING POLICY CONTEXT

## REFUSAL OF APPLICATION BY COUNCIL AND PLANNING POLICY

- 3.1 Planning Application 22/00207/FUL was refused on 4th April 2022. The Decision Notice (CD10) cited one reason for refusal, set out below:

**“1. The development is contrary to criteria a) of Part C of Policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 in that the existing building is not worthy of conversion in terms of its architectural or historic merit and nor does it appear physically suited for residential use. The site lies outwith any recognised settlement or building group and no overriding essential business need has been substantiated for a house in this isolated location. The proposal would lead to sporadic residential development in the countryside and other material considerations do not outweigh the conflict with the Local Development Plan and harm that would result.”**

### Local Development Plan

- 3.2 Policy HD2 contains six sections, each of which details circumstances in which new houses will be considered acceptable. Section (C) which addresses development concerning the **conversion of existing buildings to houses** is considered to represent the pertinent material consideration in the determination of the appeal proposal.

- 3.3 Section (C) of Policy is replicated below:

### (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.

### Supplementary Guidance

- 3.4 The Supplementary Guidance ‘**New Housing in the Borders Countryside**’ addresses the conversion and rebuilding of existing buildings in extensive detail.
- 3.5 Rehabilitation of any available existing buildings should be considered as an alternative to new development and the Scottish Borders Council will look sympathetically at proposals for the sensitive reuse, conversion or rehabilitation of traditional buildings. There is, however, no automatic presumption in favour of redevelopment or replacement of derelict or dilapidated buildings in the countryside, particularly where the proposed housing is of a different scale and character to that which had existed previously.

3.6 In assessing proposals for the conversion of agricultural and other nonresidential buildings to residential use, and in addition to policy D2 in the Local Plan [since superseded by the LDP 2016], the following criteria will be applied:

1. No adverse effect on the viability of a farming unit or conflict with the operations of a working farm;
2. Satisfactory access and other road requirements;
3. Satisfactory public or private water supply and drainage facilities;
4. The building is structurally sound, in a reasonable state of repair, and capable of conversion without substantial rebuilding. A Structural Survey will be required where it appears that a building may not be capable of conversion. If it is incapable of conversion, any replacement building should reflect the form and character of the original structure. Significant alterations will only be permitted where it can be demonstrated that these provide environmental benefits such as a more sustainable and energy efficient design;
5. The building can be converted without alterations to its external appearance which would detract from its character and attractiveness;
6. The building makes a positive contribution to the landscape and has no adverse effect on countryside amenity or nature conservation;
7. No adverse impact on ancient monuments or archaeological sites;
8. Appropriate siting, design and materials in accordance with the relevant Local Plan policies.

3.7 Where existing agricultural buildings are being lost to agricultural use, the applicant will be required to give information on any consequent need and proposals for siting new agricultural buildings to replace those which are redundant. Such buildings should not conflict with the residential use of the redundant buildings.

3.8 Similarly, if existing agricultural uses are to be retained in buildings adjacent to or close to the proposed residential uses, consent will not normally be granted unless assurance can be given that conflict or nuisance will not occur.

National Planning Framework 4

3.9 A consultation draft of National Planning Framework 4 was published in 2021. The document addresses national planning policy and the Government's approach to achieving a net zero sustainable Scotland by 2045.

3.10 Policy 31 Rural Places is the most pertinent policy to this application. Development proposals which "reuse a redundant or under used building" are explicitly identified as being supportable under the policy. Additionally, the Policy sets out a general principle that sustainable development proposals in rural areas should be supported including "proposals for new homes in rural areas outwith existing rural settlements".

BARN CONVERSION AT CARTERHOUSE FARM

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GROUNDS OF APPEAL AND  
CASE FOR APPELLANT



## GROUNDS OF APPEAL AND CASE FOR THE APPELLANT

- 4.1 The decision of the Planning Authority to refuse the Application is challenged on the basis of the Ground of Appeal set out below. It is the submission of the Appellants that the proposal accords with the relevant adopted policy of the Local Development Plan and Supplementary Guidance and that there are no material considerations which justify the refusal of the Application.
- 4.2 During the course of the Application's determination, the following consultee responses were received from Council Officers and partners:
- **Environmental Health team – No objection.**
  - **Roads Planning team – No objection.**
  - **Scottish Water – No objection.**

**GROUND 1: THE PROPOSED DEVELOPMENT REPRESENTS THE CONVERSION OF AN EXISTING BUILDING TO PROVIDE A NEW DWELLING WHILE PRESERVING THE CHARACTER OF THE BUILDING TO BE EASILY READ AS A BARN CONVERSION WITHIN AN EXISTING FARMYARD WITH DISTINCTLY DEFINED BOUNDARIES AT CARTERHOUSE FARM.**

- 4.3 It is the Appellants' position that the appeal site comprises an existing building which is suitable for conversion to a new dwelling. The barn represents a timber building appropriate to the rural character of the area and does not require significant demolition to enable conversion.

- 4.4 It is common ground between the Appellants and the Planning Authority that there is an existing building on-site which is structurally and functionally capable of conversion. However, Report of Handling 22/00207/FUL (CD9) states that the existing building is "a more contemporary farm shed" which is not suitable for conversion as it "would not retain the character of a traditional farm building which is the aim of the Councils farm steading conversion policy".
- 4.5 Disagreement centres on the interpretation of the adopted text of Policy HD2. It is the Appellants' case that this part of the Policy addresses "*Conversions of Buildings to a House*" and that the listed criteria direct how good design should be delivered. The Planning Authority do not accept this reasoning and instead identify the Policy to be "the Councils farm steading conversion policy" and "permit development for conversion of traditional farm steading buildings".
- 4.6 The Appellants' position is that there is no policy requirement for development approved under section (C) of Policy HD2 to comprise conversion of a traditional building – either stone barns or similar. It is considered that the policy applies equally to all existing buildings which lie outside defined Development Boundaries in the Borders. It is accepted that policy requires barn conversion proposals to be well designed however the assertion that barns of timber construction are not eligible for conversion is not accepted.
- 4.7 Criterion a) of section (C) of Policy HD2 requires that:
- "the Council is satisfied that the building has architectural or historic merit, is capable of conversion, and is physically suited for residential use".*



Fig 4: Photograph of the south (front) elevation with sliding doors open.

- 4.8 Report of Handling 22/00207/FUL has organised consideration of criterion a) into three strands (listed below). For the sake of good order this Statement has adopted the same approach:
- i. the building has architectural or historic merit; AND
  - ii. the building is capable of conversion; AND
  - iii. the building is physically suited for residential use.

i. The building has architectural or historic merit

- 4.9 Report of Handling 22/00207/FUL considers that:

“The building looks to be a common example of a more contemporary farm shed with its timber clad walls, asymmetrical roof clad in profiled sheeting and sliding barn doors. The barn does not appear to exhibit any particular architectural interest and neither is there any known historic interest associated with this building. In short this building is not representative of a traditional farm steading building”.

- 4.10 It is considered that agricultural barns comprising timber clad walls are not representative of common – mass produced – agricultural barns dating from the mid and late 20th Century (as seen in Fig.4.). While numerous barns across the Borders do date from the mid and late 20th Century, typical design comprises steel portal frame and cementitious sheet (usually containing asbestos) sometimes incorporating pre-set concrete panels at the foot of elevations. Timber is not a building material typical of 20th Century construction and, indeed, its first usage long predates the 20th Century and all modern building materials.

- 4.11 The timber construction of the barn is both architecturally valuable and suitable for residential use. The value of timber as a primary building material in house construction has become better appreciated in recent years, owing not least to its formidable insulatory properties. The increased importance of effective insulation and strong energy efficiency has led to increase use of composite roof panels in recent years due to lower costs and less impact upon natural resources in high-demand – especially natural slate.

ii. The building is capable of conversion

- 4.12 It is common ground between the Appellants and Planning Authority that the Application demonstrates that the existing building can be converted.

iii. The building is physically suited for residential use

- 4.13 Doors and windows are regularly replaced in building conversions.

- 4.14 As timber is an architecturally valuable building material, which does not represent a modernist invention to cut construction costs singly, a substantial and solid hardwood timber frame, and composite roof panels represent a building solution which is insulation-effective and energy efficient, the existing building is considered to have architectural merit.

- 4.15 Report of Handling 22/00207/FUL asserts that:

“The number of new openings required suggest that physically the structure is not very well suited to provide a residential use.”

- 4.16 This assessment does not appear to take account of the nature of a residential dwelling and the requirement for light to shine in and the occupants to look out – a fundamental nature which is not common to an agricultural barn; particularly one in which livestock are not kept. Therefore, it is considered to be both natural and inevitable that new openings will be required in the conversion of a barn to a house.
- 4.17 The appointed Planning Officer has identified that Class 18B of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) grants rights for the Change of Use and conversion of agricultural buildings to dwellings. The rights granted under Class 18B clarify that the following works are included as Permitted Development:
- “(a) *the installation or replacement of—*
- (i) *windows, doors, roofs, or exterior walls,*
- (ii) *water, drainage, sewerage, electricity, gas or other services,*
- to the extent reasonably necessary for the building to function as a dwelling”.*
- 4.18 It is noted that the appointed Planning Officer considers “it would not be appropriate to use these regulations as a means to enable the conversion and extension of a sub-standard building in LDP policy terms.”

- 4.19 However, the rights granted under Class 18B make explicit the Government’s support for new windows and doors to be created in the conversion of agricultural barns to houses “*to the extent reasonably necessary for the building to function as a dwelling*”. Therefore, the assessment – contained within the Report of Handling – that proposed new windows and doors must be limited in number and extent is considered to be unfounded as it is not supported by adopted local policy or guidance and is explicitly contradicted by the General Permitted Development (Scotland) Order 1992 (as amended) – which represents national regulatory legislation.

#### Summary

- 4.20 It is common ground between the Planning Authority and Appellants that the existing building subject of the proposed development is capable of conversion. It is considered that the existing building possess architectural merit, owing largely to its timber construction (including hardwood frame) and that the fact it is not a stone barn is not a consideration material to determination of the Application. Finally, it is considered that the proposed dwelling would represent an attractive timber house which would visibly preserve the character of the building and would be easily legible as such. Concerns relating to the creation of new windows and doors are considered to not take proper account of the transition from agricultural to residential use or due cognisance of Government planning policy for Scotland. Therefore, the proposed development is considered to fully satisfy criterion a) of section (C).

- 4.21 The Report of Handling concludes that the proposed development accords with criteria b) & c) of section (C) of Policy HD2. The barn is a weather-tight existing building which continues to be actively maintained (criterion b)). A modest extension is proposed in timber from the north (rear) elevation of the building. The proposed extension is considered to be both subservient to the existing building in scale and in-keeping with its character (criterion c)) – an assessment shared by the appointed Planning Officer.
- 4.22 For the purpose of clarity, there is no requirement or intention for erection new agricultural sheds at Carterhouse Farm, regardless of whether the proposed development is approved.
- 4.23 The Planning Authority and Appellants agree that there is an existing building on-site. It is common ground that the proposed development satisfies criteria b) & c). Dispute centres on accordance with criterion a). Common ground has been found with the Planning Authority on one of the three strands of criterion a) – the building is capable of conversion. On the two points of disagreement, the Appellants consider that the existing timber barn does possess architectural merit and that the windows and doors proposed in the building are acceptable in both planning and design terms. The existing building has a solid timber frame, comprises timber of a natural appearance, does not incorporate any profiled sheet (cementitious asbestos or any other material), and reflects and embodies the many centuries that timber agricultural barns have been used in Roxburghshire and throughout the Borders. Creation of new windows and doors is considered necessary and appropriate to deliver Change of Use from agriculture to residential use, as well as being supported by Government planning policy. Therefore, the proposed development is considered to accord with section (C) of Policy HD2.

- 4.24 Policy 31 of the draft National Planning Framework 4 (NPF) supports development proposals which “reuse a redundant or under used building”. The existing building is in low-level use for agricultural storage (“under used building”). Therefore, proposed development enjoys the full-bodied support of Policy 31 of draft NPF4 which reinforces the acceptability of the principle of development, in accordance with adopted local planning policy.
- 4.25 It should be noted that the Application is for Full Planning Permission and the Appellants and Planning Authority agree on other matters of design, including residential amenity.

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BARN CONVERSION AT CARTERHOUSE FARM

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CONCLUSION

## CONCLUSION

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- 5.1 The Notice of Review, supported by this Statement, requests that the Council overturns the decision to refuse Planning Permission for Application 22/00207/FUL and grant Planning Permission for Change of Use of a barn together with alterations and extension to form a dwellinghouse on land north of Carterhouse, Carterhouse Farm, Jedburgh
- 5.2 The proposed development represents conversion of an existing barn sitting within the yard of Carterhouse Farm into a house for use of the Appellants. The conversion would make use of and retain the existing timber fabric of the building and benefit from its formidable insulatory qualities. The creation of new doors and windows in existing walls are considered to be appropriate and fully supported by Government planning policy. The appointed Planning Officer assessed the existing building to be capable of conversion, structurally intact and stable, and the proposed extension to be sensitive and well-designed – an assessment shared by the Appellants. Therefore, the proposed development is considered to accord with section (C) of Policy HD2.
- 5.3 There is no dispute between the Appellants and Planning Authority on any other matter and are not relevant in determination of this Notice of Review.
- 5.4 The Local Review Body is respectfully requested to allow the appeal for the conversion of an existing barn to a dwelling at Carterhouse Farm.

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CORE DOCUMENTS



## CORE DOCUMENTS

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The following drawings, documents, and plans have been submitted to support the Notice of Review:

- Notice of Review Form;
- CD1 Local Review Statement;
- CD2 (Application) Planning Statement;
- Application Form;
- CD3 STE21S-02-01-109 Site Location Plan, prepared by CB3 Design Architects;
- CD4 STE21S-02-95-001 Existing Site Plan, prepared by CB3 Design Architects;
- CD5 STE21S-02-95-002(A) Existing Floor and Elevation Plans, prepared by CB3 Design Architects;
- CD6 STE21S-02-01-105(A) Proposed Site Plan, prepared by CB3 Design Architects;
- CD7 STE21S-02-01-107(B) Proposed Floor and Elevation Plans, prepared by CB3 Design Architects;
- CD8 Carterhouse Barn Photosheet, prepared by Ferguson Planning;
- CD9 Report of Handling 22/00207/FUL; and
- CD10 Decision Notice 22/00207/FUL.

# F E R G U S O N P L A N N I N G

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F E R G U S O N  
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AGRICULTURAL BARN AT CARTERHOUSE FARM

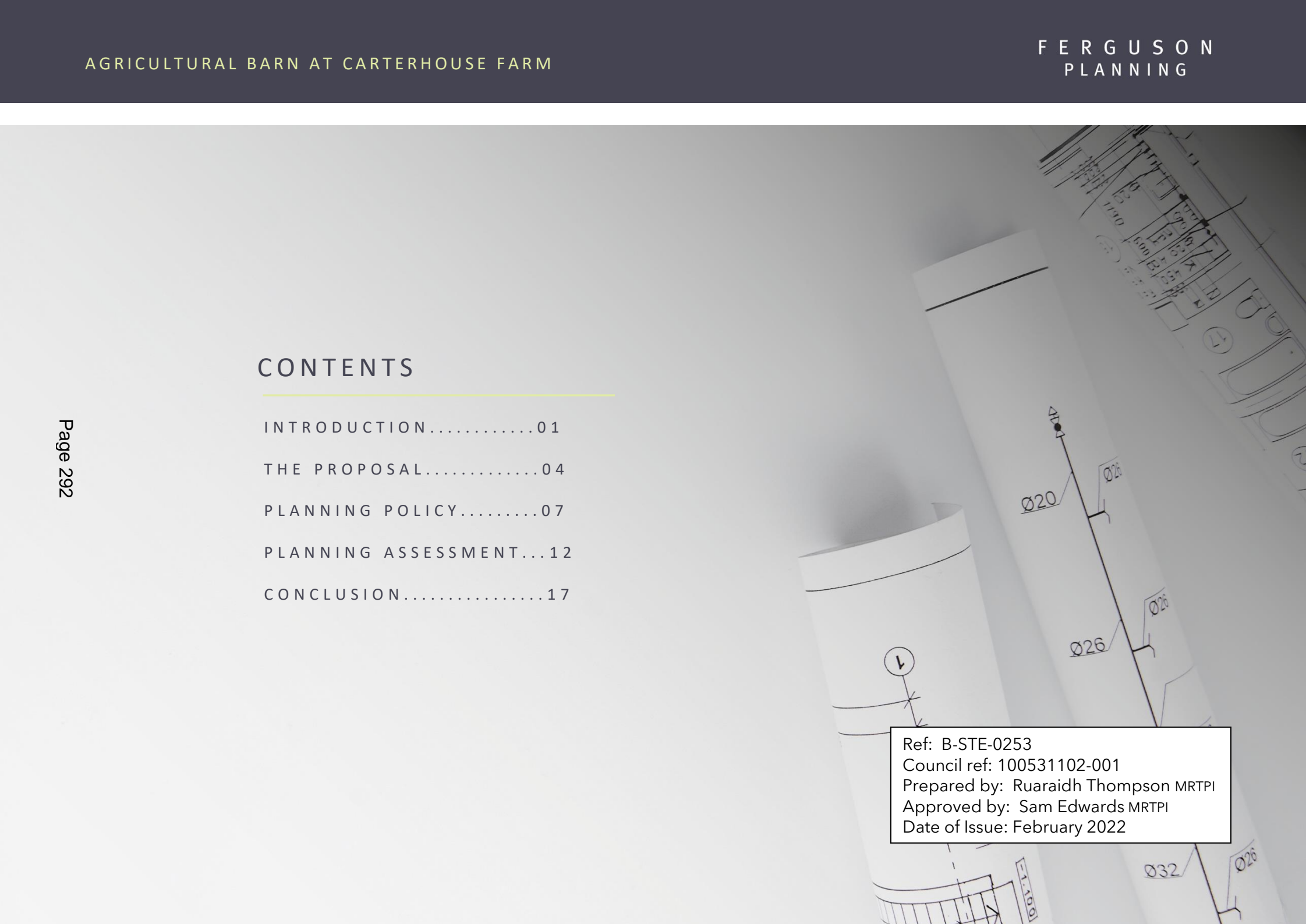
MR & MRS STEPHENS

FEBRUARY 2022

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Ref: B-STE-0253  
Council ref: 100531102-001  
Prepared by: Ruaraidh Thompson MRTPI  
Approved by: Sam Edwards MRTPI  
Date of Issue: February 2022

F E R G U S O N  
P L A N N I N G

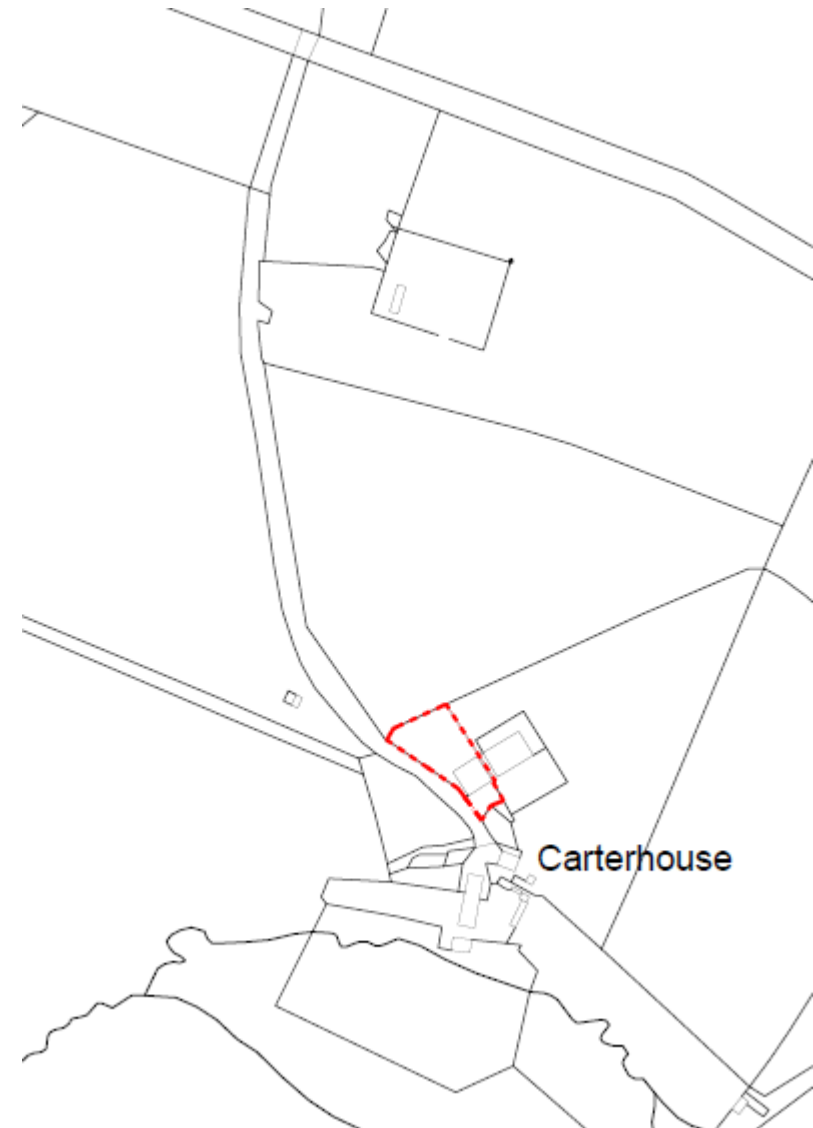
AGRICULTURAL BARN AT CARTERHOUSE FARM

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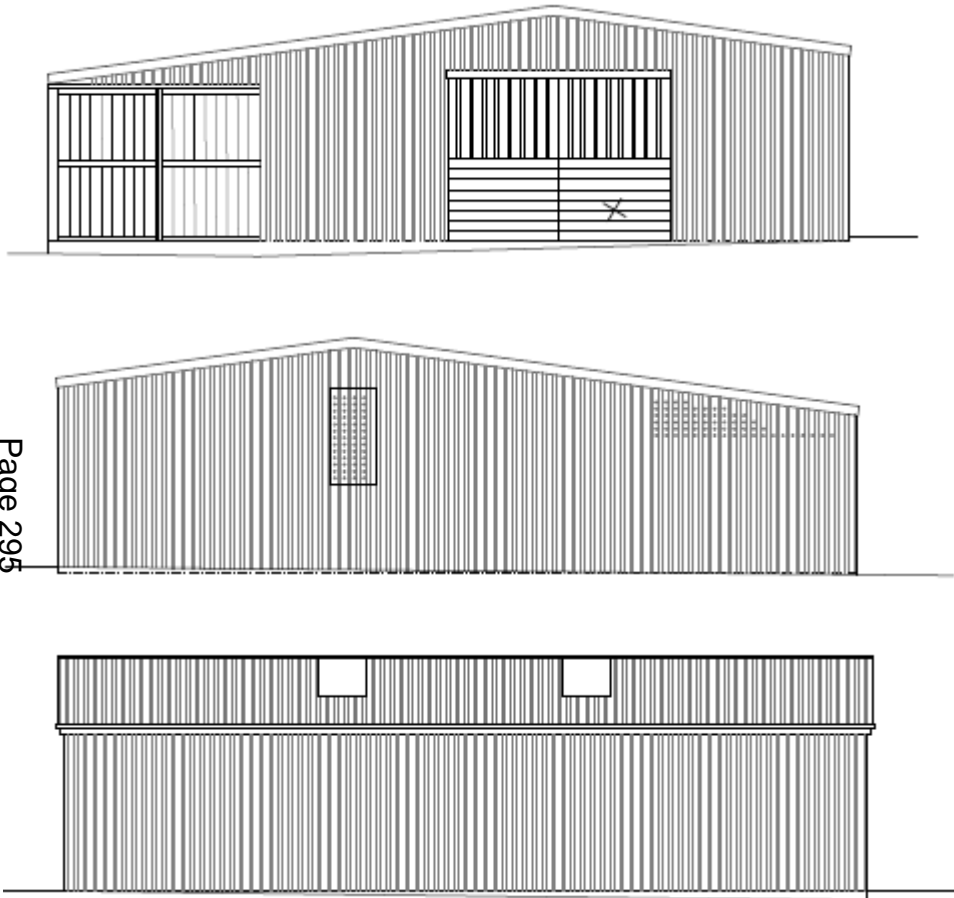
INTRODUCTION

## INTRODUCTION

- 1.1 This Planning Statement, prepared by Ferguson Planning, is submitted to Scottish Borders Council on behalf of the joint Applicants Mr & Mrs Stephens. This Statement supports an Application for Planning Permission for Change of Use and conversion of an agricultural barn to a dwelling at Carterhouse Farm, Jedburgh, TD8 6PS.
- 1.2 The new dwelling is proposed to enable the Applicants' to relocate with their young family to be close to Mrs Stephens' parents, who are the owners-occupiers of the existing dwelling Carterhouse itself. The Applicants intend to permanently relocate from Cornwall where Mr Stephens runs his own joinery business and Mrs Stephens practices as a Registered Nurse to the Borders, closing the mammoth distance between grandparents and the rest of the family.
- 1.3 The site lies approximately 360 metres south of the A6088 along an existing track which provides access to the existing buildings at Carterhouse, dwelling and barns. The track is largely surfaced in gravel.
- 1.4 The site sits together with the other existing buildings at Carterhouse in a cutting into the hillside. Surrounding land stands noticeably higher, particularly to the north. Substantial hardstanding extends to the south of the barn across to the existing dwelling and the access track providing connectivity to the public road in the north accesses the cluster west of the site.
- 1.5 The barn which is subject of the proposal is one of two existing large barns lying north of the existing dwelling. Land steps up to the north and east of the site, while a large established plantation of coniferous trees extends to the west of Carterhouse.



**Fig 1:** Extract from STE21S-02-01-109 Site Location Plan  
(Source: CB3 Design Architects).



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**Fig 2:** Extracts from STE21S-02-95-002A Existing Floor and Elevation Plans (Source: CB3 Design Architects).

- 1.6 The existing barn proposed for conversion sits in square plan with a gabled roof. The barn is very substantial in design and construction with a weather-tight roof complete with integral rooflights to allow egress of light. The elevations of the barn comprise vertically laid timber board, which are kept in fine condition. Timber doors are set into the south elevation, while the other elevations are devoid of fenestration. The roof comprises composite roofing panels.
- 1.7 A substantial concrete apron extends across the south elevation of the barn. The apron extends considerably further eastward past the existing footprint.
- 1.8 The barn remains in active use, although at a low-level. The majority of internal floorspace is given over to medium-long term storage of excess agricultural equipment and materials together with spare parts for agricultural machinery. Some space nearer the entrances in the south elevation are also used for shorter term storage of fertilizer and animal feed.
- 1.9 Carterhouse Farm has substantial over-capacity in existing shed space and all materials and equipment displaced from the barn on-site will be consolidated in other existing sheds.
- 1.10 The site lies close to but entirely outside the Cheviot Foothills Special Landscape Area, which extends as far as the north verge of the A6088 but does not include the road itself. As the site lies south of the A6088 and fully outside the Special Landscape Area, it is considered that the policy is not applicable.
- 1.11 The extract above indicates the application site in red. Plans of the existing building on-site are also shown left.

AGRICULTURAL BARN AT CARTERHOUSE FARM

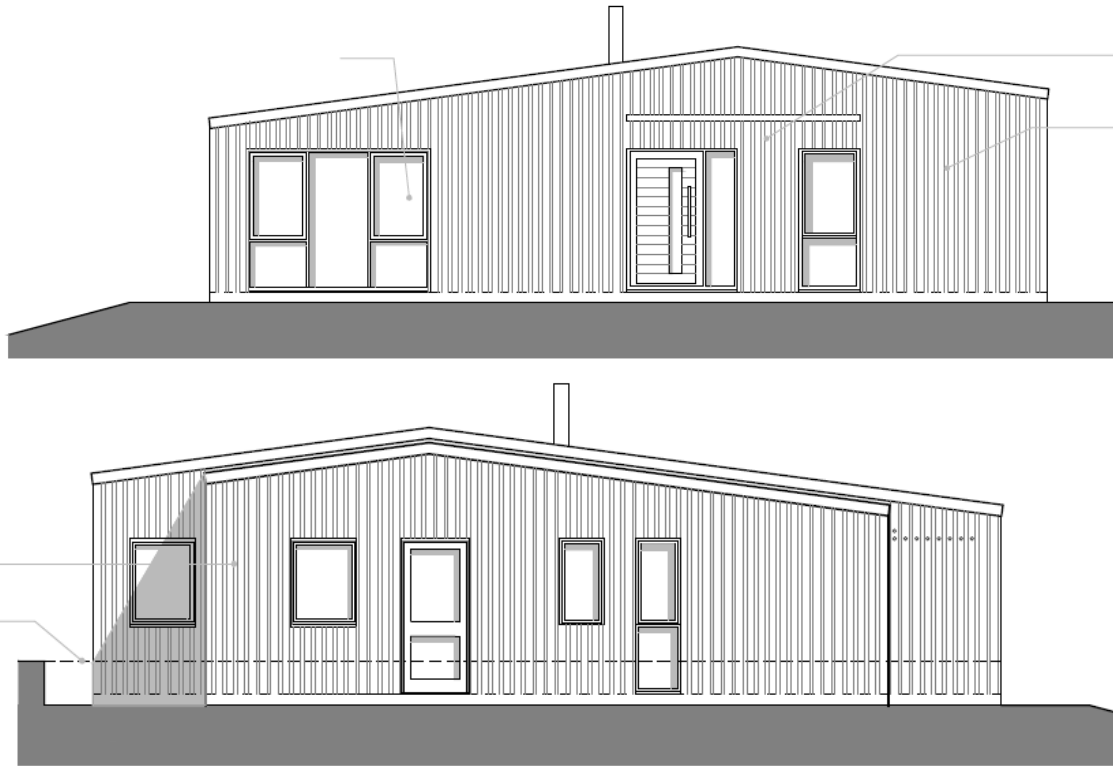
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## THE PROPOSAL



## THE PROPOSAL

- 2.1 The proposal is for change of use and conversion of the existing barn to a dwelling to provide a new family home. It is also planned to erect a single storey extension. The proposed extension would project from the north elevation of the existing building. The proposal would involve installation of internal walls in addition to construction of a retaining wall adjacent to the north.
- 2.2 The proposal retains the greater part of the built fabric of the existing building. Both the timber elevations and composite roof panels will be retained for the building's new use. The existing barn door opening in the south elevation will be partly infilled with glazing and timber panels to achieve fenestration appropriate to a residential property. New openings in the existing built fabric are proposed to achieve windows, while connectivity to the proposed extension is achieved via a smaller existing opening.
- 2.3 The extension is proposed in rectangular plan sitting contiguous with the existing building. The proposed layout will retain the square plan of the existing building and preclude the plan form from transitioning to an unsympathetic and/or intrusive structure. The roofline of the extension will match the shape of the north (host) elevation while standing at a shorter height. A bathroom and two bedrooms will be provided in the additional accommodation provided by the extension. Internal space contained within the extension will be accessible only from the main body of the existing building, reflective of the role of the extension as an appendix of the new house.
- 2.4 Materials proposed in the roof and elevations of the extension are to match the existing building, with elevations proposed in timber board. New windows are proposed in aluminum frame.
- 2.5 Erection of the extension will require a small portion of land levelling. The levelled land will be stabilised by a new retaining wall. The retaining wall shall allow sufficient space within the envelope of the dwelling for both construction and maintenance access. Incorporation of this feature at design stage shall preclude the need for subsequent addition, which would be likely to have a more intrusive effect in the local landscape.
- 2.6 Access from the public road network to the site shall continue to be gained along the existing track. Space for the parking of two cars shall be provided adjacent to the south elevation, making use of existing substantial laid hardcore.
- 2.7 The proposed dwelling will be serviced by connection to a privately held septic tank and soakaways within the Applicants' control. The Applicants propose to connect to the mains water network which serves the existing farmhouse.
- 2.8 The remainder of this Statement considers relevant planning policy and thereafter provides a reasoned justification within the policy context. Together with this Statement the following drawings have been submitted to support the application:
- STE21S-02-01-109 Site Location Plan
  - STE21S-02-95-001 Existing Site Plan
  - STE21S-02-95-002(A) Existing Floor and Elevation Plans
  - STE21S-02-01-105(A) Proposed Site Plan
  - STE21S-02-01-107(B) Proposed Floor and Elevation Plans



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**Fig 3:** Extracts from STE21S-01-01-107B Proposed Floor and Elevation Plans (Source: CB3 Design Architects).

AGRICULTURAL BARN AT CARTERHOUSE FARM

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PLANNING POLICY

## PLANNING POLICY

3.1 This section provides an overview of key planning policies relevant to the proposed development. Scottish Planning Policy (SPP) and the National Planning Framework (NPF) set out national planning policies and are key material considerations the determination of planning applications. The Development Plan is made up of the Strategic Development Plan for South East Scotland (SESPlan) and the Scottish Borders Local Development Plan (2016).

### SCOTTISH PLANNING POLICY (SPP) 2014

3.2 SPP supports the creation and protection of successful, sustainable places which support sustainable economic growth and regeneration, and the creation of well-designed, sustainable places. This outcome sits side-by-side with the other three outcomes which target delivery of low carbon places which reduce carbon emissions and adapt to the changing climate, natural and resilient places which protect and make use of natural and cultural assets, and better connected places which support and capitalises on transport and digital infrastructure.

3.3 SPP creates a presumption in favour of development that contributes to sustainable development and establishes that the planning system should support economically, environmentally, and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost. Specifically, policies and decisions should be guided by key principles, including:

- giving due weight to net economic benefit;
- responding to economic issues, challenges and opportunities, as outlined in local economic strategies;

- supporting good design and the six qualities of successful places;
- making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;
- supporting climate change mitigation and adaptation including taking account of flood risk;
- improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;
- having regard to the principles for sustainable land use set out in the Land Use Strategy;
- protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;
- 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.

3.4 SPP sets out how successful, sustainable places include protecting and enhancing the vibrancy of rural, coastal, and island areas, with growing, sustainable communities supported by new opportunities for employment and education. The character of rural and island areas and the challenges they face vary greatly across the country, from pressurised areas of countryside around towns and cities to more remote and sparsely populated areas.

- 3.5 In rural areas the Government intends the planning system to:
- in all rural and island areas promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces;
  - encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality; and
  - support an integrated approach to coastal planning.

**NATIONAL PLANNING FRAMEWORK (DRAFT) 2021**

- 3.6 A consultation draft of National Planning Framework 4 was published in 2021. The document addresses national planning policy and the Government’s approach to achieving a net zero sustainable Scotland by 2045.
- 3.7 Policy 41 Rural Places is the most pertinent policy to this application. The Policy sets out that sustainable development proposals in rural areas should be supported. Development proposals which “reuse a redundant or under used building” are explicitly identified as being supportable under the policy.

**SESPLAN (2013)**

- 3.8 SESPlan is the Strategic Development Plan (SDP) for Edinburgh and South East Scotland. The Strategic Development Plan addresses strategic development and the spatial strategy for the area.
- 3.9 As the proposal is for a single dwelling without significant engineering works, it is considered that no SDP policy is pertinent to the proposal.

**SCOTTISH BORDERS LOCAL DEVELOPMENT PLAN**

- 3.10 Local planning policy relevant to the proposal is contained within the Scottish Borders Local Development Plan (2016). Key policies include:
- Policy PMD1: Sustainability
  - Policy PMD2: Quality Standards
  - Policy HD2: Housing in the Countryside
  - Policy HD3: Protection of Residential Amenity
  - Policy EP5: Special Landscape Areas

**Policy PMD1: Sustainability**

- 3.11 The preparation of the Local Development Plan was heavily informed by the acknowledged “*need for action on climate change*” and the Council’s Environmental Strategy, which sit behind the ‘support and encouragement of sustainable development’ across the Borders. Policy PMD1 sets out the “*sustainability principles which underpin all the Plan’s policies*” and that the Council expects to inform development proposals and planning decisions:
- 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 of 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**

- 3.12 The Policy sets out a range of sustainability, placemaking and design, accessibility and open space / biodiversity requirements, whereby the proposal must:
- Take appropriate measures to maximise the efficient use of energy and resources, in terms of layout, orientation, construction and energy supply;
  - Make provision for sustainable drainage;
  - Incorporate appropriate measures for separate storage of waste and recycling;
  - Incorporate appropriate landscaping to help integration with the surroundings;
  - Create a sense of place, based on a clear understanding of context;
  - Be of a scale, massing and height appropriate to the surroundings;
  - Be of a scale, massing and height appropriate to the surroundings;
  - Be finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality;
  - Be compatible with, and respect, the character of the surrounding area, neighbouring uses and neighbouring built form;
  - Be able to be satisfactorily accommodated within the site;
  - Provide for appropriate boundary treatments to ensure attractive edges, and to help integration with the surroundings;
  - Incorporate access for those with mobility difficulties;
  - Not have an adverse impact on road safety in terms of the site access;

- Incorporate adequate access and turning space for vehicles including those used for waste collection purposes; and
- Retain physical or natural features which are important to the amenity or biodiversity of the area.

**Policy HD2: Housing in the Countryside**

3.13 Section C of Policy HD2 addresses development proposals for housing related to existing Building Groups. The adopted text of section A has been copied below:

*“(C) Building Groups*

*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.”*

**Policy HD3: Residential Amenity**

3.14 The Policy states that *“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 development 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 sunlight 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.”*

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AGRICULTURAL BARN AT CARTERHOUSE FARM

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PLANNING ASSESSMENT



## PLANNING ASSESSMENT

### Principle of Development

- 4.1 The proposal represents the conversion of an existing barn in the yard of Carterhouse Farm. The barn is in a good state of repair and remains in use. Carterhouse Farm lies in the countryside at the foot of the Cheviot Hills.
- 4.2 The construction of the barn is very substantial comprising laid timber boards. The building obviously follows a pre-prepared design which has been built out and maintained for a period of decades thereafter. The appearance of the barn contrasts with most contemporary agricultural buildings comprising profiled sheet construction and is quite attractive within its setting.
- 4.3 The extensive construction of the barn extends as far as foundations. A substantial bonded floor (concrete slab) extends across the interior of the barn. A total of 6 no. timber support columns extends vertically from the floor to support the roof. Each column is very substantial with a width of approximately 0.5 metres. Very unusually for an agricultural building of mid or later 20th Century origin, the barn is not known to contain any components comprising asbestos.
- 4.4 It is considered that the largely timber construction of the barn is both architecturally valuable and suitable for residential occupation. The value of timber as a primary building material in house construction has become better appreciated in recent years, owing not least to its formidable insulatory properties. It is clear and indisputable that the barn represents a building originally intended for agriculture as opposed to a field/livestock shelter. Both the elevations and roof of the building are in very good repair and are actively maintained. Therefore, it is considered that the proposal accords with criterion a) of section (C) of Policy HD2.

- 4.5 The barn remains in use (primarily storage) and both interior and exterior are actively maintained to this day. All existing elevations are fully intact and continue to actively support a weather-tight roof. As the building remains weather-tight and first floor accommodation is not proposed, it is considered unreasonable to request a structural survey of any kind. As such it is considered that criterion b) of section (C) of Policy HD2 is accorded with.
- 4.6 A modest extension is proposed from the rear of the building. The extension will stand approximately 4.5 metres wide by 8.5 metres long. The extension will not be as long as the north elevation (onto which it will sit) and shall visibly stand less tall, both to eaves and ridge. Materials of the extension are proposed to match those of the existing, including timber elevations. It is considered that the proposed extension is both subservient to the existing building in scale and in-keeping with its character, achieving accordance with criterion c) of section (C) of Policy HD2.
- 4.7 The proposal is considered to accord with section (C) of Policy HD2 as it represents the sensitive conversion of an existing agricultural barn which retains the character of the existing building as well as its proportions by incorporating a commensurate, subservient extension. Therefore, the principle of development is considered to be acceptable.

### Local Character and Residential Amenity

- 4.8 The proposal represents a barn conversion making use of a substantial and fully intact existing building. It is proposed to retain the existing elevations and retain the function and character of a timber building. Any additions to the external built fabric will be limited works of repair, where necessary.

- 4.9 It is necessary for new fenestration to be opened in the external elevations to allow egress of light. These works can be achieved without alteration to the existing structural arrangement of the barn, which is solid and stable. The insertion of all new fenestration has been prepared as part of an holistic, considered design for conversion of the barn which retains the existing character.
- 4.10 We consider that the insertion of new fenestration has been innovatively and intelligently designed to marry the previous agricultural use of the barn to its proposed/future residential use. It is considered that the design presented will allow delivery of a high quality new dwelling which is easily legible as a converted barn.
- 4.11 The existing barn doors are proposed for removal and replacement with a personnel door, glazing, and timber walling to match the surrounding elevation. Removal of the barn door is necessary to enable residential occupation however the Applicants do not seek to replace entirely with glazing.
- 4.12 An extension is proposed upon the rear elevation of the building. The extension is to be constructed in timber to match the existing building, to which it will be subservient. The extension will be both less tall and have smaller dimensions than the existing building, both in length and breadth. Therefore, the extension is considered to retain and complement the existing character as it maintains the primacy of the existing building.
- 4.13 The design and form of the proposed development are considered to be high quality and to retain and enhance the existing character of the site and its surroundings. Therefore, the proposal is considered to accord with Policy PMD2.
- 4.14 The proposal has been prepared to provide for good amenity for the occupiers of the proposed dwelling. The closest existing dwelling is Carterhouse farmhouse, approximately 40 metres from the barn. Therefore, the proposal is considered to not pose any threat to the amenity of the farmhouse or be subject to any amenity risks from it.
- 4.15 The barn adjacent to the east of the site remains in agricultural use. However, its use is primarily for storage. Equipment is removed at the start of the working day and returned upon the end of the working day – usually mid-afternoon. There is limited storage of fertilizer, feed, and harvested cereals but no threshing, stripping, sheep dipping, or other processing is undertaken at the barn. The barn adjacent to the east has no intervisible windows or doors with the existing barn on-site which is subject of the proposal.
- 4.16 Given the absence of nearby buildings (other than agricultural) and development there is no risk of overlooking, obstruction of sunlight, or overdevelopment compromising privacy which would be reasonably expected. Therefore, the primary amenity consideration is enabling sufficient egress of light into the proposed dwelling. This consideration has been central to the preparation of applications plans supporting the proposal.
- 4.17 As the proposal provides for good amenity for the future occupiers of the proposed dwelling and there are no amenity risks posed to the existing farmhouse, the proposal is considered to accord with Policy HD3.

**Sustainability**

- 4.18 The proposal is considered to represent especially sustainable development. The existing barn on-site is to be reused to provide a new home. Reuse of the existing building will prevent a parcel of undeveloped land from being developed and removed from its established semi-natural or low intensity use. Erection of a new building, and the significant consumption of new building materials therein, will also be precluded. Therefore, the proposal is considered to satisfy criterion a) of Policy PMD1.
- 4.19 The proposed dwelling would fully comply with residential standards on water use and disposal as well as effluent discharge.
- 4.20 Indeed, as the proposal is a residential use which would not be served by connection to the public sewer and waste water would be treated and discharged by newly designed and installed arrangements – impact on the water environment would be far lesser than either the average across the Borders or, particularly, across Scotland more widely.
- 4.21 As the design built out will be fully consistent with contemporary Building Standards, required to achieve a Building Warrant, the new dwelling will use low carbon technologies (i.e. will not rely on an kerosene boiler) and therefore will assist in improving the average carbon footprint of houses in the Borders. Therefore, criterion b) of Policy PMD1 is considered to be satisfied.
- 4.22 The reuse of an existing building allows impact on natural landscape, habitats, and species to be averted. As already identified, impact on natural resources will be significantly discounted by the absence of requirement to construct a new exterior. The diminutive impact on natural assets and resources enables conformity with criterion c) of Policy PMD1.

- 4.23 The proposal represents retention, renovation, and reuse of an existing building. Securing the new use will preserve the building and retain as a part of the housing stock in the Borders for the foreseeable future. Other than the surrounding landscape – to which no works are proposed – there are no cultural resources on-site. Therefore, the proposal is considered to satisfy criterion d) of Policy PMD1.
- 4.24 As described previously, the proposed dwelling will be served by newly designed and installed arrangements for both surface and foul water drainage. The new arrangements will segregate foul and surface water (unlike the large majority of the existing combined public sewer network) to avoid cross contamination. These arrangements represent more sustainable water management than the average house in the Borders. Separate bins will be used for storage and collection of waste and recycle. Criterion e) of Policy PMD1 is considered to be satisfied.
- 4.25 The Applicants have a young family and are choosing to relocate over 400 miles to live on-site in order to take advantage of the huge range of outdoor leisure activities available including walking, cycling, camping, and horse trekking. This decision is motivated by place-specific factors correct to the site and is not reliant on travel to higher order settlements. Therefore, criterion g) of Policy PMD1 is considered to be satisfied.
- 4.26 The scale of development – conversion of an existing barn to a single dwelling – is unmistakably minor and very limited in impact. Therefore, neither light pollution (h) nor public health and safety (i) are considered to be relevant to the proposal. Similarly the proposal is much too minor to be of any interest to a community design process (L).

4.27 The proposal would offer limited support to community services and facilities by adding one new dwelling to the local area (j). Similarly, a small number of jobs would be supported locally during the construction phase (k). These benefits should be seen as addition to the core accordance of the proposal with adopted policy, particularly Policy HD2.

4.28 It is considered that the proposal accords with the main thrust of Policy PMD1 and all relevant criteria of the Policy. Criterion h), i) & L) are not pertinent to the proposal and essentially address major, minerals, and waste development. The easy accordance of the proposal with Policy PMD1 is unsurprising as the proposal represents a highly sustainable form of development (conversion of an existing building) and has been designed to deliver maximum improvement of environmental outcomes.

**Access**

4.29 Vehicle access to the site is via a privately held access track to the A6088 approximately 360 metres to the north of the site. This access is existing and will be retained with minor alterations to reflect the new use of the building as a dwelling.

4.30 The proposal includes two on-site parking spaces at the head of a short drive. This is considered to accord with the Parking Standards contained within Appendix 3 of the Local Development Plan 2016. These arrangements are considered to be acceptable in transport terms.

**Site Servicing**

4.31 The proposed dwelling will be serviced by connection to the mains water network. Foul and surface water drainage will be managed by connection to private means. The Applicant is content to secure connection details via condition.

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AGRICULTURAL BARN AT CARTERHOUSE FARM

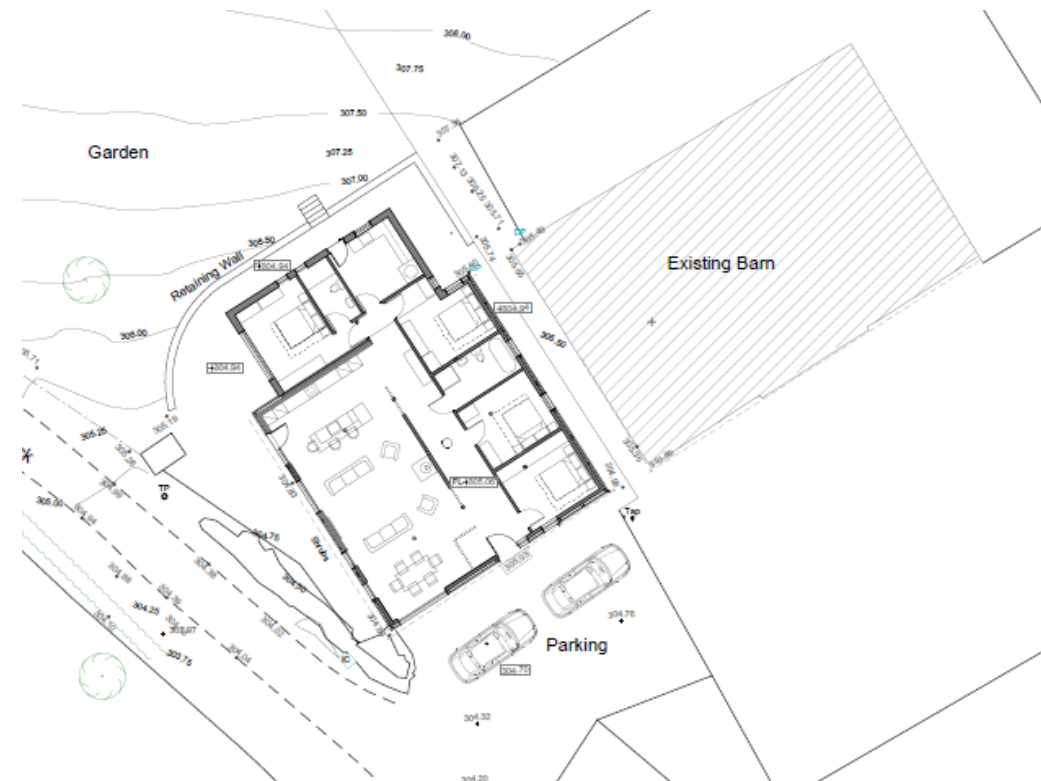
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CONCLUSION

## CONCLUSION

- 5.1 Ferguson Planning has been appointed by the Applicants to submit an Application for Planning Permission for the Change of Use and conversion of an agricultural barn to a dwelling at Carterhouse Farm, Jedburgh.
- 5.2 The proposal represents the conversion of an existing barn in a farmyard to a dwelling while preserving the local character of both the building itself and its surroundings in the farmyard and the agricultural unit beyond. The proposal is considered to firmly represent conversion with no demolition or rebuilding inherent. Therefore, the principle of development is considered to be acceptable in accordance with Policy HD2(C).
- 5.3 The proposal is considered to propose conversion of the existing building which is faithful to the character while retaining the aesthetic of a timber barn in the Borders countryside. The Project Architect has taken care to minimise removal and replacement of the built fabric and preserve the existing form. Therefore the proposal is considered to accord with Policy PMD2.
- 5.4 The proposal has been designed in accordance with Policy HD3 and represents an acceptable form of development in this location. It is considered that the proposed dwelling would benefit from good amenity, assisted by the absence of other buildings nearby.
- 5.5 It is proposed to retain the existing vehicle access to serve the new dwelling. Two parking spaces are included within the proposal. The proposed development is considered to be acceptable in transport terms.

- 5.6 The proposal represents appropriate rural housing development within the Borders. In addition to delivering local direct investment, future occupants of the proposed dwelling would expand purchasing power in the local economy and support existing rural services. It is considered that the proposal accords with relevant adopted policy of the Local Development Plan and is not afflicted by any other material considerations. It is respectfully requested that planning permission is granted.



**Fig 4:** Extract from STE21S-02-01-105A Proposed Site Plan  
(Source: CB3 Design Architects).

# F E R G U S O N P L A N N I N G

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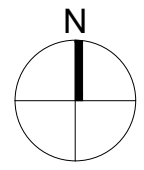
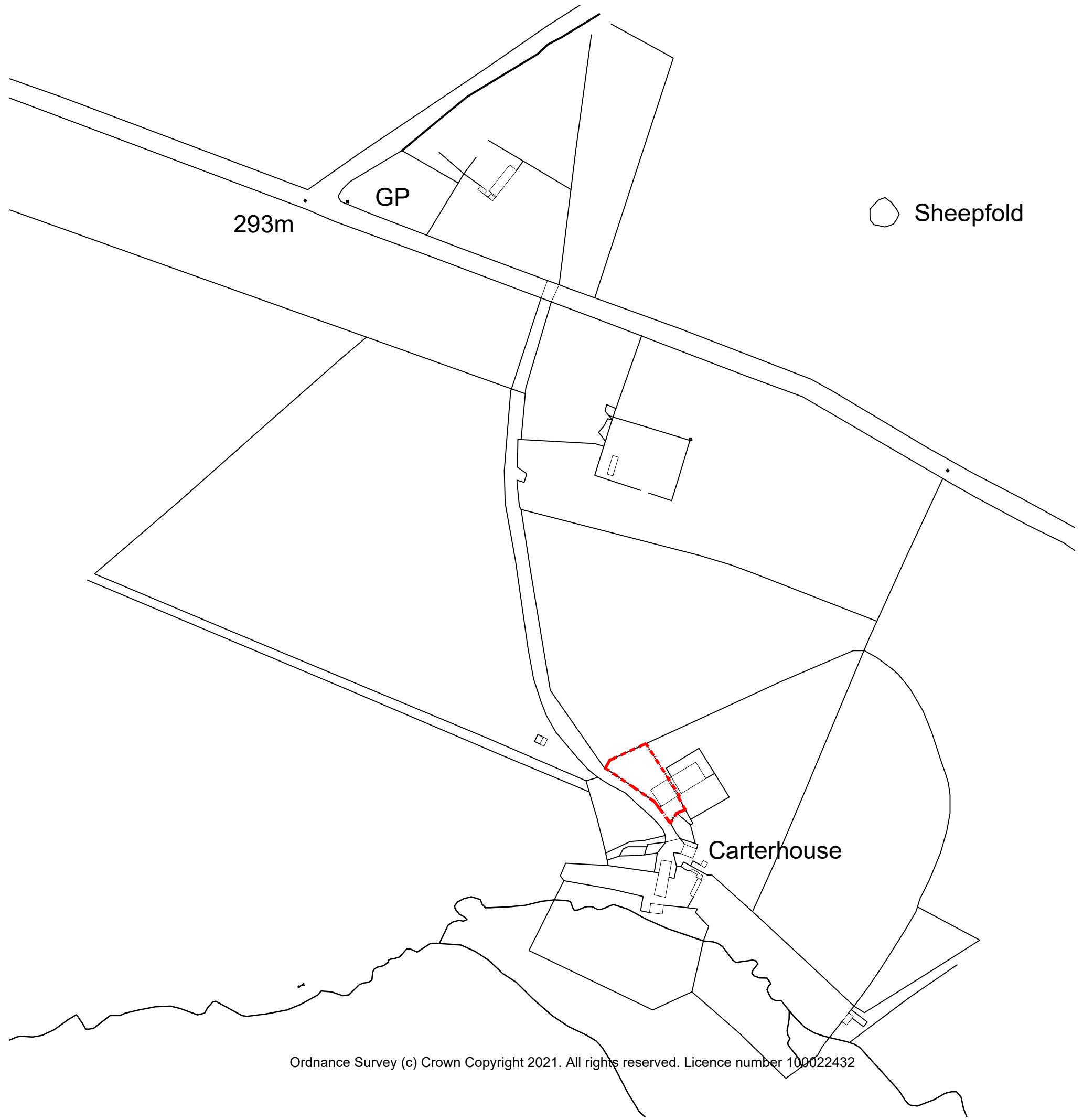
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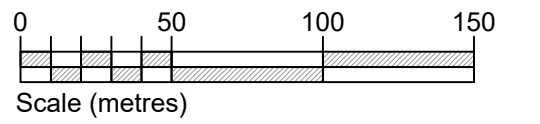


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Revisions

Job Title

**Proposed barn conversion at Carter House, Jedburgh**

Dwg Title

**Location Plan**

Client

**Mr & Mrs Stephens**

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Drawing No.

**STE21S-02-01-109**

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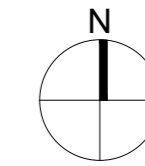
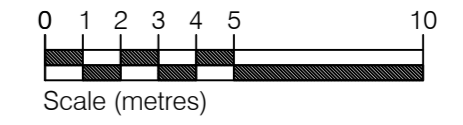
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Revisions

Job Title  
**Proposed barn conversion at  
 Carter House, Jedburgh**

Dwg Title  
**Existing Site Plan  
 Topographical Survey**

Client  
**Mr & Mrs Stephens**

**cb<sup>3</sup> design**  
architects

**RIBA**  
Chartered Practice

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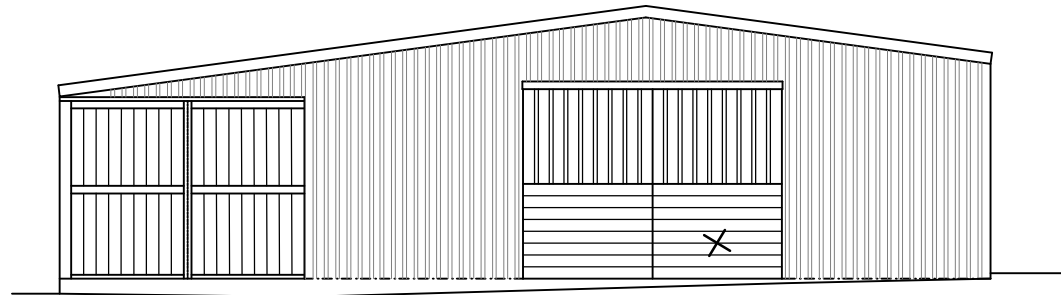
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Scale 1:200 @ A2	Date Feb 2022	Drawn by nb	Checked by XX
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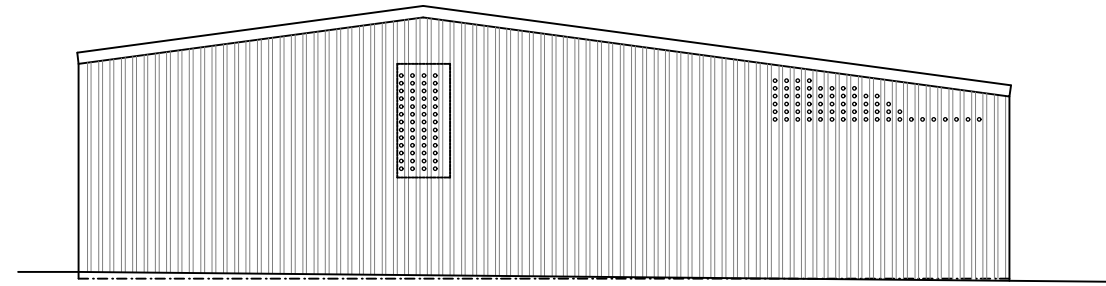
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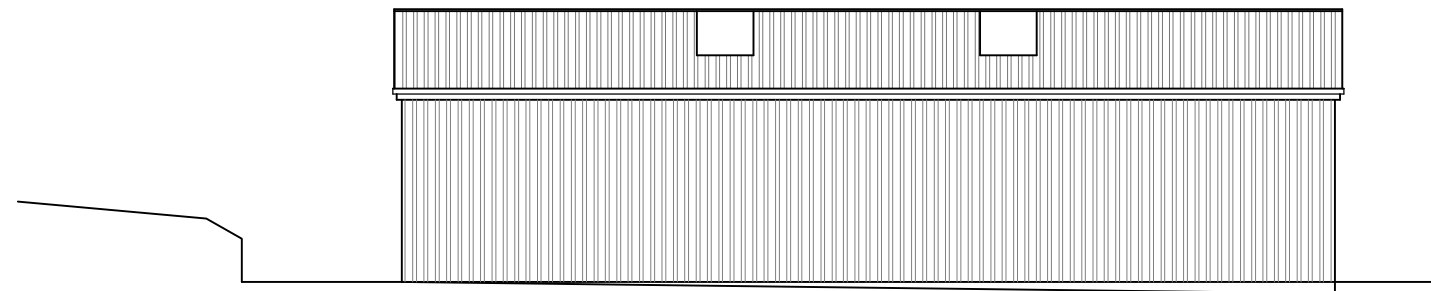
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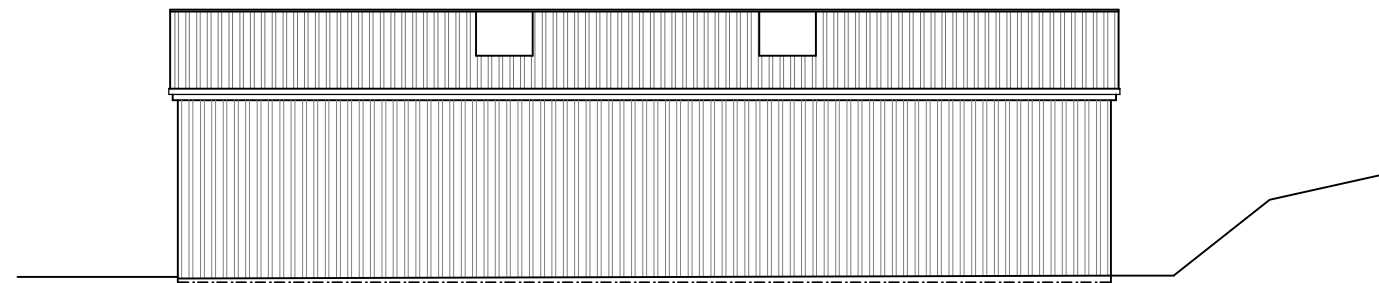
Front Elevation



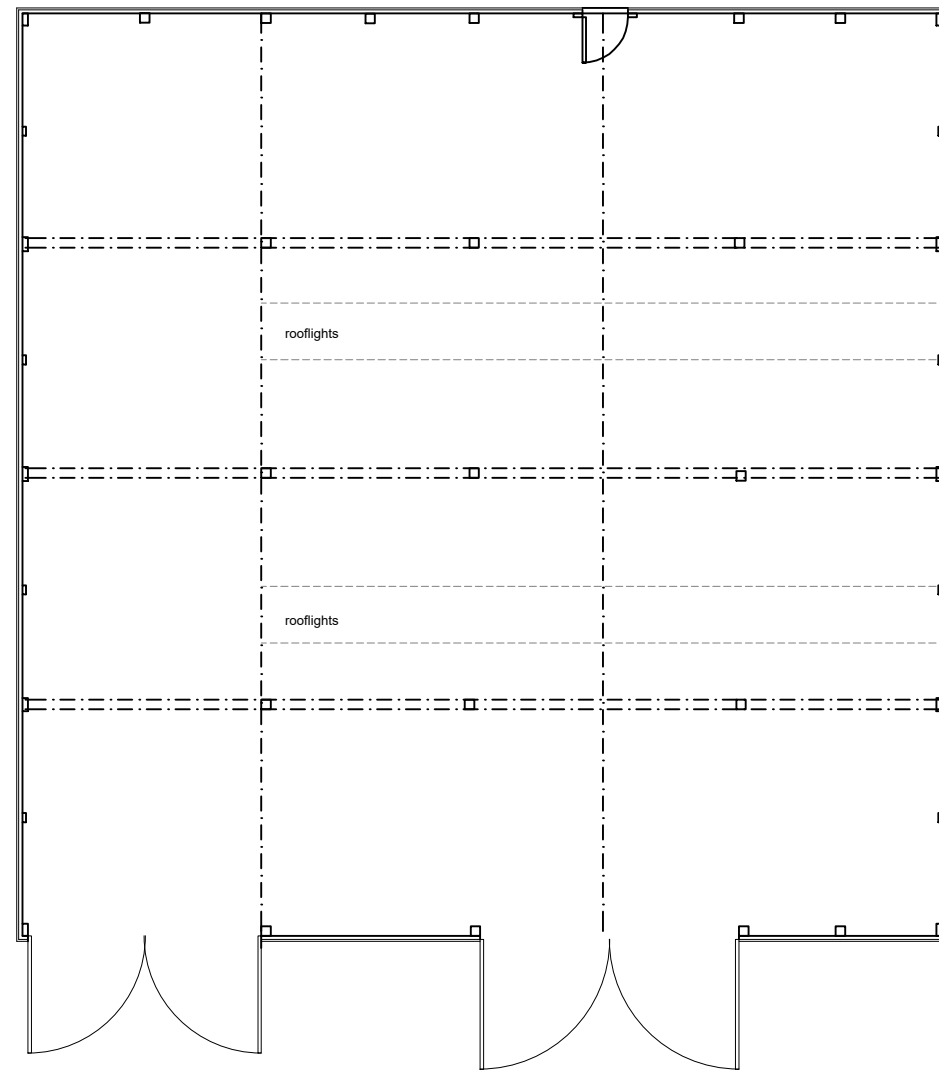
Rear Elevation



Side Elevation



Side Elevation



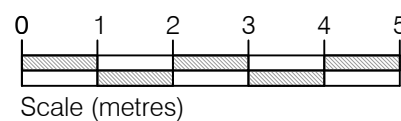
Ground Floor Plan

Page 317

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02.02.22	A	Elevations updated to reflect site levels	XX
Revisions			

Job Title  
**Proposed barn conversion at  
Carter House, Jedburgh**

Client  
**Mr & Mrs Stephens**

Dwg Title  
**As Existing - Barn B**

Scale 1:100 @ A3	Date Nov 2021	Drawn by nb	Checked by XX
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Drawing No.  
**STE21S-02-95-002A**

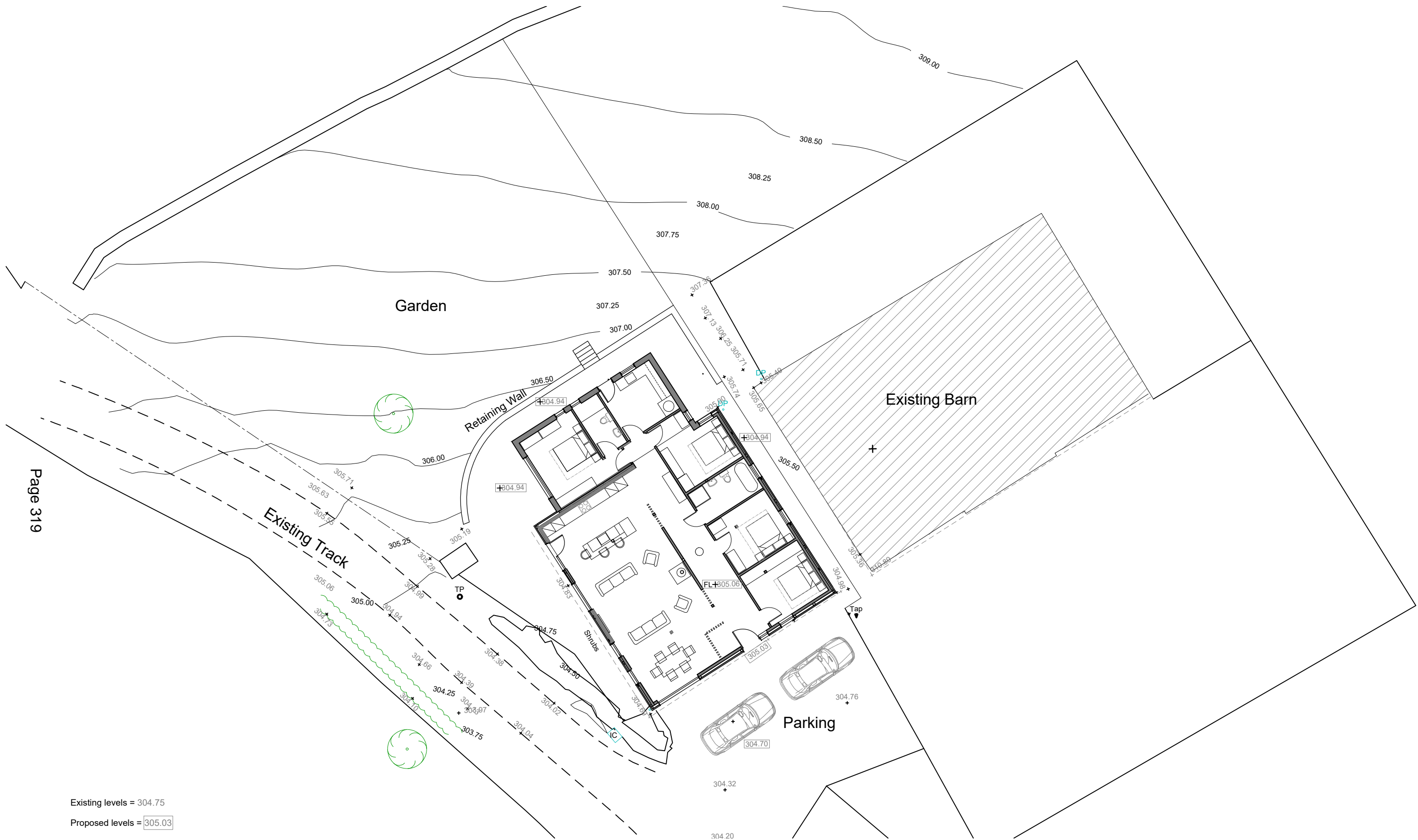


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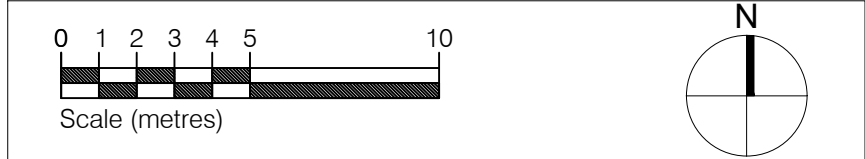


Existing levels = 304.75  
 Proposed levels = 305.03

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Areas	
Gross Internal Floor Area = 177.25m2	
Gross External Floor Area = 195m2	
02.02.22	A Levels added XX
Revisions	

Job Title  
**Proposed barn conversion at Carter House, Jedburgh**

Client  
**Mr & Mrs Stephens**

Dwg Title  
**Barn B Site Plan**

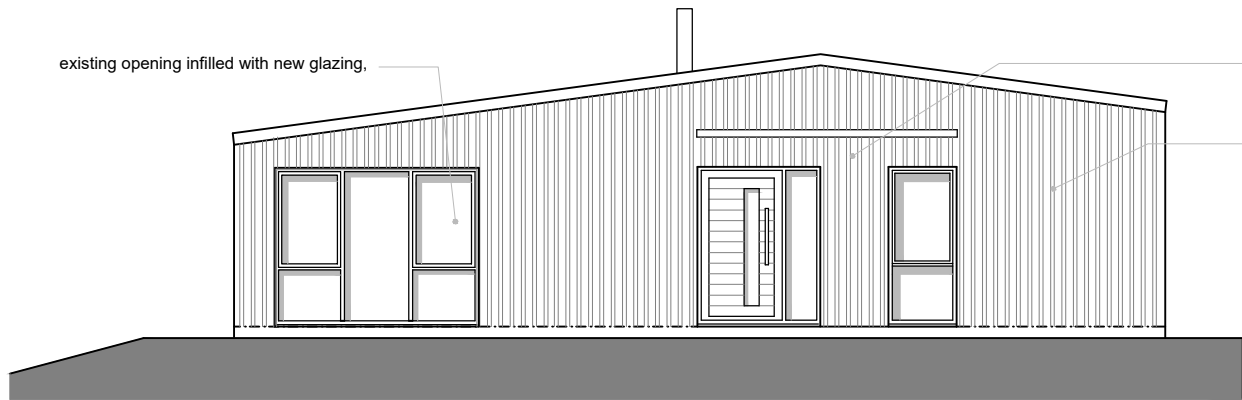
Scale 1:200 @ A3	Date Nov 2021	Drawn by nb	Checked by XX
Drawing No. <b>STE21S-02-01-105 A</b>			

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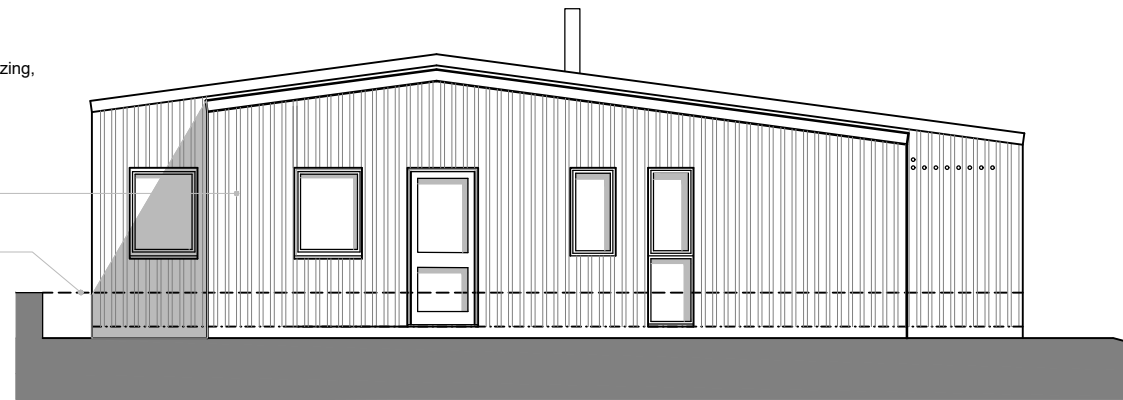
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Front Elevation



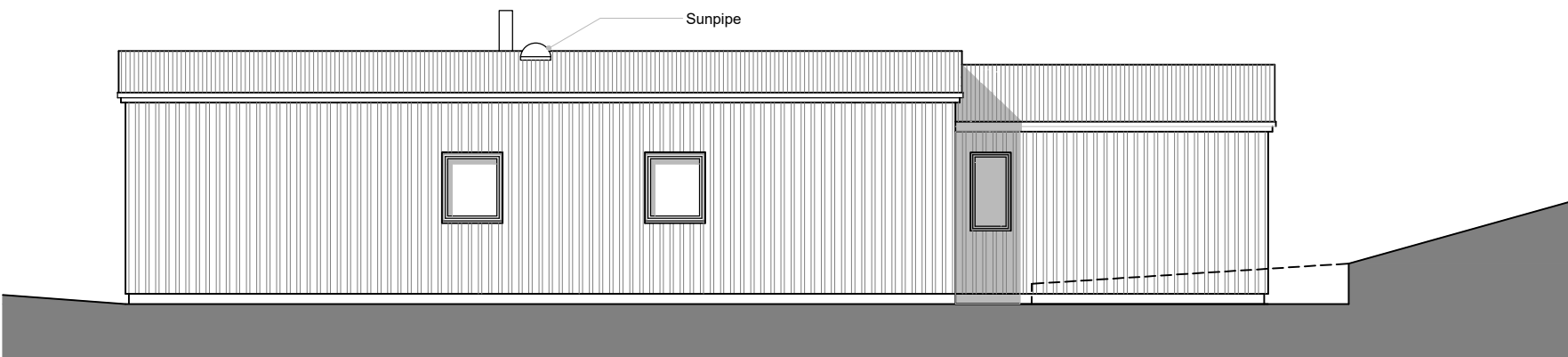
Rear Elevation

Existing opening infilled with new glazing,  
timber paneling and front door  
Timber cladding retained  
Extension  
Outline of retaining wall

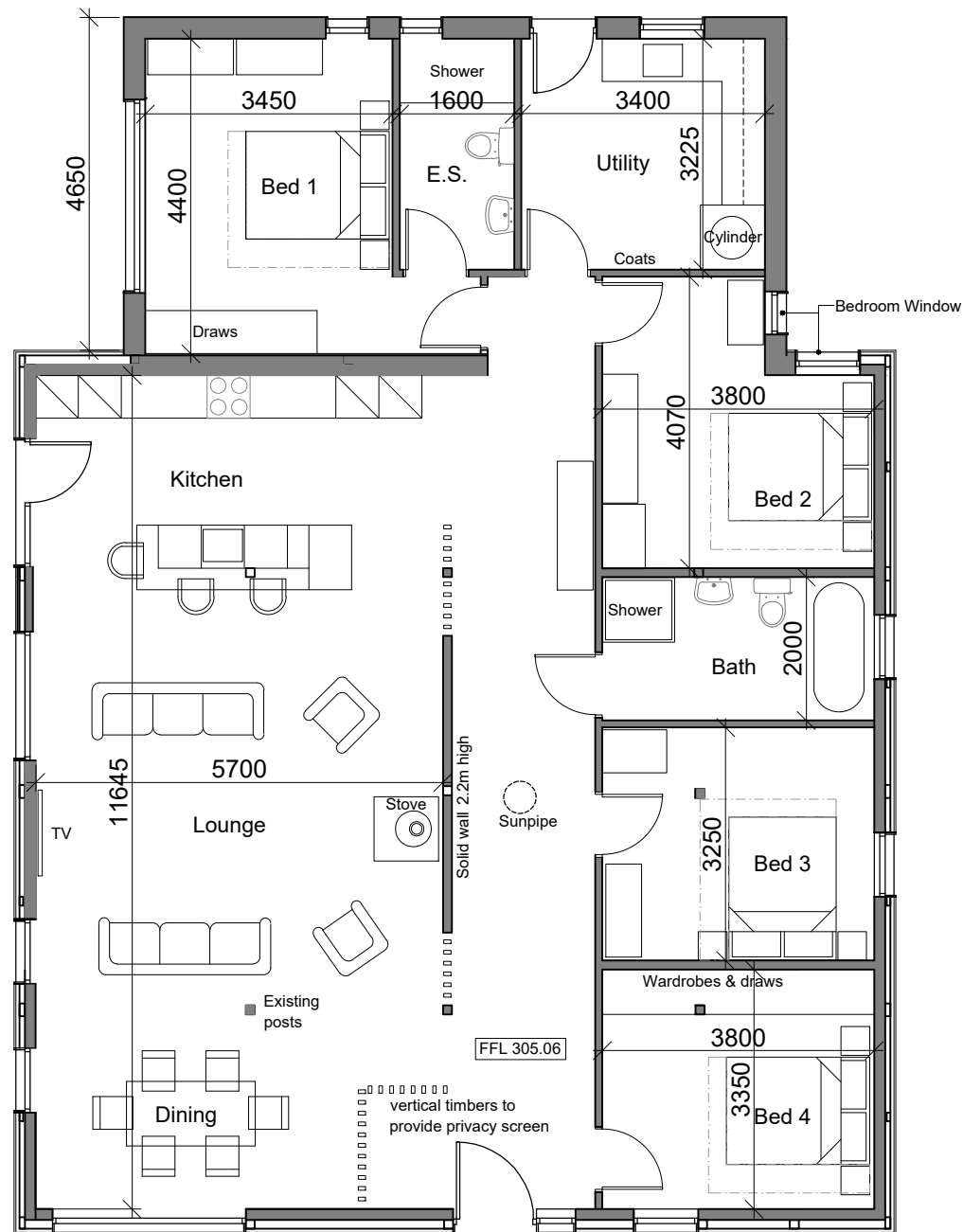


Side Elevation

New openings to provide windows to open plan living kitchen & dining area



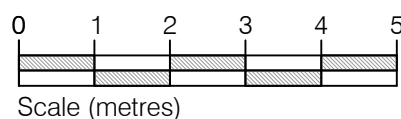
Side Elevation



Ground Floor Plan

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Areas  
Gross Internal Floor Area = 177.25m<sup>2</sup>  
Gross External Floor Area = 195m<sup>2</sup>

Revisions	Date	Description	By
02.02.22	B	Elevations updated to reflect proposed ground levels	nb
3.12.21	A	Kitchen external door added	nb

Planning

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Job Title  
**Proposed barn conversion at Carter House, Jedburgh**

Dwg Title  
**Barn B  
Proposed Floor Plan & Elevations**

Client  
**Mr & Mrs Stephens**

Scale: 1:100 @ A3  
Date: Nov 2021  
Drawn by: nb  
Checked by: XX

Drawing No.  
**STE21S-02-01-107B**

**cb<sup>3</sup> design architects**

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**CARTERHOUSE FARM AGRICULTURAL BARN**

Photosheet

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**EDINBURGH**

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Edinburgh EH2 2HN  
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# FERGUSON PLANNING



FERGUSON  
PLANNING



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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 :** 22/00207/FUL

**APPLICANT :** Mr & Mrs C & J Stephens

**AGENT :** Ferguson Planning

**DEVELOPMENT :** Change of use of barn and alterations and extension to form dwellinghouse

**LOCATION:** Barn  
Land North Of  
Carterhouse  
Jedburgh  
Scottish Borders  
TD8 6PS

**TYPE :** FUL Application

---

**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
	Location Plan	Refused
STE21S-02-95-001	Existing Site Plan	Refused
STE21S-02-95-002A	Existing Plans	Refused
STE21S-02-01-105 A	Proposed Site Plan	Refused
STE21S-02-01-107 B	Proposed Plans & Elevations	Refused

**NUMBER OF REPRESENTATIONS: 0**

**SUMMARY OF REPRESENTATIONS:**

Roads Planning Service: No objection, confirm there is sufficient space to accommodate two parking spaces.

Environmental Health (Contaminated Land Officer): Site has had an agricultural use where activities undertaken may have resulted in land contamination. Further information is required to confirm if contamination exists and any relevant remediation is required before the site is brought into a residential use.

Scottish Water: No objection. No connections are proposed to their infrastructure.

**PLANNING CONSIDERATIONS AND POLICIES:**

In determining the application, the following policies and guidance were taken into consideration:

Scottish Borders Local Development Plan (2016)

PMD2: Quality Standards  
HD2: Housing in the Countryside  
HD3: Protection of Residential Amenity  
EP5: Special Landscape Areas

EP16: Air quality  
IS2: Developer Contributions  
IS7: Parking Provision and Standards  
IS9: Waste Water Treatment Standards and SUDS  
IS13: Contaminated Land

#### Supplementary Planning Guidance

Contaminated Land Inspection Strategy (2001)  
Privacy and Sunlight Guide (2006)  
New Housing in the Borders Countryside (2008)  
Use of Timber in Construction (2009)  
Placemaking and Design (2010)  
Local Landscape Designations (2012)  
Development Contributions (2015)  
Waste Management (2015)  
Sustainable Urban Drainage Systems (2020)

#### Other

NPF4 Draft - Scottish Government

**Recommendation by** - Scott Shearer (Planning Officer) on 30th March 2022

The application seeks consent to convert an existing agricultural barn to a dwellinghouse which is located on Carterhouse Farm which lies to the west of Carter Bar. The barn is accessed off a track which leads to the existing farm house and is positioned next to another farm building.

The barn is set under asymmetrical pitched roof finished with composite roofing panels and timber clad walls. As part of the conversion an extension is proposed on the rear elevation with new openings added across the building.

#### Policy Principle

Policy HD2 of the LDP 2016 recognises that the conversion of buildings which are no longer required for agricultural use can help to provide a sustainable form of residential development in the countryside. Part C of HD2 along with the SPG on New Housing in the Borders Countryside set requirements for the conversion of rural buildings to residential accommodation. Criterion a) of the conversion policy under HD2 seeks the Council to be satisfied that the building has architectural or historic merit. Further advice on this is provided in the SPG at Part 2.a. and Appendix 2 under the section on Rural Character. These sections confirm it is traditional farm steading buildings with design merit which are the LDP is seeking to enable the conversion of.

This application seeks to convert a relatively modern farm building that is understood to date from the mid to late 20th century. The building looks to be a common example of a more contemporary farm shed with its timber clad walls, asymmetrical roof clad in profiled sheeting and sliding barn doors. The barn does not appear to exhibit any particular architectural interest and neither is there any known historic interest associated with this building. In short this building is not representative of a traditional farm steading building which policy HD2 and the SPG promote to be suitable for conversion. Its re-use would not retain the character of a traditional farm building which is the aim of the Councils farm steading conversion policy.

Secondly, criteria a) of Part C of HD2 also seeks that the building is shown to both be capable of conversion and physically suited for residential use. The floor plans do demonstrate that the building could be converted so I would be content that the first part of this requirement is satisfied. But to enable the building to be converted for residential use it would require the formation of 7 new openings within the existing building to meet daylight requirements. It is not unusual for traditional farm steading conversion to require the formation of some new openings but this is a high level of intervention because only one elevation of the existing building has any openings on it. The number of new openings required suggest that physically the structure is not very well suited to provide a residential use.



It is recognised that Policy 31 of NPF4 does support the reuse of redundant or under used buildings in rural areas. This policy does not make any direct assertion that this criteria should provide complete freedom to convert any building to a dwelling. This policy also notes that proposals should be in keeping with the character of the rural area. The conversion of a modern farm barn to a dwellinghouse is not necessarily consistent with the majority of farm steading conversions across the Scottish Borders. At the time of determination NPF4 is still in draft format. The proposal must fall to be determined in line with the Councils current development plan. Against which the existing building does not exhibit the traditional rural character, design merit and physical suitability required for a worthy farm steading conversion against part C of Policy HD2 of the LDP 2016 and New Housing in the Borders Countryside SPG.

In undertaking this assessment I am mindful that Class 18B of the Town and Country Planning (General Permitted Development) (Scotland) Order, 1992 provides permitted development rights (PDR) to convert agricultural buildings to dwellings where those buildings satisfy all requirements listed by Class 18B and after any relevant prior approval has been obtained by the Planning Authority. At the time of this determination the applicants are pursuing the conversion of an agricultural building on land to the north of this site under these regulations, ref 22/00156/PNCOU.

From the information available to me, it would appear that the inclusion of the extension as proposed means that the development would not comply with the PDR. It is recognised the certain farm buildings which probably do not meet the test of having architectural or historic merit or be actually be suited to a residential use now have conversion potential under PDR. However, importantly, this development does not meet criteria set by Class 18B and must be tested against the requirements of the LDP and it would not be appropriate to use these regulations as a means to enable the conversion and extension of a sub-standard building in LDP policy terms.

Moving on to other components of HD2 C, if the building were suitable for conversion it would meet criteria b) as it is intact and also criteria c) as the extension and alteration are in keeping with the modern character of the existing building. The supporting statement does acknowledge that the building is still being used for agricultural purposes, although not to an intensive level. The SPG does seek confirmation on whether there is a need for replacement agricultural buildings. The supporting statement does not seem to suggest that any new farm buildings would be needed, however if I was minded to support his proposal such confirmation would have been sought. It is clear, however, that this proposal is not for the reuse of a redundant building, but the change of use of a working, modern farm building currently being put to active use. This is not the purpose of Policy HD2 C.

Turning to other relevant housing in the countryside considerations, the site does not relate to a building group of at least three existing houses so does not comply with Policy HD2 A Building Groups. It is recognised that the development would allow for the relocation of family back to the family farm. Nevertheless, there is no supporting evidence that suggests there is an essential business need for accommodation at the farm which would meet requirements of Policy HD2 F Economic Requirement. The proposal does not meet any other of the development criteria for supporting residential development in the countryside under Policy HD2.

#### Sustainability

A clear case has been made within the submission that the proposal would meet sustainability principles. The reuse of existing buildings is a sustainable approach to development generally. However, it is also not the case that the building is currently up to standard required for residential use and in particular the floor plans demonstrate that a fairly substantial level of internal building work would be necessary to make the currently single leaf timber building habitable. I would not go as far as finding that the development fails to comply with the overarching principles of Policy PMD1 but it would still require a number of resources to be used to turn the building into a dwelling. What is not sustainable, however, is the residential reuse of modern, useable (and currently used) farm buildings capable (and potentially needing replaced) for continued use as operational agricultural buildings. It is evident from the submission that the building remains in use, and the need for a replacement now or in the future is unclear. Neither is it sustainable to introduce a residential use into the heart of a farm steading potentially risking its future capacity to develop for agricultural purposes. The submission does not allay these concerns, and the sustainability credentials of the proposal do not, therefore, override conflict with the LDP.

#### Residential Amenity

The conversion of the building does not impact on the residential amenity of any existing residential properties.

The barn next to the site is to remain in agricultural use. At 4.15, in the Planning Statement it is advised it is used primarily for machinery and goods storage and not livestock. A house so close to this would have some overlap of use but given the type of agricultural activity and lack of openings from the retained barn to the house it would not pose any opposable level of use conflicts. That said, there is still a risk of conflict that could arise from introducing an untied residential use into a working farm, and concerns are expressed above regarding the sustainability of doing so for the future of the working farm as whole.

#### Road safety and/or parking

Roads Planning are satisfied that the existing track and its junction on to the A6088 to the north can safely cater for this development. Roads Planning are not concerned that continued agricultural use at the neighbouring barn will pose any conflicts between residential and agricultural traffic on the affected routes. It has also been confirmed that the development would provide sufficient space to park and turn two vehicles. If this application were to be approved the provision of suitable parking and turning spaces could be controlled by condition.

#### Landscape Impact

The site is not located in a SLA. The Cheviot Foothills SLA is located approx. 300m to the north on the northern side of the A6088. There appears limited to no visibility of the application site from within the SLA to the north. The existing building does not appear to have any existing impacts on the setting of the adjacent SLA and nor does the conversion of this modern farm building provide any tangible landscape impacts.

#### Site Services

It is intended to connect to the mains water supply, there is no information to suggest that there are any supply issues. A planning condition could cover connection to the infrastructure before the house is occupied.

Foul drainage is to be handled via a septic tank with surface water via a SUDS system. No precise details of either means of drainage have been provided but the applicants have suggested they would accept a condition to agree these details. This matter could be addressed via a suspensive condition.

#### Contaminated land

The agricultural use may have resulted in land contamination. Policy IS13 requires that where contamination is suspected it would require further investigation. The contaminated land officer did provide a questionnaire to the applicants to gather further information and at the time of writing it is accepted that they have not had a long time to respond. Nevertheless, the potential for contamination does not affect the principle of the proposed development and if it was the intention to recommend approval without response to the relevant questionnaire it would be possible to attached a suspensive condition to determine the prospect of any land contamination and any require mitigation which would be needed to take place before the building is brought into residential use.

#### Air quality

The development includes a stove. If this application were to be approved a standard informative note should could be attached to mitigate smoke and odour nuisance.

#### Developer Contributions

The development of a single dwellinghouse in this location would only trigger developer contributions towards local schools. A financial contribution is currently being sought towards Denholm Primary School of £2,709 to manage capacity issues. No contributions are being sought towards the Jedburgh Grammar School. Through the course of the application the applicant has not opposed the need for a developer contribution. If the development were to be approved the required contribution towards the primary school

would require to be settled via a legal agreement. This would allow the development to accord with the requirements of Policy IS2.

**REASON FOR DECISION :**

The development is contrary to criteria a) of Part C of Policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 in that the existing building is not worthy of conversion in terms of its architectural or historic merit and nor does it appear physically suited for residential use. The site lies outwith any recognised settlement or building group and no overriding essential business need has been substantiated for a house in this isolated location. The proposal would lead to sporadic residential development in the countryside and other material considerations do not outweigh the conflict with the Local Development Plan and harm that would result.

**Recommendation:** Refused

- 1 The development is contrary to criteria a) of Part C of Policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 in that the existing building is not worthy of conversion in terms of its architectural or historic merit and nor does it appear physically suited for residential use. The site lies outwith any recognised settlement or building group and no overriding essential business need has been substantiated for a house in this isolated location. The proposal would lead to sporadic residential development in the countryside and other material considerations do not outweigh the conflict with the Local Development Plan and harm that would result.

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

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Mr & Mrs C & J Stephens  
per Ferguson Planning  
54 Island Street  
Galashiels  
Scottish Borders  
TD1 1NU

**Please ask for:** Scott Shearer  
01835 826732  
**Our Ref:** 22/00207/FUL  
**Your Ref:**  
**E-Mail:** sshearer@scotborders.gov.uk  
**Date:** 4th April 2022

Dear Sir/Madam

**PLANNING APPLICATION AT Barn Land North Of Carterhouse Jedburgh Scottish Borders  
TD8 6PS**

**PROPOSED DEVELOPMENT:** Change of use of barn and alterations and extension to  
form dwellinghouse

**APPLICANT:** Mr & Mrs C & J Stephens

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

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

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

Yours faithfully

John Hayward

Planning & Development Standards Manager

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

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

**Application for Planning Permission**

**Reference : 22/00207/FUL**

**To : Mr & Mrs C & J Stephens per Ferguson Planning 54 Island Street Galashiels Scottish Borders TD1 1NU**

With reference to your application validated on **9th February 2022** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

**Proposal : Change of use of barn and alterations and extension to form dwellinghouse**

**at : Barn Land North Of Carterhouse Jedburgh Scottish Borders TD8 6PS**

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

**Dated 31st March 2022  
Regulatory Services  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**John Hayward  
Planning & Development Standards Manager**

**APPLICATION REFERENCE : 22/00207/FUL**

**Schedule of Plans and Drawings Refused:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
STE21S-02-95-001	Location Plan	Refused
STE21S-02-95-002A	Existing Site Plan	Refused
STE21S-02-01-105 A	Existing Plans	Refused
STE21S-02-01-107 B	Proposed Site Plan	Refused
	Proposed Plans & Elevations	Refused

**REASON FOR REFUSAL**

- 1 The development is contrary to criteria a) of Part C of Policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 in that the existing building is not worthy of conversion in terms of its architectural or historic merit and nor does it appear physically suited for residential use. The site lies outwith any recognised settlement or building group and no overriding essential business need has been substantiated for a house in this isolated location. The proposal would lead to sporadic residential development in the countryside and other material considerations do not outweigh the conflict with the Local Development Plan and harm that would result.

**FOR THE INFORMATION OF THE APPLICANT**

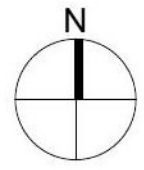
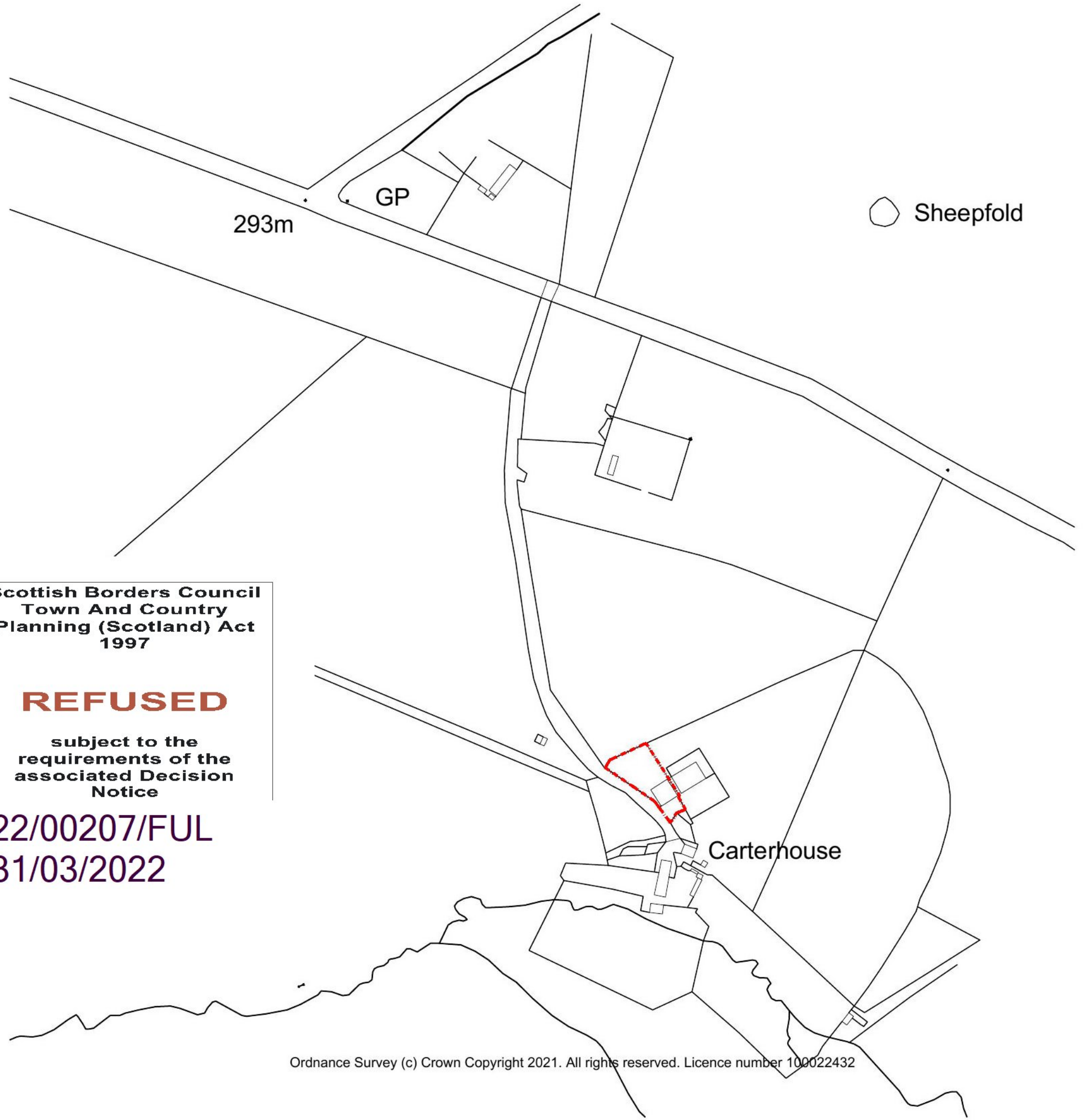
If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months from the date of this notice.

The notice of review must be submitted on the standard form and addressed 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). The standard form and guidance notes can be found online at [Appeal a Planning Decision](#). Appeals to the Local Review Body can also be made via the Scottish Government Planning and Environmental Appeals Division by clicking on the following link [PEAD](#)

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

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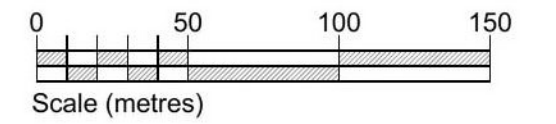


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**Scottish Borders Council  
Town And Country  
Planning (Scotland) Act  
1997**

**REFUSED**

subject to the  
requirements of the  
associated Decision  
Notice

**22/00207/FUL**  
**31/03/2022**

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Revisions			

Job Title

**Proposed barn conversion at  
Carter House, Jedburgh**

Dwg Title

**Location Plan**

Client

**Mr & Mrs Stephens**

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1:2500 @ A3	Jan 2022	nb	XX

Drawing No.

**STE21S-02-01-109**

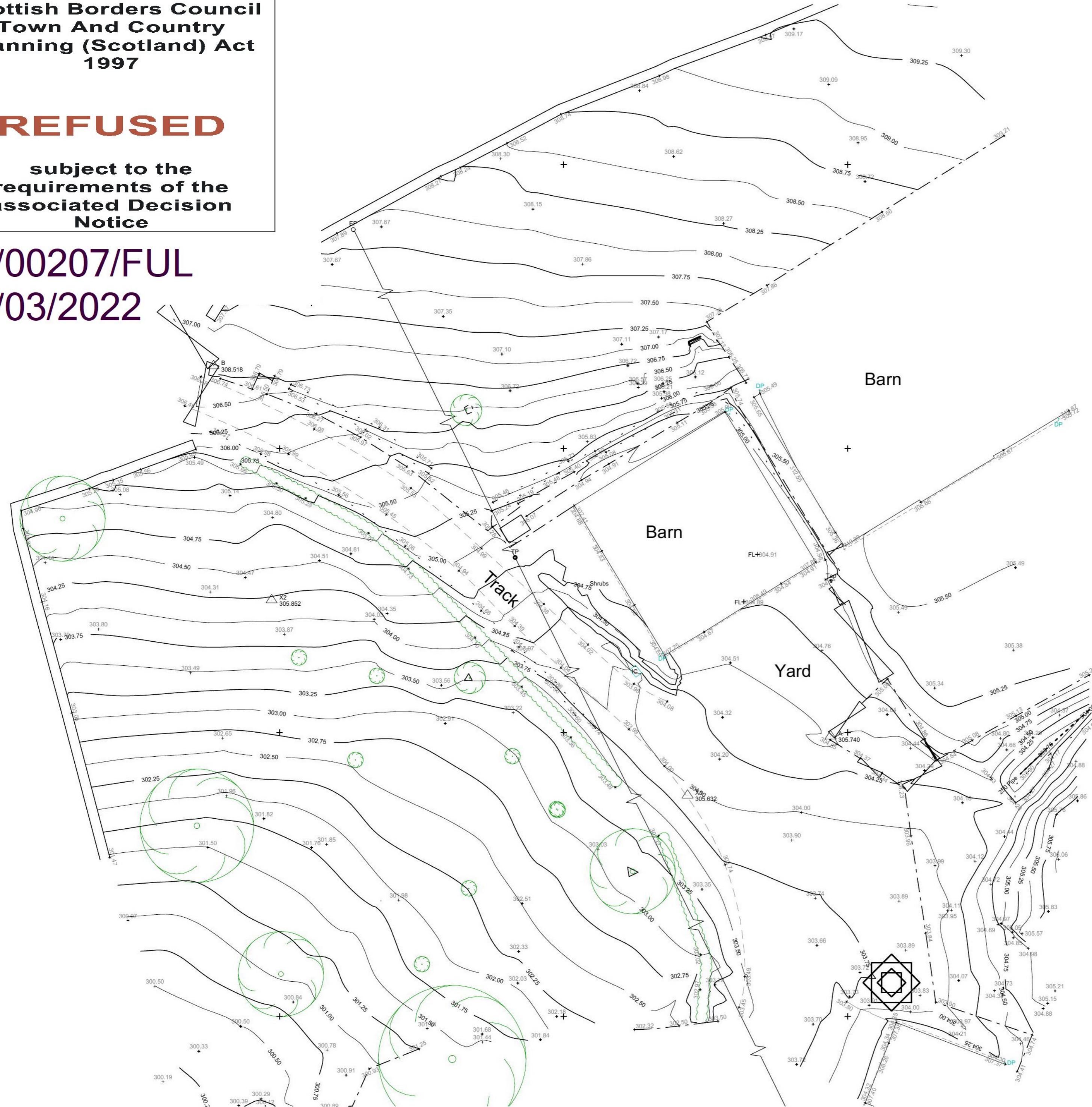
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**REFUSED**

subject to the  
requirements of the  
associated Decision  
Notice

22/00207/FUL  
31/03/2022

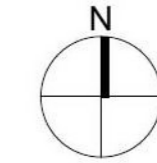
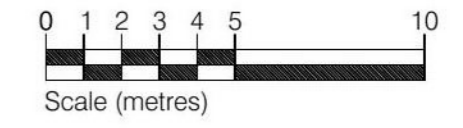
Page 338



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Revisions

Job Title  
**Proposed barn conversion at  
Carter House, Jedburgh**

Dwg Title  
**Existing Site Plan  
Topographical Survey**

Client  
**Mr & Mrs Stephens**



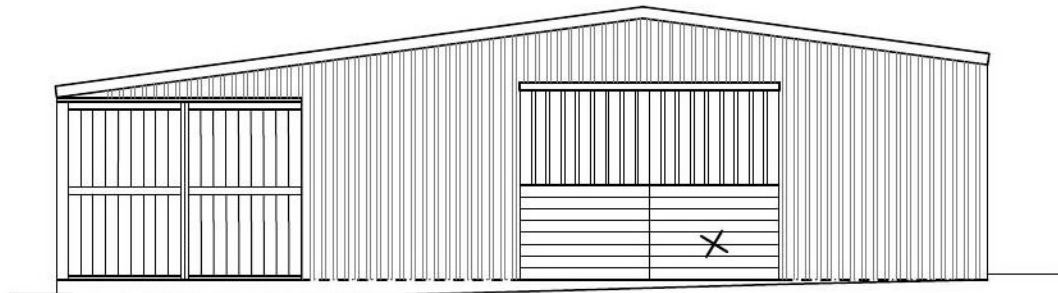
HEAD OFFICE  
2 The Square,  
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Cheshire,  
WA13 0HX  
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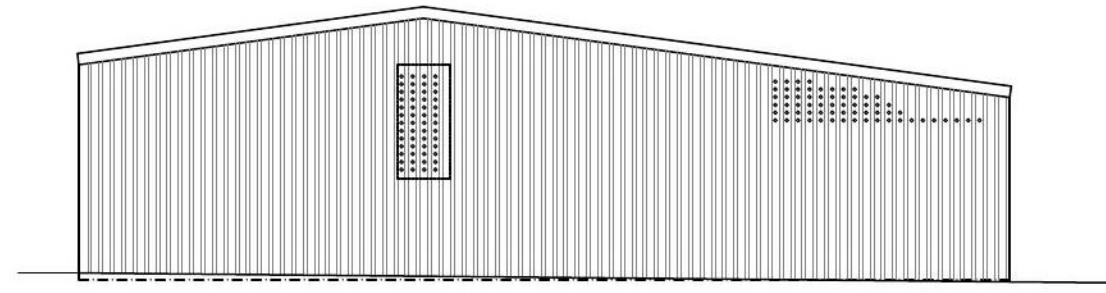
w: www.cb3design.co.uk

Scale 1:200 @ A2	Date Feb 2022	Drawn by nb	Checked by XX
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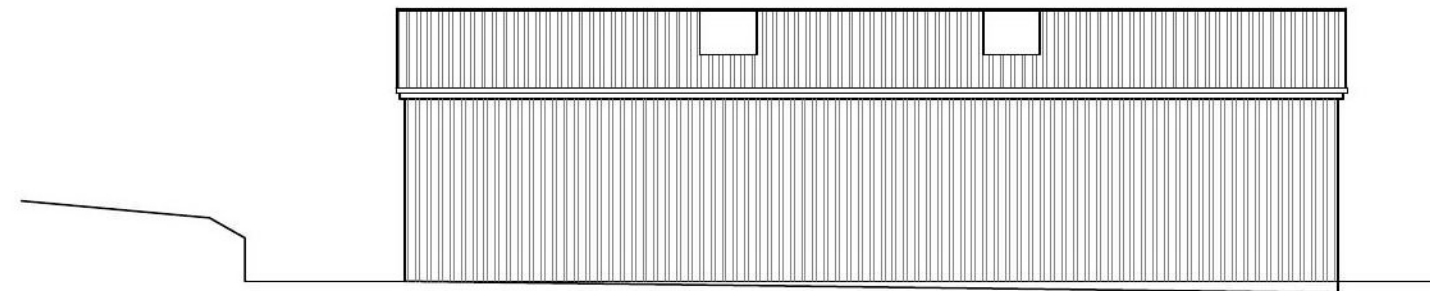
Drawing No.  
**STE21S-02-95-001**



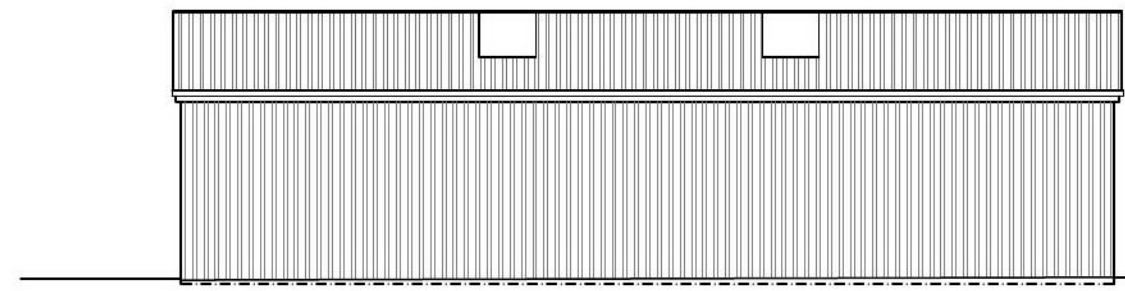
Front Elevation



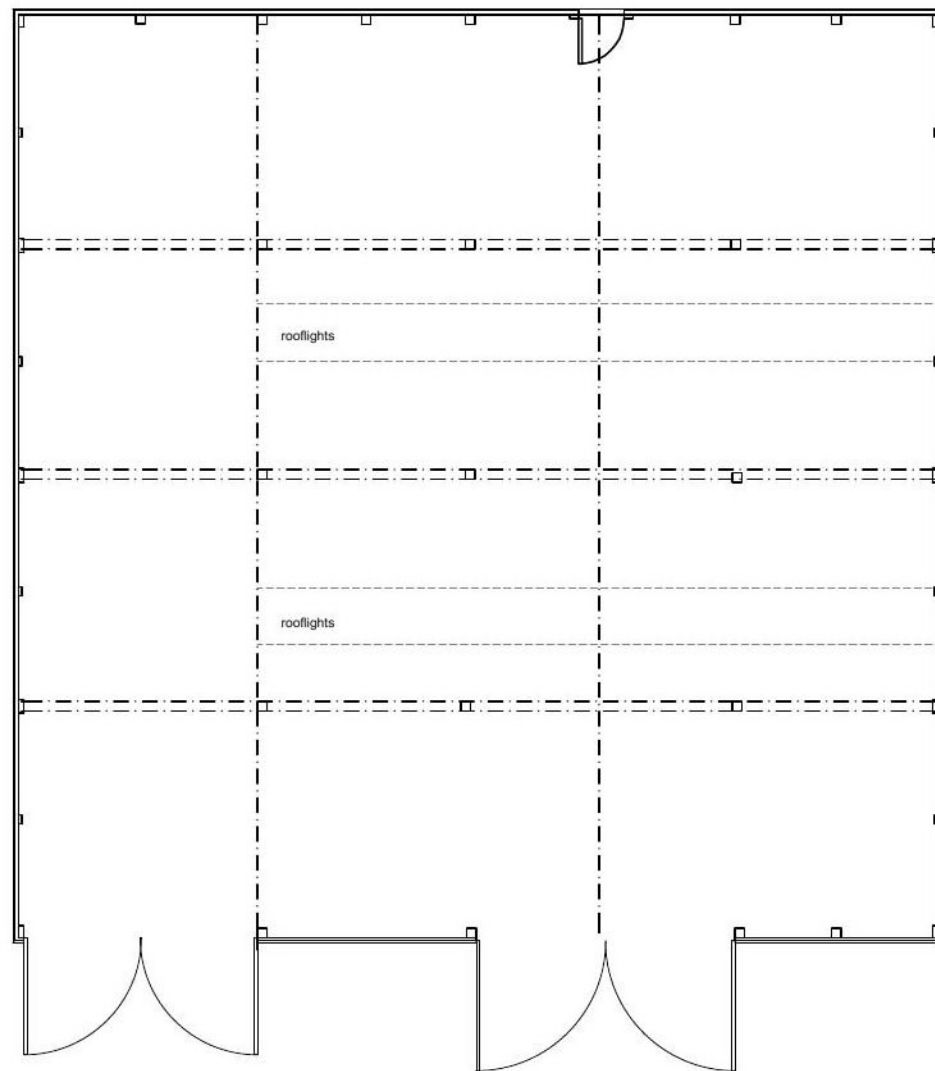
Rear Elevation



Side Elevation



Side Elevation



Ground Floor Plan

Page 339

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

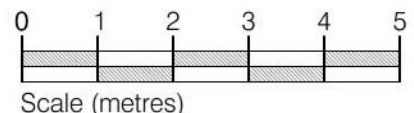
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**22/00207/FUL**  
**31/03/2022**

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02.02.22	A	Elevations updated to reflect site levels	XX
Revisions			

Job Title  
**Proposed barn conversion at  
Carter House, Jedburgh**

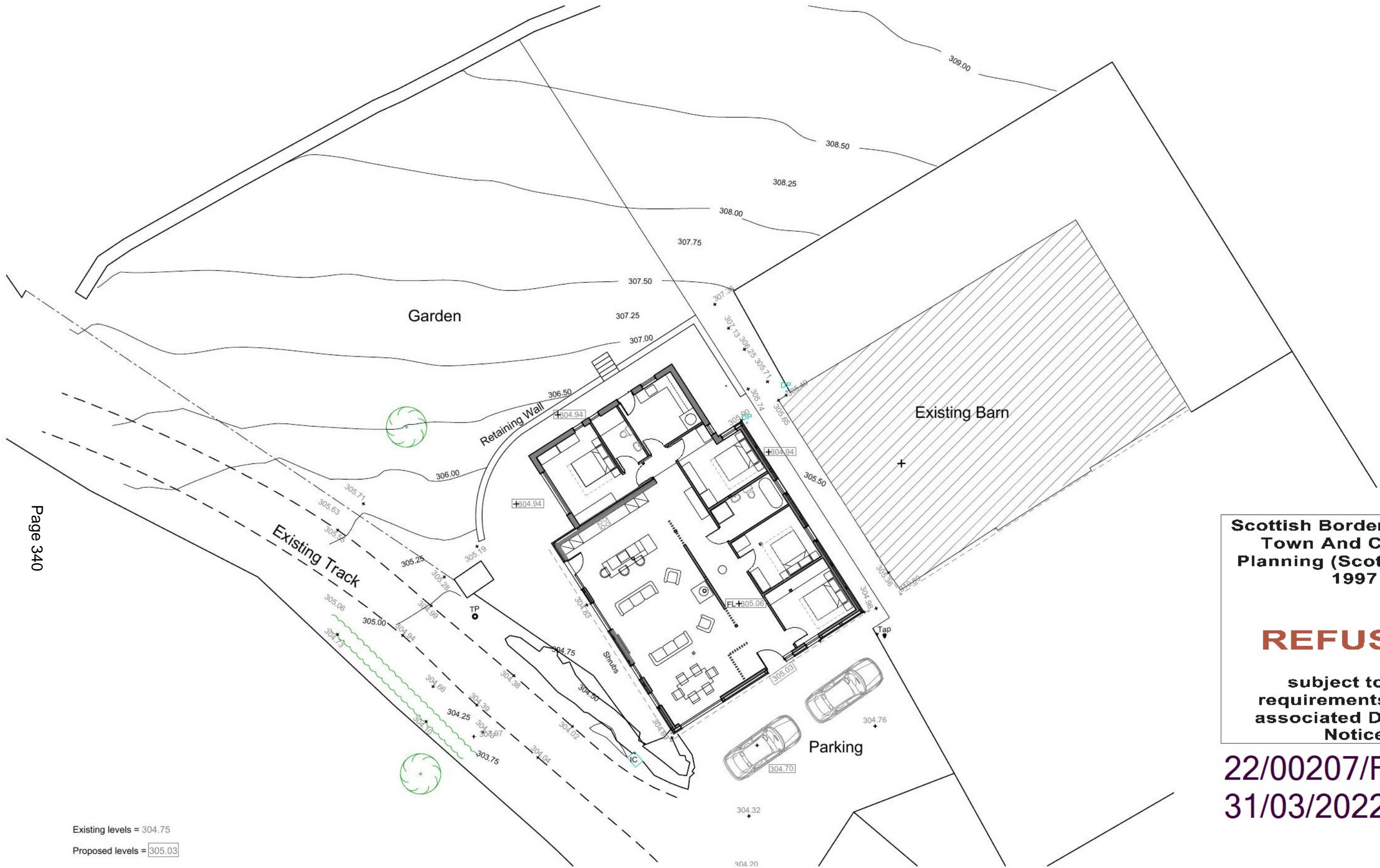
Dwg Title  
**As Existing - Barn B**

Client  
**Mr & Mrs Stephens**

Scale 1:100 @ A3	Date Nov 2021	Drawn by nb	Checked by XX
Drawing No. <b>STE21S-02-95-002A</b>			

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Existing levels = 304.75  
 Proposed levels = 305.03

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

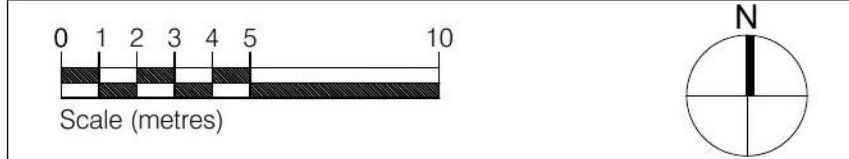
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**22/00207/FUL  
 31/03/2022**

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Areas	
Gross Internal Floor Area = 177.25m2	
Gross External Floor Area = 195m2	
02.02.22	A Levels added XX
Revisions	

Job Title  
**Proposed barn conversion at  
 Carter House, Jedburgh**

Client  
**Mr & Mrs Stephens**

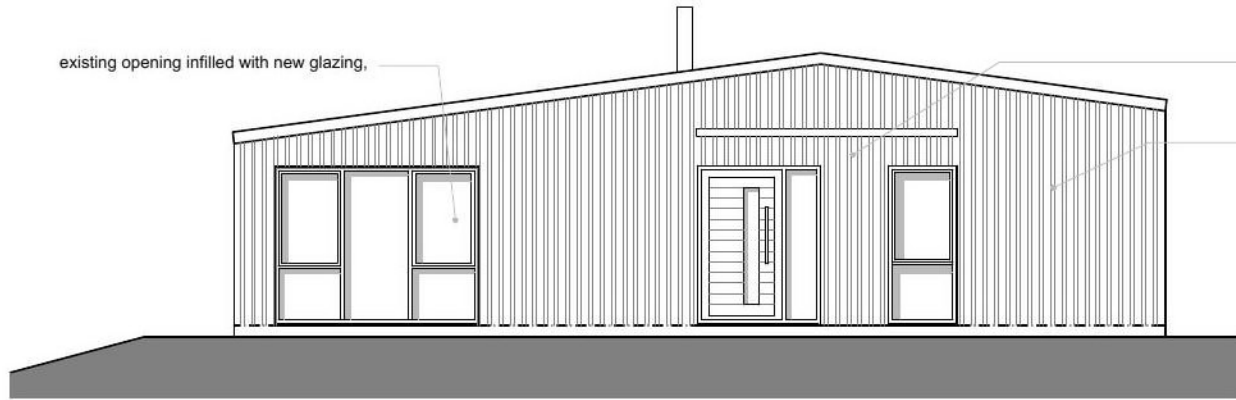
Dwg Title  
**Barn B  
 Site Plan**

Scale 1:200 @ A3	Date Nov 2021	Drawn by nb	Checked by XX
Drawing No. <b>STE21S-02-01-105 A</b>			

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existing opening infilled with new glazing,



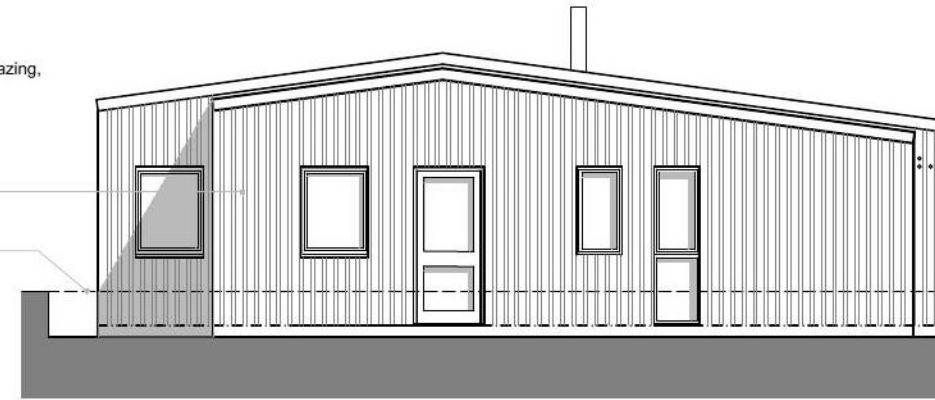
Front Elevation

Existing opening infilled with new glazing, timber paneling and front door

Timber cladding retained

Extension

Outline of retaining wall



Rear Elevation

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

**REFUSED**

subject to the  
requirements of the  
associated Decision  
Notice

22/00207/FUL  
31/03/2022

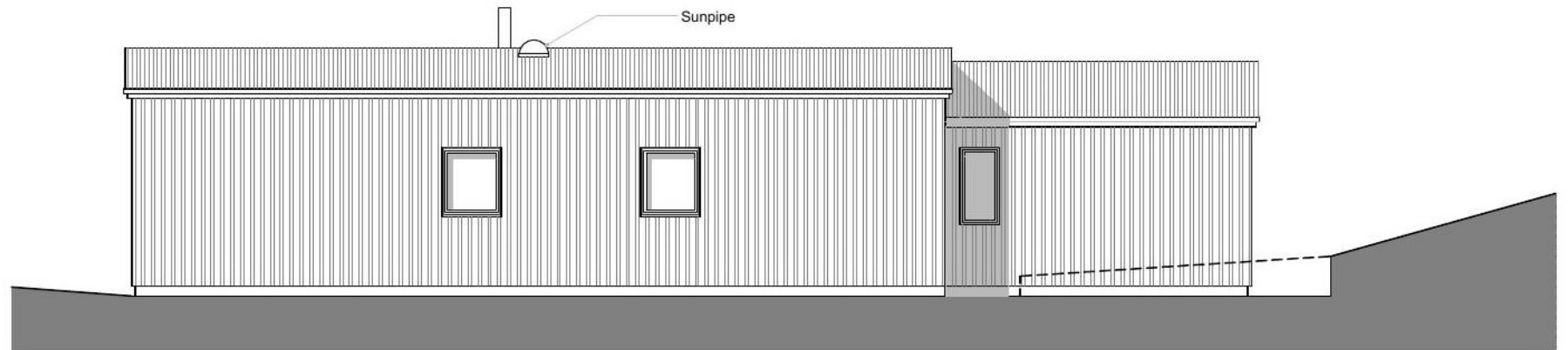
Extension



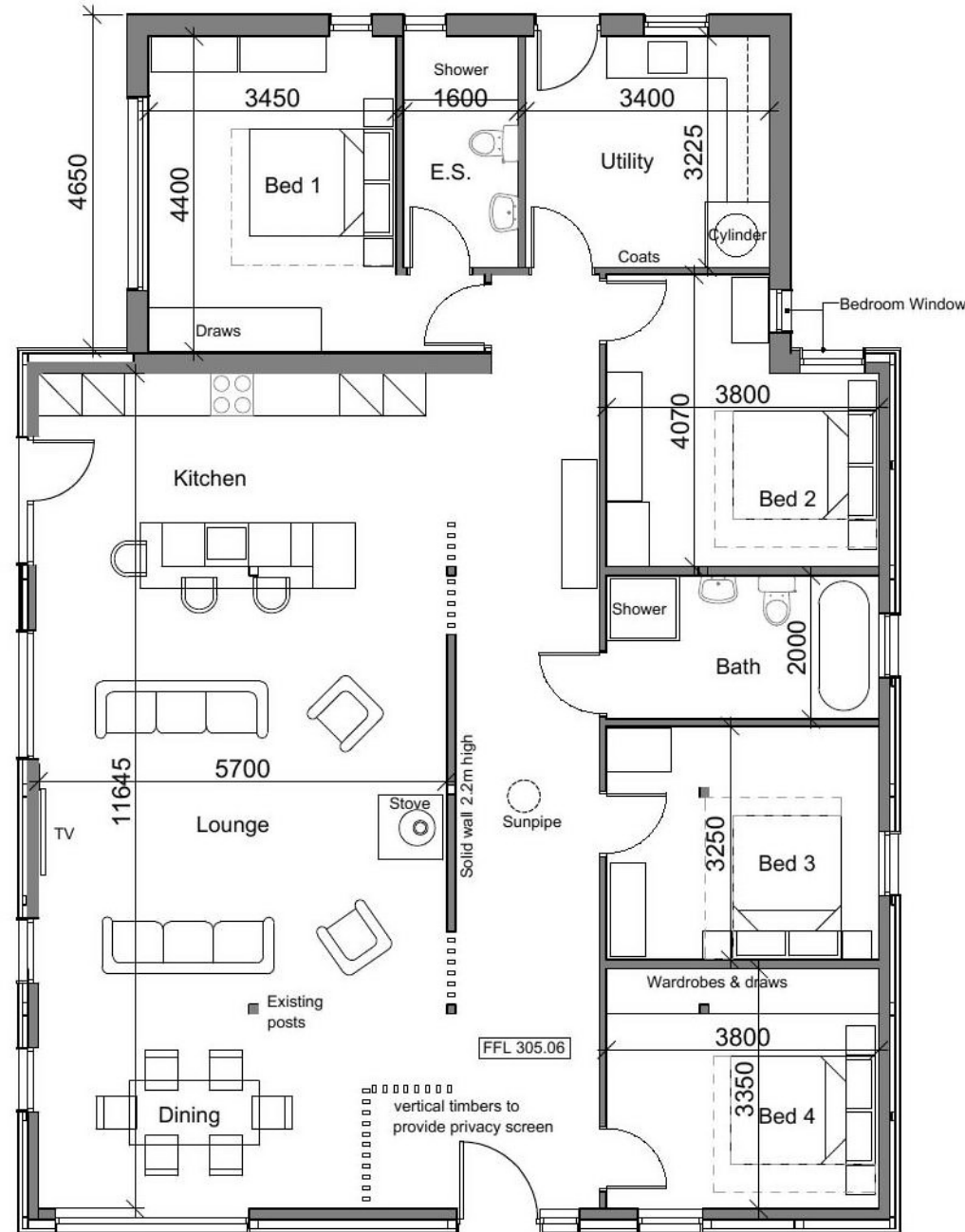
Side Elevation

New openings to provide  
windows to open plan living  
kitchen & dining area

Sunpipe



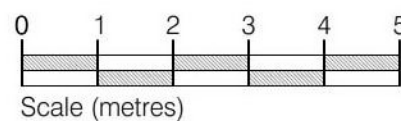
Side Elevation



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Ground Floor Plan

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Areas  
Gross Internal Floor Area = 177.25m<sup>2</sup>  
Gross External Floor Area = 195m<sup>2</sup>

Revisions	Date	Description	By
02.02.22	B	Elevations updated to reflect proposed ground levels	nb
3.12.21	A	Kitchen external door added	nb

**Planning**

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Job Title

Proposed barn conversion at  
Carter House, Jedburgh

Dwg Title

Barn B  
Proposed Floor Plan & Elevations

Client

Mr & Mrs Stephens

Scale

1:100 @ A3

Date

Nov 2021

Drawn by

nb

Checked by

XX

Drawing No.

STE21S-02-01-107B

cb<sup>3</sup> design  
architects

RIBA  
Chartered Practice



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Friday, 11 February 2022



Local Planner  
Development Management  
Scottish Borders Council  
Newtown St. Boswells  
TD6 0SA

Development Operations  
The Bridge  
Buchanan Gate Business Park  
Cumbernauld Road  
Stepps  
Glasgow  
G33 6FB

Development Operations  
Freephone Number - 0800 3890379  
E-Mail - [DevelopmentOperations@scottishwater.co.uk](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)



Dear Customer,

**Barn, Land North Of Carterhouse, Jedburgh, TD8 6PS**  
**Planning Ref: 22/00207/FUL**  
**Our Ref: DSCAS-0058144-K3Z**  
**Proposal: Change of use of barn and alterations and extension to form dwellinghouse**

**Please quote our reference in all future correspondence**

### **Audit of Proposal**

I have carried out an audit of the below listed drawings and I'm pleased to confirm that Scottish Water has no objection to the development proceeding.

### **Please Note**

No new connections will be permitted to the public infrastructure. The additional surface water will discharge to the existing private pipework within the site boundary.

### **General Notes**

For all extensions that increase the hard-standing area within the property boundary, you must look to limit an increase to your existing discharge rate and volume. Where possible we recommend that you consider alternative rainwater options. All reasonable attempts should be made to limit the flow.

---

This response is in relation to the information you have provided. If there are any changes to your proposed development, you may be required to submit the proposed amendments for review.

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below.

Yours sincerely,

**Pamela Strachan**

Planning Team Analyst

[planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk)

**Scottish Water Disclaimer:**

*"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."*



## PLANNING CONSULTATION

To: EVH - Contaminated Land Officer

From: Development Management

Date: 15th March 2022

Contact: Scott Shearer ☎ 01835 826732

Ref: 22/00207/FUL

### PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 5th April 2022, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 5th April 2022, it will be assumed that you have no observations and a decision may be taken on the application.

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

**Name of Applicant:** Mr & Mrs C & J Stephens

**Agent:** Ferguson Planning

**Nature of Proposal:** Change of use of barn and alterations and extension to form dwellinghouse  
**Site:** Barn Land North Of Carterhouse Jedburgh Scottish Borders TD8 6PS

---

**CONSULTATION RESPONSE TO  
PLANNING OR RELATED APPLICATION**

<b>Comments provided by</b>	<b>Officer Name and Post:</b>		<b>Contact e-mail/number:</b>	
	EVH - Contaminated Land Officer			
<b>Date of reply</b>	17 <sup>th</sup> March 2022		<b>Consultee reference:</b> 22/00316/PLANCO	
<b>Planning Application Reference</b>	22/00207/FUL		<b>Case Officer:</b> Scott Shearer	
<b>Applicant</b>	Mr & Mrs C & J Stephens			
<b>Agent</b>	Ferguson Planning			
<b>Proposed Development</b>	Change of use of barn and alterations and extension to form dwellinghouse			
<b>Site Location</b>	Barn Land North Of Carterhouse Jedburgh Scottish Borders TD8 6PS			
<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>				
<b>Background and Site description</b>	There is an indication within the application that the site has had agricultural use. The specific uses and activities undertaken at the application site are not currently known.			
<b>Key Issues (Bullet points)</b>				
<b>Assessment</b>	<p>I therefore recommend that the Applicant complete and return the attached questionnaire providing information relating to the previous use of the site. The applicant has been sent the questionnaire directly with instruction to return it to Environmental Health</p> <p>Once the questionnaire has been returned it will be put on the IDOX system and I will advise you on whether further assessment of potential contamination issues at the site is necessary.</p> <p>If the Applicant does not return the questionnaire, it is important that the potential for contamination is considered when issuing the Planning Permission. I recommend that if the questionnaire is not returned, the following condition is attached to the Planning Permission in order to ensure that the development is suitable for its proposed use.</p>			
<b>Recommendation</b>	<input type="checkbox"/> <b>Object</b>	<input type="checkbox"/> <b>Do not object</b>	<input type="checkbox"/> <b>Do not object, subject to conditions</b>	<input checked="" type="checkbox"/> <b>Further information required</b>
<b>Recommended Conditions</b>	<p><i>Unless otherwise agreed in writing and in advance by the Planning Authority, prior to any development commencing on site, a scheme will be submitted by the Developer (at their expense) to identify and assess potential contamination on site. <b>No construction work shall commence until the scheme has been submitted to, and approved, by the Council, and is thereafter implemented in accordance with the scheme so approved.</b></i></p> <p><i>The scheme shall be undertaken by a competent person or persons in accordance with the advice of relevant authoritative guidance including PAN 33 (2000) and BS10175:2011 or, in the event of these being superseded or supplemented, the most up-to-date version(s) of any subsequent revision(s) of, and/or supplement(s)</i></p>			

	<p>to, these documents. This scheme should contain details of proposals to investigate and remediate potential contamination and must include:-</p> <p>a) A desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of recommended further investigations shall be agreed with the Council <b>prior to</b> addressing parts b, c, d, and, e of this condition.</p> <p>and thereafter</p> <p>b) Where required by the desk study, undertaking a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents.</p> <p>c) Remedial Strategy (if required) to treat/remove contamination to ensure that the site is fit for its proposed use (this shall include a method statement, programme of works, and proposed validation plan).</p> <p>d) Submission of a Validation Report (should remedial action be required) by the developer which will validate and verify the completion of works to a satisfaction of the Council.</p> <p>e) Submission, if necessary, of monitoring statements at periods to be agreed with the Council for such time period as is considered appropriate by the Council.</p> <p><b>Written confirmation from the Council</b>, that the scheme has been implemented completed and (if appropriate), monitoring measures are satisfactorily in place, <b>shall be required by the Developer before any development hereby approved commences</b>. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Council.</p> <p><i>Reason: To ensure that the potential risks to human health, the water environment, property, and, ecological systems arising from any identified land contamination have been adequately addressed.</i></p>
<p><b>Recommended Informatives</b></p>	

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

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

Please give the source of all available information used to answer these questions and an indication of the time period which it covers (continue on separate sheet/reverse side if required):	
Source e.g. Previous farmer/operator	Time Period Covered e.g. 1975-1990

Please provide a description of the use of the agricultural land (*continue overleaf if necessary*):

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

**PLEASE NOTE – YOUR RESPONSE WILL BE PLACED IN THE PUBLIC DOMAIN**

Signed \_\_\_\_\_ Date \_\_\_\_\_

Name  
 (Block Capitals) \_\_\_\_\_

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

Gareth Stewart, Contaminated Land Officer, Gareth.stewart@scotborders.gov.uk

**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	<a href="mailto:pgrigor@scotborders.gov.uk">pgrigor@scotborders.gov.uk</a> 01835 826663		
<b>Date of reply</b>	11 <sup>th</sup> March 2022	<b>Consultee reference:</b>		
<b>Planning Application Reference</b>	22/00207/FUL	<b>Case Officer:</b> Scott Shearer		
<b>Applicant</b>	Mr & Mrs C & J Stephens			
<b>Agent</b>	Ferguson Planning			
<b>Proposed Development</b>	Change of use of barn and alterations and extension to form dwellinghouse			
<b>Site Location</b>	Barn Land North Of Carterhouse Jedburgh Scottish Borders TD8 6PS			
<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>Background and Site description</b>				
<b>Key Issues (Bullet points)</b>				
<b>Assessment</b>	Should the planning officers be minded to support this application, I shall have no objections. There is sufficient space to accommodate two parking spaces.			
<b>Recommendation</b>	<input type="checkbox"/> Object	<input checked="" type="checkbox"/> <b>Do not object</b>	<input type="checkbox"/> Do not object, subject to conditions	<input type="checkbox"/> Further information required
<b>Recommended Conditions</b>				
<b>Recommended Informatives</b>				

**AJS**

**Local Review Reference:** 22/00023/RREF

**Planning Application Reference:** 22/00207/FUL

**Development Proposal:** Change of use of barn and alterations and extension to form dwellinghouse

**Location:** Barn, Land North of Carterhouse, Jedburgh TD8 6PS

**Applicant:** Mr & Mrs C & J Stephens

## **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 wider environment and to meet open space requirements. In some cases agreements will be

required to ensure that landscape works are undertaken at an early stage of development and that appropriate arrangements are put in place for long term landscape/open space maintenance,

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

#### Placemaking & Design

h) It creates developments with a sense of place, based on a clear understanding of the context, designed in sympathy with Scottish Borders architectural styles; this need not exclude appropriate contemporary and/or innovative design,

i) it is of a scale, massing, height and density appropriate to its surroundings and, where an extension or alteration, appropriate to the existing building,

j) it is finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality and, where an extension or alteration, the existing building,

k) it is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form,

l) it can be satisfactorily accommodated within the site,

m) it provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings,

n) it incorporates, where appropriate, adequate safety and security measures, in accordance with current guidance on 'designing out crime'.

#### Accessibility

o) Street layouts must be designed to properly connect and integrate with existing street patterns and be able to be easily extended in the future where appropriate in order to minimise the need for turning heads and isolated footpaths,

p) it incorporates, where required, access for those with mobility difficulties,

q) it ensures there is no adverse impact on road safety, including but not limited to the site access,

r) it provides for linkages with adjoining built up areas including public transport connections and provision for buses, and new paths and cycleways, linking where possible to the existing path network; Travel Plans will be encouraged to support more sustainable travel patterns,

s) it incorporates adequate access and turning space for vehicles including those used for waste collection purposes.

#### Greenspace, Open Space & Biodiversity

t) It provides meaningful open space that wherever possible, links to existing open spaces and that is in accordance with current Council standards pending preparation of an up-to-date open space strategy and local standards. In some cases a developer contribution to wider neighbourhood or settlement provision may be appropriate, supported by appropriate arrangements for maintenance,

u) it retains physical or natural features or habitats which are important to the amenity or biodiversity of the area or makes provision for adequate mitigation or replacements.

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

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

The Council wishes to promote appropriate rural housing development:

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



- b) associated with existing building groups where this does not adversely affect their character or that of the surrounding area, and
- c) in dispersed communities in the Southern Borders housing market area.

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

#### (A) BUILDING GROUPS

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

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

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

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

#### (B) DISPERSED BUILDINGS GROUPS

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

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

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

### (C) CONVERSIONS OF BUILDINGS TO A HOUSE

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

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

### (D) RESTORATION OF HOUSES

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

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

### (E) REPLACEMENT DWELLINGS

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

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

### (F) ECONOMIC REQUIREMENT

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

- a) the housing development is a direct operational requirement of an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and it is for a worker predominantly employed in the enterprise and the presence of that worker on-site is essential to the efficient operation of the enterprise. Such development could include businesses that would cause disturbance or loss of amenity if located within an existing settlement, or
- b) it is for use of a person last employed in an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and also employed on the unit that is the subject of the application, and the development will release another house for continued

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

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

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

### **POLICY 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 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 EP16 : AIR QUALITY**

Development proposals that, individually or cumulatively, could adversely affect the quality of air in a locality to a level that could potentially harm human health and wellbeing or the integrity of the natural environment, must be accompanied by provisions that the Council is satisfied will minimise such impacts to an acceptable degree. Where it is considered appropriate the Council may request that an Air Quality Assessment is undertaken to assist determination of an application.

### **POLICY IS2: DEVELOPER CONTRIBUTIONS**

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

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

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

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

#### **POLICY IS7: PARKING PROVISION AND STANDARDS**

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

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

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

#### **POLICY IS9: WASTE WATER TREATMENT STANDARDS AND SUSTAINABLE URBAN DRAINAGE**

##### **WASTE WATER TREATMENT STANDARDS**

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

- a) direct connection to the public sewerage system, including pumping if necessary, or failing that:

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

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

Development will be refused if:

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

#### **SUSTAINABLE URBAN DRAINAGE**

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

#### **POLICY IS13: CONTAMINATED LAND**

Where development is proposed on land that is contaminated, suspected of contamination, or unstable the developer will be required to:

- a) carry out, in full consultation with, and to the satisfaction of Scottish Borders Council, appropriate phased site investigations and risk assessments; and
- b) where necessary, and to the satisfaction of Scottish Borders Council design, implement, and validate appropriate remedial or mitigation measures to render the site suitable for its proposed use.

#### **Other Material Considerations**

- SBC Supplementary Planning Guidance on Housing in the Countryside 2008
- SBC Supplementary Planning Guidance on Developer Contributions 2019
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006
- SBC Supplementary Planning Guidance on Placemaking and Design 2010
- SBC Supplementary Planning Guidance on Local Landscape Designations 2012
- SBC Supplementary Planning Guidance on Waste Management 2015
- SBC Supplementary Planning Guidance on Use of Timber in Sustainable Construction 2009
- SBC Supplementary Planning Guidance on Contaminated Land Inspection Strategy 2001

- SBC Supplementary Planning Guidance on Sustainable Urban Drainage Systems 2020
- Draft National Planning Framework 4
- SPP 2014



**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 Mark McGlone  
Address 20 Birch Avenue, Elgin

Name ACJ Group  
Address 5 Moycroft Industrial Estate, Elgin

Postcode IV30 5NE

Postcode IV30 1XZ

Contact Telephone 1 [REDACTED]  
Contact Telephone 2 [REDACTED]  
E-mail\* [REDACTED]

Contact Telephone 1 01343 559327  
Contact Telephone 2  
E-mail\* james-j@acj-design.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 21/01639/FUL

Site address Cavers Hillhead, Hawick, TD9 8LJ

Description of proposed development

Erection of dwellinghouse

Date of application 22nd October 2021

Date of decision (if any) 20th April 2022

**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:

To further assess and properly examine or carry out interogation of the application of Scottish Borders Council Planning policy and its

**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.

I am requesting a local review because the Council Official had not decided the planning application within 2 months. I have concerns that interpretation and application of local planning policy may not have taken into consideration the following factors when arriving at their decision and may also not be in line with national policy definition as set out by the Scottish Government. As I understand it the planning application submission meets Scottish Borders Local Plan 2008, Local Plan D1,D2,PMD2,ED7 And to significant degree a large proportion of the Scottish Borders Local Plan for New Housing in the Borders Countryside.

I would like to bring to your attention the Scottish Borders supplementary guidance on new housing in the countryside page 33. Policy D2 Where reference is made to depopulation? This policy appears not to have been given due and proper consideration in this instance. It is also pertinent to point out that the application of policies in Appendix1:Structure Plan Policies H4,H5,H6 along with local plan policies H1,D1,D2 and G8 may not have been fully taken into consideration with this planning application submission. As I understand it within the Planning Officers report it has been stated that the site is not within a defined settlement. Due to there being one dwelling. However your guidance refer's policy D2 page 33 (Building Group), item 2. In a small number of areas of the Borders where there are few building groups comprising of three houses and a more dispersed pattern is the norm, a lower threshold may be considered appropriate? A lower threshold may also be accepted in instances where the development would bring tangible environmental benefits. In these cases the existence of a sense of place will be the primary consideration? In addition your policy states that any cosents for new build granted under this policy should not exceed 100% of the existing number of housing units in the group. No further development above this threshold should be permitted?

The planning application certainly meets the above criteria in many instances of Council policy, which requires full and further comprehensive examination on how policy is and has been applied in this application. The Planning Officer in his statement has made an ascertainment that the property is relatively isolated? This certainly is not the case as the new property is contained within the established grounds and garden curtilage of the existing building and does not encroach or break into an undeveloped field as stated in the Planning Officers report. Because the new proposed property would be contained within what I consider to be the existing buildings boundary and garden curtilage,there would be no room for sporadic or uncontrolled development as the existing boundary line is clearly outlined and defined by the long established boundary line.

My understanding taken from the Scottish Borders Councils interpretation of certain aspects of the local planning policy for new housing in the countryside may have only been only patially implimented in the decision making process,and has not included other aspects of local and government policy in this instance? And therefore I request full review of the decision making process.

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.

Site Location Plan Elevations Plans and Sections and Planting Plans Site Investigation Report Application Statement
--

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 07 July 2022

***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***

DEVELOPMENT: Proposed New Bungalow, Cavers Hillhead Estate, Hawick, TD9 8LJ

Design Statement and Local Justification

### **Overview**

The Planning Statement is lodged in support of an application for full planning permission in for the erection of a bungalow at to the west of Hawick, situated within Cavers Hillhead Estate.

### **Applicant**

The applicants Grandparents have lived and owned Cavers Hillhead Estate for over 40 years. In that time, they have raised 2 daughters, 6 grandchildren and 6 great grandchildren. All of whom have a unique bond to the land including the surrounding area. The family have all been raised there, having spent all their childhood between either living there or spending entire school holidays helping around the estate.

Since the tragic death of his grandfather (William Campbell) in 2019, Mrs Campbell 73, is unable to manage the estate due to numbering factors. Due to her deteriorating ill health [REDACTED]. It is now impossible for her to manage the surrounding lands which are now falling into a state of disrepair, including the Scottish Core Path 128. The applicants mother Ms Kathryn Campbell who also resides at Cavers Hillhead manages Cavers Retreat, also suffers ill health, [REDACTED] and is also unable to work the land.

Due to the unfortunate death of his grandfather, the estate has suffered considerably. Cavers Hillhead Estate is over 80 acres, made up of a 9-acre field surrounded by the remaining acreage of woodland. The family also own and run 'Cavers Retreat Holiday Park' which is also situated on the land. Cavers Hillhead Estate is currently being jointly managed from a distance which is now proving impossible reflecting on the run down of the Estate. This is a full-time job itself so would benefit remarkably from being managed by the applicant living on the Estate.

Currently, with the applicants existing full time job, deployments, and ongoing training he is struggling to find the time he so desperately needs to travel the 450-mile round trip to assist in managing the estate. This is now beginning to take its toll on the entire family. As the eldest member of Mrs Campbell's grandchildren, the applicant, along with his wife and two children have been asked by his grandmother to move to Cavers Hillhead to take over the running of the Estate. My client is keen to move to be closer enabling him to eventually take the stress from other family members.

The applicant, who has 3 years remaining of a 22-year contract serving in the Royal Air Force as a Senior Non-Commissioned Officer who is based at RAF Lossiemouth with his family, intends to move to Cavers and take over managing the family Estate and Cavers Retreat and return it to its former glory by reinvigorating the Core Path 128 and surrounding woodland paths for walkers alike. Currently due to his location and family life he is unable to spend the time required to do this and would better situate at Cavers Hillhead with his family. Once there he also intends to expand Cavers Retreat by introducing Campervan Rentals, helping to promote the Scottish Borders and improve tourism in the local area.

### **Site Description**

The application site measures 0.53 hectares, is roughly triangular and comprises a field space next to the family home, the field being used for garden grounds and which slopes from north to south. The site is bounded to its northern and southern edge by a distinctive row of mature trees which encase an access track, and to the east by the mature woodland associated with Cavers Hillhead Estate. To the south and east are the remaining agricultural fields.

### **Site Connection**

The site is located a short distance to the west of Hawick, off the A698 road to The A6088, heading south a left turn junction for Cavers Hillhead Estate.

#### **Design and Appearance**

The bungalow will be designed with sustainable features at the core of the design and the site will include sustainable urban drainage systems, maximum use of natural light. A woodburning stove will be installed to provide a carbon-neutral heating source to the main living area.

The proposed dwelling will have a high energy performance specification that far exceeds the requirements of building regulations. The timber frame kit will be manufactured off-site at Using one of the top-performing timber frames closed panels systems in the UK. By using this system and off-site manufacturing, this will ensure a high quality and performance kit. Furthermore, this allows for a quick erection of the kit and significantly reduces the amount of time spent on the site. A reduction of time on site will ensure that the construction phase has minimal disturbance to the surrounding area.

Embracing this build method far exceeds current building regulations and contains 5-6 cubic metres more wood than the equivalent masonry build creating a carbon catch and reducing the carbon footprint.

The proposal is for this bungalow only and this is reflected in the design appearance. The bungalow does not detract from the character of the existing buildings or their surrounding area. The roof will be Metal Profile Sheeting, Colour "Grey". The bungalow will be finished with vertical timber cladding to provide a traditional and subtle appearance allowing the development to nestle into the landscape.

The bungalow will allow easy access and use for the young, elderly, and disabled people. The width of doors, placing of handles, sockets and manual controls will all be in accordance with the building regulations.

Gary Mackintosh  
Email: [gmsurveys@gmail.com](mailto:gmsurveys@gmail.com)  
Tel: 07557431702

**gmsurveys**  
Surveys, Setting-Out Civil Engineering Design

**Site Investigation & Drainage  
Assessment**  
CAVERS HILLHEAD

Gary Mackintosh Bsc  
[gmsurveys@gmail.com](mailto:gmsurveys@gmail.com)

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***Client:***

Mr M McGlone

***Site Address:***

Proposed New Dwelling  
Cavers Hillhead  
Hawick

***Planning Reference:***

TBC

***Date:***

28<sup>th</sup> September 2021

***Job Number:***

GMC21-043

***Company Information:***

Assessment completed by:

Gary Mackintosh Bsc

**GMCSurveys**

34 Castle Street

Forres

Moray

IV36 1PW

Email: gmcsurveys@gmail.com

Telephone: 07557431702

***Introduction:***

The proposals are to erect a new private dwelling within the west of the garden grounds belonging to existing property, Cavers, Hillhead by Hawick together with all associated infrastructure.

The SEPA Flood maps have been consulted which confirm the property is not at risk of fluvial or pluvial flooding during a 1:200year event.

GMC Surveys have been asked to carry out a site investigation in order to provide a drainage solution for the proposed development.

***Soil Conditions:***

Excavations were carried out using a 23<sup>rd</sup> September 2021 to assess the existing ground conditions and carry out infiltration and percolation testing for the management of foul and surface waters via soakaways.

The trial pits were excavated to depths of 1.5m and no groundwater was encountered.

The excavations provided existing ground conditions of 300mm Topsoil with some roots brown, medium to loose, fine sands and rounded gravels proved to the depth of the excavations.

There was no evidence of fill material or contamination within the trial pits and no ground water was encountered. The natural soils have a minimum bearing capacity of 100kn/m<sup>2</sup>.



### ***Percolation/Soakaway Testing:***

Percolation testing was carried out in full accordance with BS6297: 2007 + A1: 2008 and as described in Section 3.9 of the Scottish Building Standards Technical Handbook (Domestic). The results can be found in the table below.

	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	Mean
<b>Date of Test</b>	<b>23/09/21</b>	<b>23/09/21</b>	<b>23/09/21</b>	
TH01	360s	540s	600s	500s
<b>Average Soil Vp</b>	<b>3.33s/mm</b>			

### ***Infiltration testing:***

Infiltration testing was carried out in full accordance with BRE digest 365. The results can be found in the table below.

<b>Infiltration Test</b>	<b>Pit Dimensions (w/l)</b>	<b>Test Zone (mbgl)</b>	<b>Infiltration Rate (m/s)</b>
INF01	1.0m x 1.0m	0.7 - 1.5	$9.43 \times 10^{-5}$

### ***Conclusion and Recommendations:***

Based on the onsite investigations it can be confirmed that the underlying soils are suitable for the use of standard stonefilled soakaways as a drainage solution for both foul and surface waters.

The Vp rate is below the maximum threshold of 15s/mm therefore a 'Packaged Sewage Treatment Plant' would be required, the final details of which are to be confirmed by the chosen supplier.

### ***Foul Water Discharge via Soakaway:***

As the Vp rate is below 15s/mm, in addition to the package sewage treatment plant, SEPA require that 3.6m<sup>2</sup> per person or 25m<sup>2</sup> minimum be allowed for the foul water soakaway, whichever is greater. At the time of this report the final house details are yet to be established therefore it is proposed to allow for a 4bed property

3.6 x 6 (4 Bedroom) = 21.60m<sup>2</sup> **Therefore 25m<sup>2</sup> required.**

It is therefore proposed to install a soakaway with a minimum base area of 25m<sup>2</sup>. This area can be provided with soakaway plan dimensions 6.0m x 4.2m at a depth of 0.45m below invert level. Alternative dimensions may be adopted to better suit the site layout ensuring that the minimum base area of 25.00m<sup>2</sup> is maintained.

### ***Surface Water Dispersal via Soakaway:***

As noted, at the time of this report the final house details are to be established therefore to demonstrate sufficient capacity is provided, a roof area of 250m<sup>2</sup> is to be considered based on the on-site markings and allowing for extra over for potential hard standings.

Please see attached surface water calculations detailing the requirement and suitability for soakaway dimensions of 7.0m x 3.5m at a depth of 0.80m below the invert level based on the proposed contributing area of 250m<sup>2</sup> (assumed roof area with extra over for hardstanding) up to and including a 1:30year event with 35% allowance for climate change.

The final soakaway design will require to be reviewed upon completion of the proposed house detailed design.

Soakaway Details can be found in Appendix A.

SEPA and Building Regulations require that infiltration systems (soakaways) are located at least:

- 50m from any spring, well or borehole used as drinking water supply
- 10m horizontally from any water course and any inland and coastal waters, permeable drain (including culvert), road or railway
- 5m from a building or boundary



Master Drain  
SW 16.10

**gmcsurveys**  
Surveys, Setting Out, Civil Engineering Design

Shireen Villa, 34 Castle Street  
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Job No.	<b>GMC21-043</b>	
Sheet no.	1	
Date	28/09/21	
By	Checked	Approved
GM		

Project **Cavers Hillhead, Hawick**  
Title **Surface Water Soakaway**

**Rectangular pit design data:-**

Pit length	= 7 m	Pit width	= 3.5 m
Depth below invert	= .8 m	Percentage voids	= 30.0%
Imperm. area	= 250 m <sup>2</sup>	Infiltr. factor	= 0.000094 m/s
Return period	= 30 yrs	Climate change	= 35%

**Calculations :-**

Surface area of soakaway to 50% storage depth (not inc. base):-

$$a_{s50} = 2 \times (\text{length} + \text{width}) \times \text{depth}/2 = 8.4 \text{ m}^2$$

Outflow factor :  $O = a_{s50} \times \text{Infiltration rate} = 0.0007896 \text{ m/s}$

Soakaway storage volume :  $S_{\text{actual}} = \text{length} \times \text{width} \times \text{depth} \times \% \text{voids}/100 = 5.9 \text{ m}^3$

Duration	Rainfall mm/hr	Inflow m <sup>3</sup>	Depth (hmax) m	Outflow m <sup>3</sup>	Storage m <sup>3</sup>
5 mins	114.5	2.4	0.29	0.24	2.14
10 mins	87.5	3.6	0.43	0.47	3.16
15 mins	72.2	4.5	0.52	0.71	3.80
30 mins	49.8	6.2	0.65	1.42	4.81
1 hrs	32.7	8.2	0.73	2.84	5.33
2 hrs	20.9	10.5	0.65	5.69	4.77
4 hrs	13.2	13.2	0.24	11.37	1.80
6 hrs	10.0	15.0	0.00	17.06	0.00
10 hrs	7.1	17.7	0.00	28.43	0.00
24 hrs	3.9	23.3	0.00	68.22	0.00

Actual volume :  $S_{\text{actual}} = 5.880 \text{ m}^3$

Required volume :  $S_{\text{reqd.}} = 5.330 \text{ m}^3$

Soakaway volume storage OK.

Minimum required  $a_{s50}$  : 7.61 m<sup>2</sup>

Actual  $a_{s50}$  : 8.40 m<sup>2</sup>

Minimum depth required: 0.73 m

Time to maximum 1 hrs

Emptying time to 50% volume =  $t_{s50} = S_{\text{reqd}} \times 0.5 / (a_{s50} \times \text{Infiltration rate}) = 00:56 \text{ (hr:min)}$

Soakaway emptying time is OK.



MasterDrain  
SW 16.10

**gmcsurveys**  
Surveys, Setting Out, Civil Engineering Design

Shireen Villa, 34 Castle Street  
Forres IV36 1FN  
email: gmcsurveys@gmail.com  
Mobile: 07557 431 702

Job No. <b>GMC21-043</b>		
Sheet no. <b>2</b>		
Date <b>28/09/21</b>		
By <b>GM</b>	Checked	Approved

Project <b>Cavers Hillhead, Hawick</b>
Title <b>Surface Water Soakaway</b>

*Location hydrological data (FSR):-*

Location	= HAWICK	Grid reference	= NT5014
M5-60 (mm)	= 16	r	= 0.27
Soil index	= 0.40	SAAR (mm/yr)	= 800
WRAP	= 3	Area	= Scotland and N. Ireland

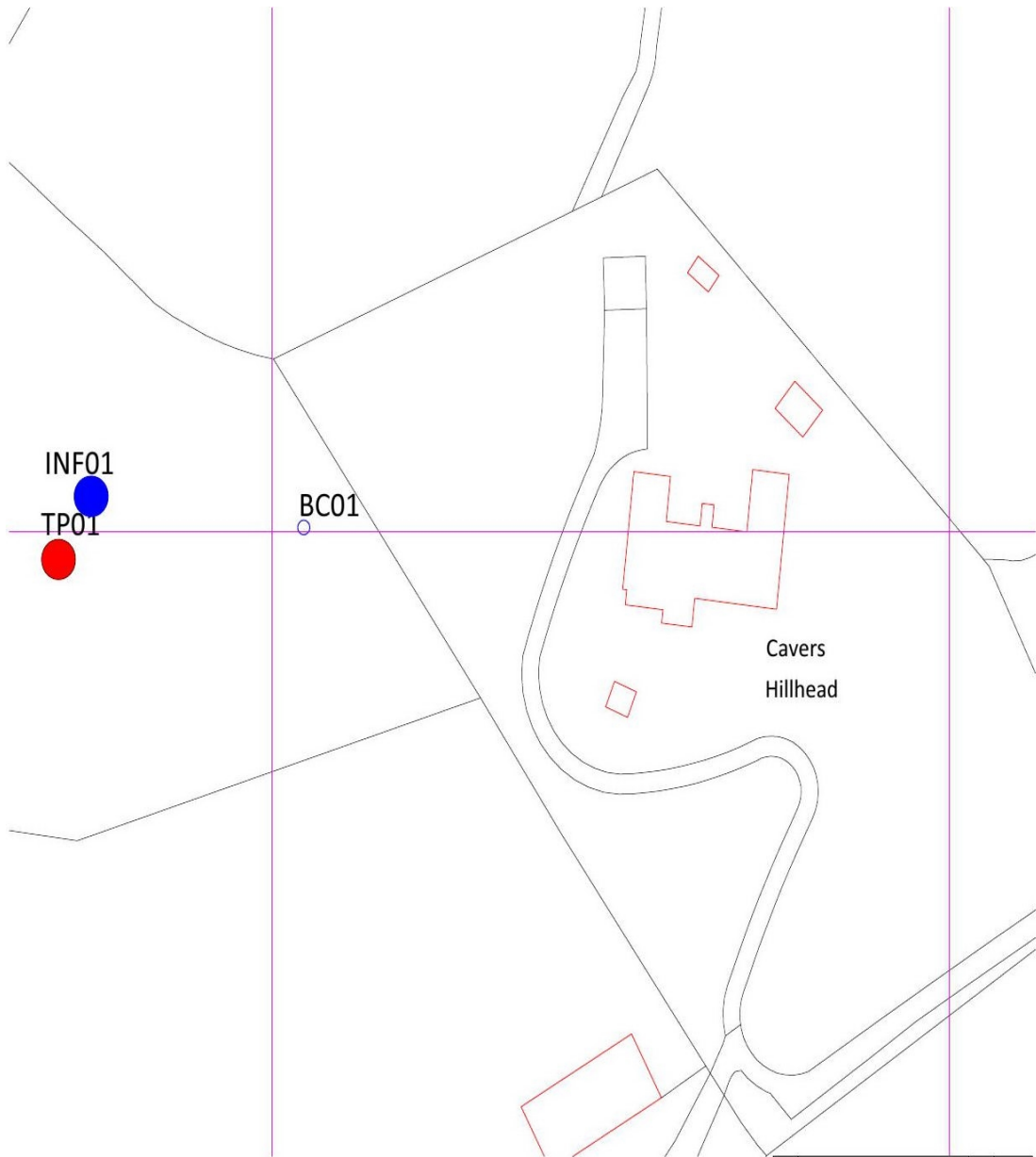
Soil classification for WRAP type 3

- i) Relatively impermeable soils in boulder and sedimentary clays, and in alluvium, especially in eastern England;
- ii) Permeable soils with shallow ground water in low-lying areas;
- iii) Mixed areas of permeable and impermeable soils, in approximately equal proportions.

N.B. The rainfall rates are calculated using the location specific values above in accordance with the Wallingford procedure.

**Appendix A**

Site plan/Test Hole Locations



REV:	DESCRIPTION:	BY:	DATE:
STATUS: ISSUE			

**gmcsurveys**  
 Surveys, Setting Out, Civil Engineering Design  
 T: 07557 431 702  
 E: gmcsurveys@gmail.com

CLIENT:  
 Mr M McGlone  
 C/O ACJ Design  
 Moycroft Ind Estate  
 Elgin

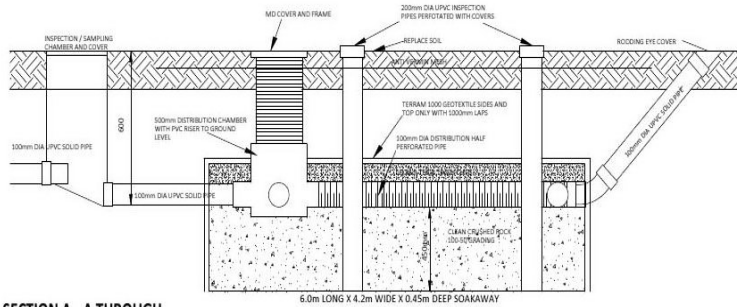
SITE:  
 Proposed Dwelling at  
 Cavers Hillhead, Hawick

TITLE:  
 Test Hole Location

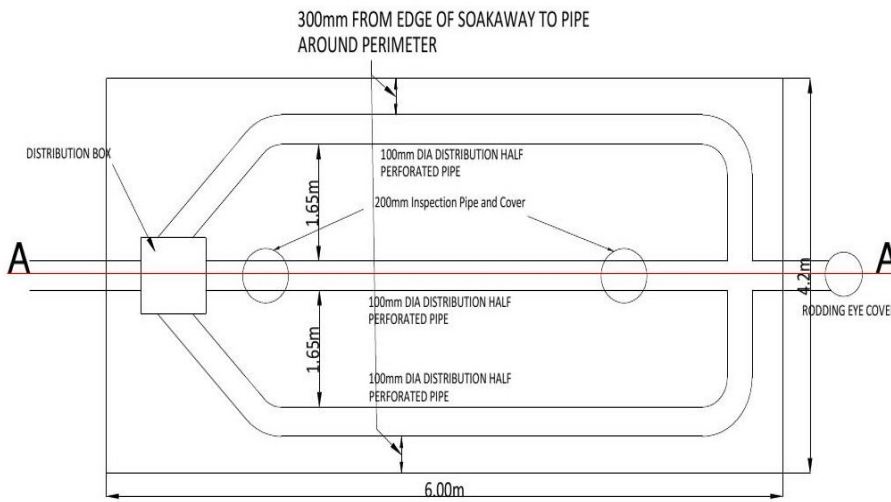
SCALE AT:	DATE:	DRAWN:	CHECKED:
NTS	SEP21	GM	
PROJECT NO:	DRAWING NO:	REVISION:	
GMC21-043	Appendix A	-	

**Appendix B**

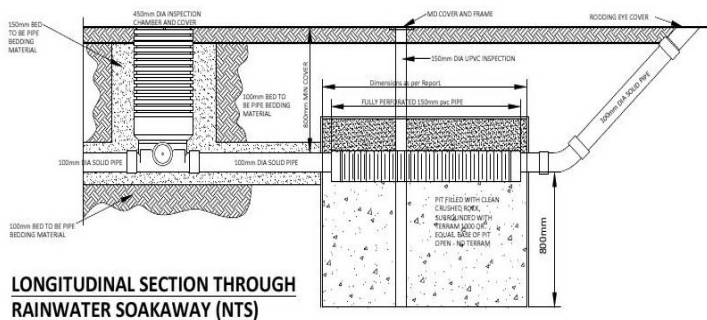
Soakaway Details/Certificates



**SECTION A - A THROUGH  
FOUL WATER SOAKAWAY (NTS)**



**PLAN VIEW  
SOAKAWAY ARRANGEMENTS (NTS)**



**LONGITUDINAL SECTION THROUGH  
RAINWATER SOAKAWAY (NTS)**

REV:	DESCRIPTION:	BY:	DATE:
ISSUE			

**gmcsurveys**  
Surveys, Setting Out, Civil Engineering Design  
T: 07557 431 702  
E: gmcsurveys@gmail.com

CLIENT:  
Mr M McGlone  
C/O ACI Design  
Moycroft Ind Estate  
Elgin

SITE:  
Proposed Dwelling at  
Cavers Hillhead, Hawick  
TITLE:  
Soakaway Details

SCALE AT AA:	DATE:	DRAWN:	CHECKED:
NTS	SEP21	GM	
PROJECT NO:	DRAWING NO:	REVISION:	
GMC21-043	Appendix B	-	

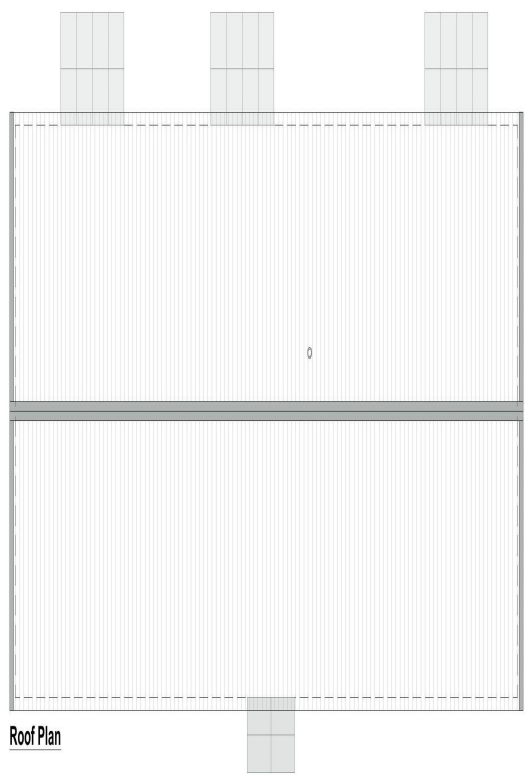




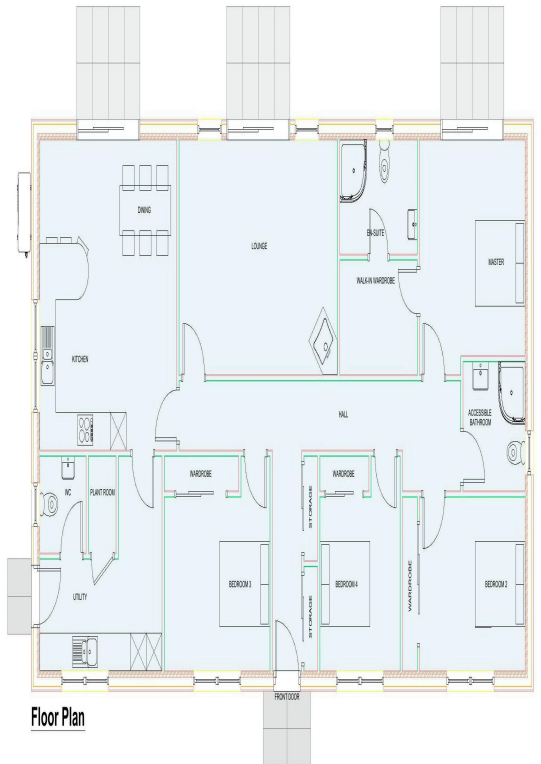
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Date: Rev: Notes:



**Roof Plan**



**Floor Plan**



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

**REFUSED**

subject to the  
requirements of the  
associated Decision  
Notice

21/01639/FUL  
19/04/2022

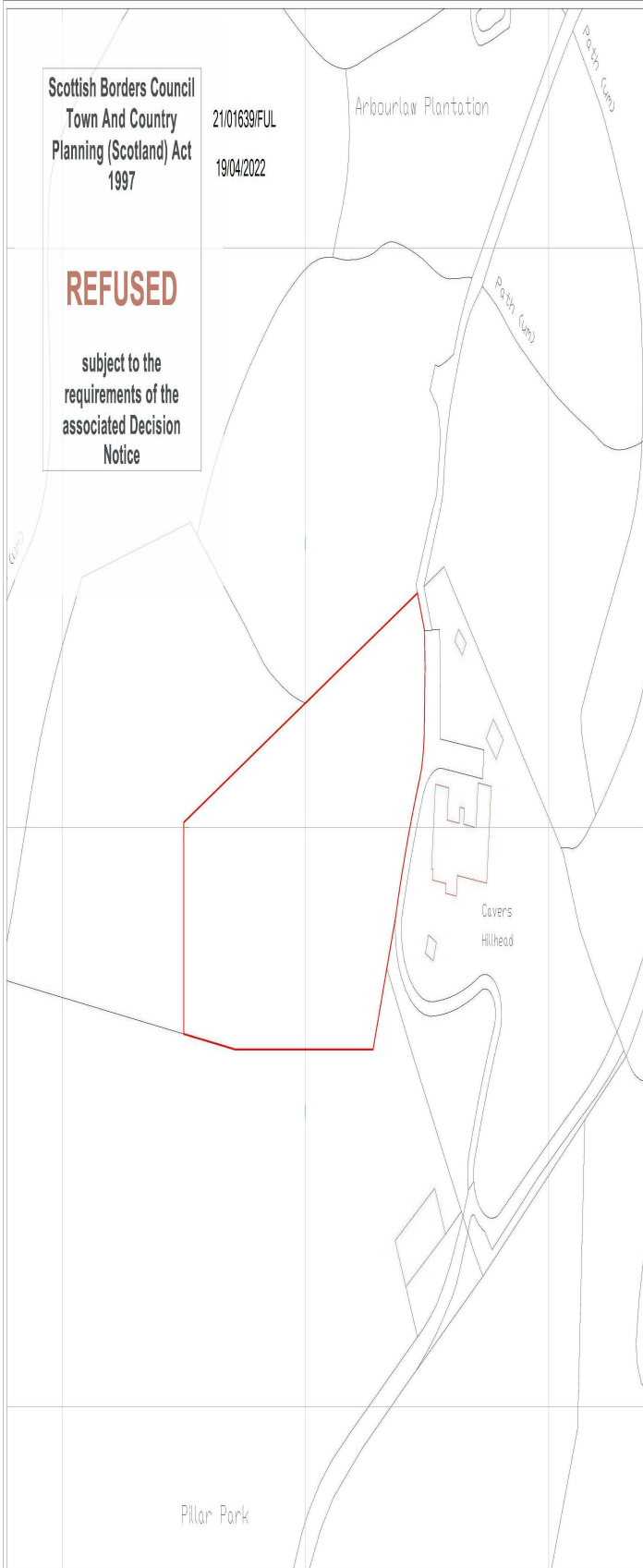


TYPE: Planning  
PROJECT: Coney Hillside, Fifehire  
T/SR 2/4

TITLE: Floor Plan, Roof Plan

NO	DATE	BY	CHKD
1	07/12/2021	ACJ	ACJ

www.acjgroup.co.uk  
info@acjgroup.co.uk - 01243 559227  
5 Moycroft Industrial Estate Blyth, NCS9 1XZ



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

21/01639/FUL  
19/04/2022

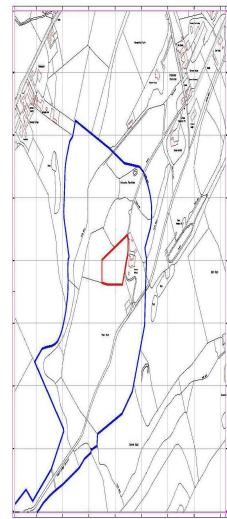
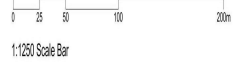
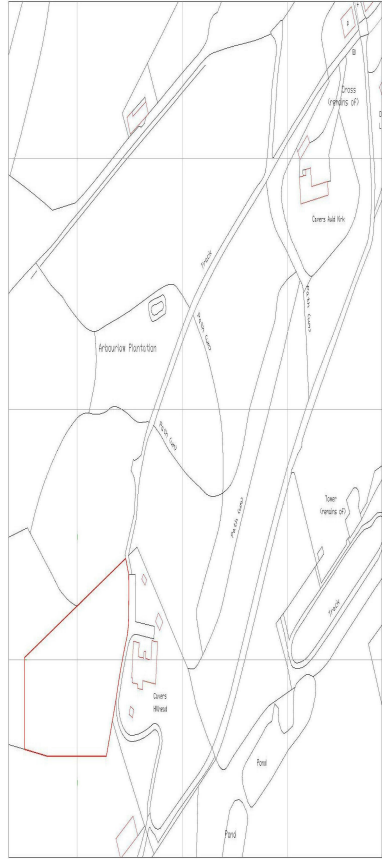
**REFUSED**

subject to the  
requirements of the  
associated Decision  
Notice



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Date Rev Note



**ACJ Design**  
ARCHITECTURAL & STRUCTURAL DESIGN SERVICES  
info@acjgroup.co.uk

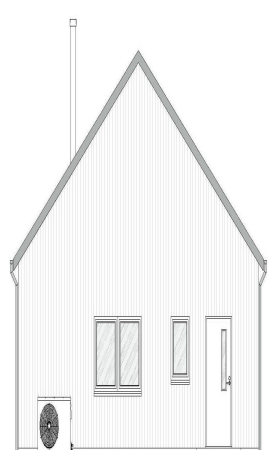
DISCIPLINE: Planning  
PROJECT: Covers Hillhead, Forth  
T09 01A

TITLE: Location Plan

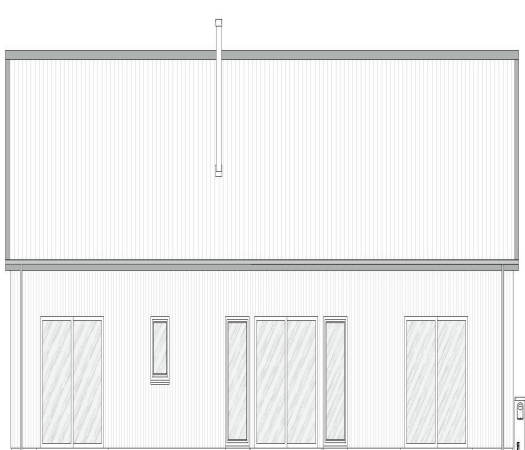
NO	DATE	BY	CHKD	STATUS
1	07/10/2021	JL	OC	

PROJECT NO	DRAWING NO	REVISION
514	04/11/21	1st

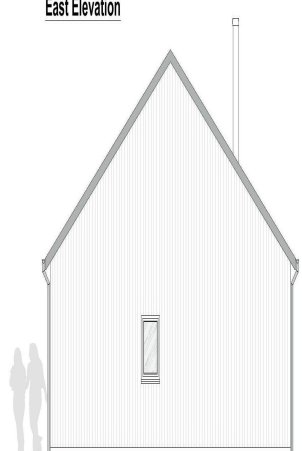
www.acjgroup.co.uk  
info@acjgroup.co.uk - 01343 599227  
5 Mozerth Industrial Estate Blyth, N038 1XZ



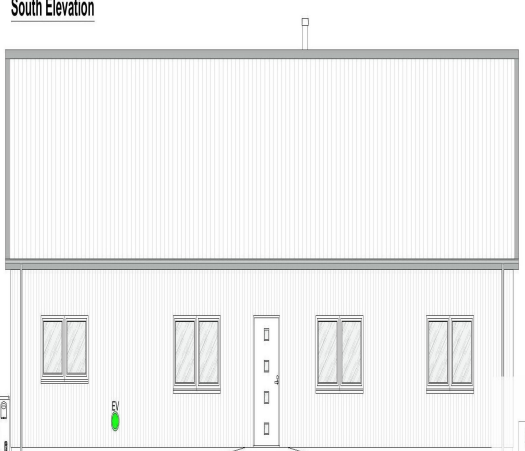
**East Elevation**



**South Elevation**



**West Elevation**



**North Elevation**

**Notes:**

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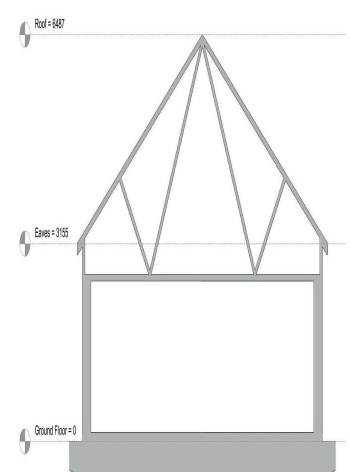
Date	Rev	Notes

21/01639/FUL

19/04/2022

**External Finishes:**

Roof:	Colour "Grey" - Metal Roof
Basecourse:	Colour "Grey" - Render
Ext Doors & Windows:	Colour "Grey" - UPVC
Fascia, Soffit & Bargeboards:	Colour "Grey"
Rainwater goods:	Colour "Silver"
Walls:	Vertical Timber Cladding, Larch



**Section**

**EV**

Electric Vehicle (EV) charging infrastructure


As per marked location a future Electric Vehicle (EV) charging unit would be connected to an appropriate electrical supply, confirming the provision of the necessary cabling, ducting, and consumer units capability of supporting the future charging unit.

Written proposals and/or plans confirming the provision of the necessary cabling, ducting, and consumer units capable of supporting the future charging unit to be supplied for approval prior to any development works commencing.

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

REFUSED

subject to the requirements of the associated Decision Notice




**ACJ Design**  
 ARCHITECTURAL & STRUCTURAL DESIGN SERVICES  
 info@acjgroup.co.uk

DATE:	19/04/2022
PROJECT:	Greenfield, Housie, TD1 5LJ

DATE:	19/04/2022
PROJECT:	Greenfield, Housie, TD1 5LJ

www.acjgroup.co.uk  
 info@acjgroup.co.uk - 01343 599227  
 5 Mozerth Industrial Estate Blyth, N338 1XZ

1:50 Scale Bar





Newtown St Boswells Melrose TD6 0SA Tel: Payments 01835 825586 System Help 01835 826705 Email: regadmin@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 100482904-001

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)

Proposed New Bungalow, Cavers Hillhead Estate, Hawick, TD9 8LJ

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:	ACJ Design		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	ACJ Design	Building Name:	
Last Name: *	ACJ Group	Building Number:	5
Telephone Number: *	01343559327	Address 1 (Street): *	Moycroft Industrial Estate
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Elgin
Fax Number:		Country: *	Scotland
		Postcode: *	IV30 1XZ
Email Address: *	james-j@acj-group.co.uk		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	5
First Name: *	Mark	Building Number:	
Last Name: *	Mcglone	Address 1 (Street): *	Moycroft Industrial Estate
Company/Organisation	ACJ Design	Address 2:	
Telephone Number: *		Town/City: *	Elgin
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	IV30 1XZ
Fax Number:			
Email Address: *	james-j@acj-group.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

The site is located a short distance to the west of Hawick, off the A698 road to The A6088, heading south a left turn junction for Cavers Hillhead Estate.

Northing

615418

Easting

353828

## Pre-Application Discussion

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

Yes  No

## Site Area

Please state the site area:

5300.00

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)

Garden Grounds

## 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.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? \*

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

## 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).

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

As per the Site Investigation & Drainage Assessment

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.

## Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? \*

Yes  No

If Yes or No, please provide further details: \* (Max 500 characters)

Refer to plans

## Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? \*

Yes  No

How many units do you propose in total? \*

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

## All Types of Non Housing Development – Proposed New Floorspace

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

Yes  No

## Schedule 3 Development

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

Yes  No  Don't Know

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

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

## Planning Service Employee/Elected Member Interest

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

Yes  No

## Certificates and Notices

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

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

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

Yes  No

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

Yes  No

## Certificate Required

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

Certificate A

## Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: ACJ Design ACJ Group

On behalf of: Mr Mark Mcglone

Date: 15/10/2021

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 principal where there is a crown interest in the land, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

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

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. \*

Yes  N/A

A Design Statement or Design and Access Statement. \*

Yes  N/A

A Flood Risk Assessment. \*

Yes  N/A

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

Yes  N/A

Drainage/SUDS layout. \*

Yes  N/A

A Transport Assessment or Travel Plan

Yes  N/A

Contaminated Land Assessment. \*

Yes  N/A

Habitat Survey. \*

Yes  N/A

A Processing Agreement. \*

Yes  N/A

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

## **Declare – For Application to Planning Authority**

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

Declaration Name: Mr ACJ Design ACJ Group

Declaration Date: 15/10/2021

Mr Mark McGlone  
per ACJ Design ACJ Group  
5 Moycroft Industrial Estate  
Elgin  
Scotland  
IV30 1XZ

**Please ask for:** Brett Taylor  
X6628  
**Our Ref:** 21/01639/FUL  
**Your Ref:**  
**E-Mail:** brett.taylor@scotborders.gov.uk  
**Date:** 20th April 2022

Dear Sir/Madam

**PLANNING APPLICATION AT Land West Of Cavers Hillhead Cavers Hawick Scottish Borders**

**PROPOSED DEVELOPMENT:** Erection of dwellinghouse

**APPLICANT:** Mr Mark McGlone

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

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

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

Yours faithfully

John Hayward

Planning & Development Standards Manager

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

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

**Application for Planning Permission**

**Reference: 21/01639/FUL**

**To: Mr Mark McGlone per ACJ Design ACJ Group 5 Moycroft Industrial Estate Elgin Scotland IV30 1XZ**

With reference to your application validated on **22nd October 2021** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

**Proposal: Erection of dwellinghouse**

**At: Land West Of Cavers Hillhead Cavers Hawick Scottish Borders**

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

**Dated 19th April 2022  
Regulatory Services  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**John Hayward  
Planning & Development Standards Manager**

**APPLICATION REFERENCE: 21/01639/FUL**

**Schedule of Plans and Drawings Refused:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
514.1.01	Location Plan	Refused
514.1.02	Proposed Plans & Sections	Refused
514.1.03	Proposed Plans	Refused
514.1.04	Proposed Elevations	Refused

**REASON FOR REFUSAL**

- 1 The development is contrary to Policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 because it would constitute housing in the countryside that would not relate well to the existing building group and would lead to an unjustified sporadic expansion of development into a previously undeveloped field. Furthermore, there is no overriding economic justification to support the development. Material considerations do not outweigh the resulting harm.

**FOR THE INFORMATION OF THE APPLICANT**

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months from the date of this notice.

The notice of review must be submitted on the standard form and addressed 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). The standard form and guidance notes can be found online at [Appeal a Planning Decision](#). Appeals to the Local Review Body can also be made via the Scottish Government Planning and Environmental Appeals Division by clicking on the following link [PEAD](#)

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

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**SCOTTISH BORDERS COUNCIL**

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

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

**REF:** 21/01639/FUL  
**APPLICANT:** Mr Mark McGlone  
**AGENT:** ACJ Design ACJ Group  
**DEVELOPMENT:** Erection of dwellinghouse  
**LOCATION:** Land West Of Cavers Hillhead  
Cavers  
Hawick  
Scottish Borders

**TYPE:** FUL Application

---

**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
514.1.01	Location Plan	Refused
514.1.02	Proposed Plans & Sections	Refused
514.1.03	Proposed Plans	Refused
514.1.04	Proposed Elevations	Refused

**NUMBER OF REPRESENTATIONS: 1**

**SUMMARY OF REPRESENTATIONS:**

One letter of support was received.

**Consultations**

Denholm & District Community Council: Have not responded at the time of writing this report.

Education & Lifelong Learning: Have not responded at the time of writing this report.

Roads Officer: No objections subject to conditions requiring the dwelling to be restricted to a person solely employed by Cavers Hillhead Estate.

Scottish Water: No objection to the application.

**PLANNING CONSIDERATIONS AND POLICIES:**

Local Development Plan - Adopted Scottish Borders Local Development Plan (2016)

PMD2 - Quality Standards

HD2 - Housing in the Countryside

HD3- Protection of Residential Amenity

EP1: International Nature Conservation and Protected Species

EP2: National Nature Conservation Sites and Protected Species

EP3 - Local Biodiversity

EP13 - Trees, Woodlands and Hedgerows  
IS2 - Developer Contributions  
IS7 - Parking Provision and Standards  
IS9 - Waste Water and Treatment Standards and Sustainable Urban Drainage

#### Supplementary Planning Guidance

Developer Contributions 2021  
Householder Development (Privacy and Sunlight) 2006  
Landscape and Development 2008  
New Housing in the Borders Countryside 2008  
Placemaking and Design 2010  
Trees and Development 2008  
Waste Management 2015

Scottish Planning Policy 2014

#### **Recommendation by** - Brett Taylor (Planning Officer) on 19th April 2022

#### Site and Proposal

This application proposes planning permission for the erection of a dwellinghouse. The site is located to the west of Hawick, off the A698 road. The site measures 0.53, is triangular in shape and comprises of a current vacant field. It is bounded to its northern and southern edge by a distinctive row of mature trees which encase an access track, and to the east by the mature woodland associated with Cavers Hillhead Estate. To the south and east are the remaining agricultural fields.

#### Planning History

No relevant planning history

#### Key Planning Policies

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).

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.

In terms of the above, the only possible criterion against which the proposals could be assessed is A, building group, to which there are three further tests. Those are: a) the application site must relate well to an existing group of three houses; 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 and; c) any consents should not exceed two dwellings or a 30% increase to the group during the Plan period.

The site is not within a defined settlement and so the proposal has to be assessed against the Council's housing in the countryside policies. There is one dwelling (Cavers Hillhead) in close proximity, however, I do not consider this meets the requirements of a building group as stated by policy HD2. This property is relatively isolated with the Arbourlaw Plantation to the north forming a natural boundary. Even if a building group did exist, the proposed house would break into an undeveloped field and would encourage sporadic uncontrolled development. This is discouraged by our policy guidance, as siting a house here would not comprise a sympathetic, organic addition to the area, and there is no justification for it here.

During the processing of this application the applicant submitted a business case to account for the requirements of policy HD2 (F). This refers to the economic case for the development in relation to the management of the estate, the income for which is based on timber harvesting. From this information provided I considered that there was no reason to change my assessment of the application that would override the conflict with policy. This is because the information provided is insufficient to demonstrate there is a necessity for this dwellinghouse to be sited at this location to support the operational needs of a viable business.

#### Placemaking and design

Policy PMD2 sets out the council's strategy towards design. It states, amongst other things, that: "All new development will be expected to be of high quality in accordance with sustainability principles, designed to fit with...its landscape surroundings". The policy sets out the standards which will apply to all development."

Notwithstanding the above fundamental matters regarding the principle of development, the proposed single storey house would have a simple rectangular form with a pitched roof. As such and only in design terms, I am content that the appearance would not be unacceptable in the context of the surrounding area.

#### Neighbouring amenity

Policy HD3 aims to protect the amenity of neighbouring residential properties against inappropriate development that would result in the loss of amenity and privacy. It would be possible for the dwelling to be constructed on this site in compliance with the relevant standards in the SPG. The nearest other dwelling at Cavers Hillhead is sufficiently distant from the site that I am satisfied the proposal would not affect the residential amenities of occupants of this property. I am satisfied that the proposed development of a dwelling on this site could comply with policy HD3 of the Local Development Plan.

#### Parking and Road Safety

Policy PMD2 requires that a development incorporates adequate access and turning space and for vehicles and ensures that there is no adverse impact on road safety. Policy IS7 requires that car parking should be provided in accordance with the Council's adopted standards.

The site is capable of providing two spaces to support a new house, thus complying with Policy IS7. In terms of the access, the site is proposed to be accessed via the same track which currently serves the property at Cavers Hillhead. Should the application be approved the RPO recommends a condition relating to the occupancy of the property.

#### Developer contribution

A contribution would be required for education provision were the application to be granted.

#### Impact on SLA

The proposal will not have a significant adverse impact on the Teviot Valleys SLA.

#### Ecology

With respect to ecology, given the current use of the site as an open field it is considered that the proposal will have a limited impact on ecology and biodiversity of the surrounding area.

#### Trees, Woodlands and Hedgerows

No trees or hedgerows would be affected by the proposals. Should the application be approved I consider the proposed development can be considered to comply with the requirements of policy EP13 (Trees, Woodlands and Hedgerows) of the Local Development Plan, and the adopted SPG on Trees and Development.

#### Water and Drainage

Policy IS9 states that the preferred method of dealing with waste water associated with new developments would be the direct connection to the public sewerage system and for development in the countryside the use of private sewerage may be acceptable provided that it can be provided without negative impacts to public health, the environment, watercourses or ground water. A SUDS is required for surface water drainage.

The proposed dwellinghouse would connect to a public water supply and foul drainage would be to a new sewage treatment plant with SUDS for dealing with surface water. The exact details would be agreed by condition and through the Building Warrant process.

#### Reason for Decision

It is recommended that the application is refused for the reasons given above.

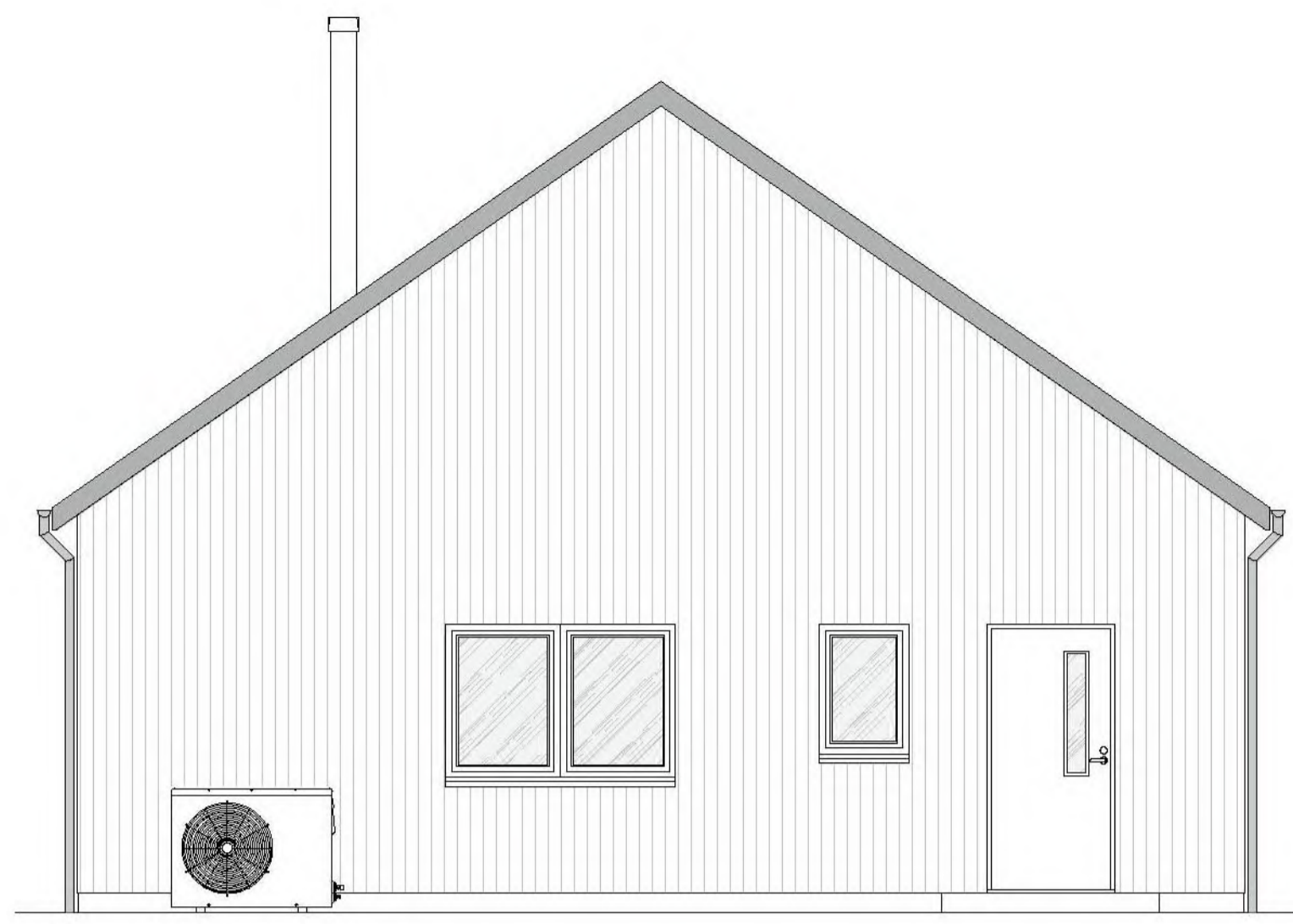
#### **REASON FOR DECISION:**

The development is contrary to policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 because it would constitute housing in the countryside that would be unrelated to a building group and would lead to an unjustified sporadic expansion of development into a previously undeveloped field. Furthermore, there is no overriding economic justification to support the development. Material considerations do not outweigh the resulting harm.

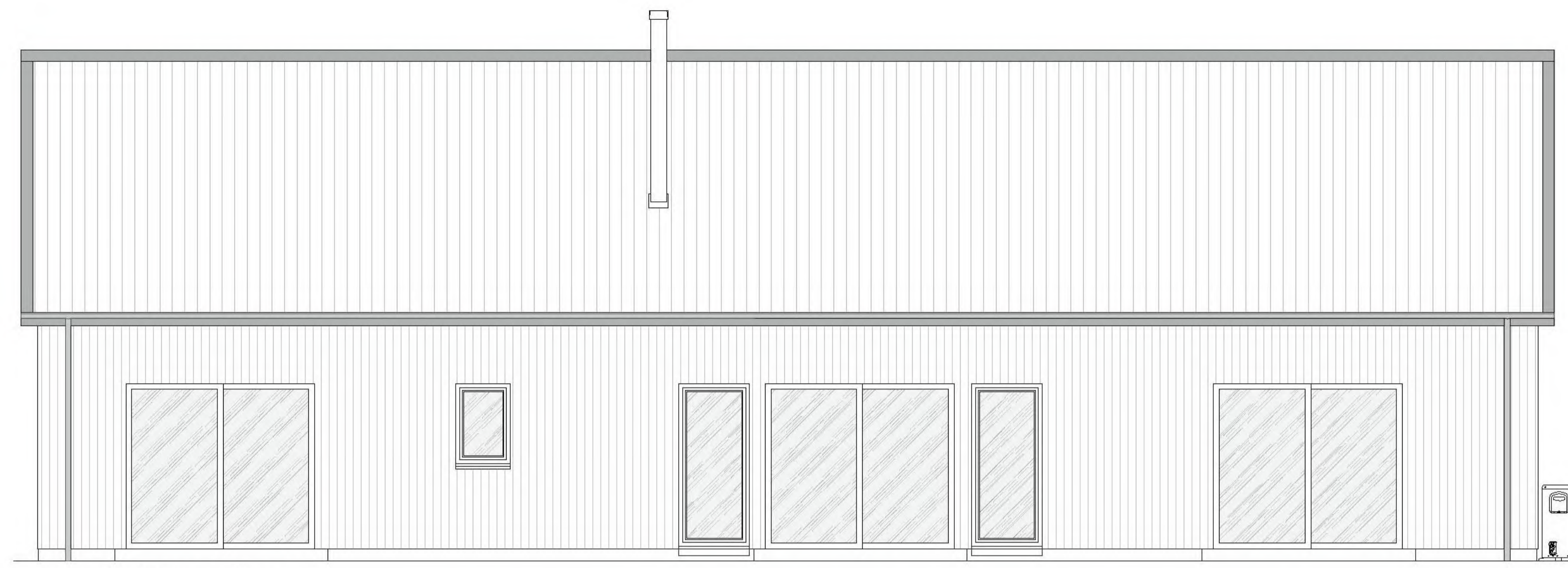
#### **Recommendation:** Refused

- 1 The development is contrary to Policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 because it would constitute housing in the countryside that would not relate well to the existing building group and would lead to an unjustified sporadic expansion of development into a previously undeveloped field. Furthermore, there is no overriding economic justification to support the development. Material considerations do not outweigh the resulting harm.

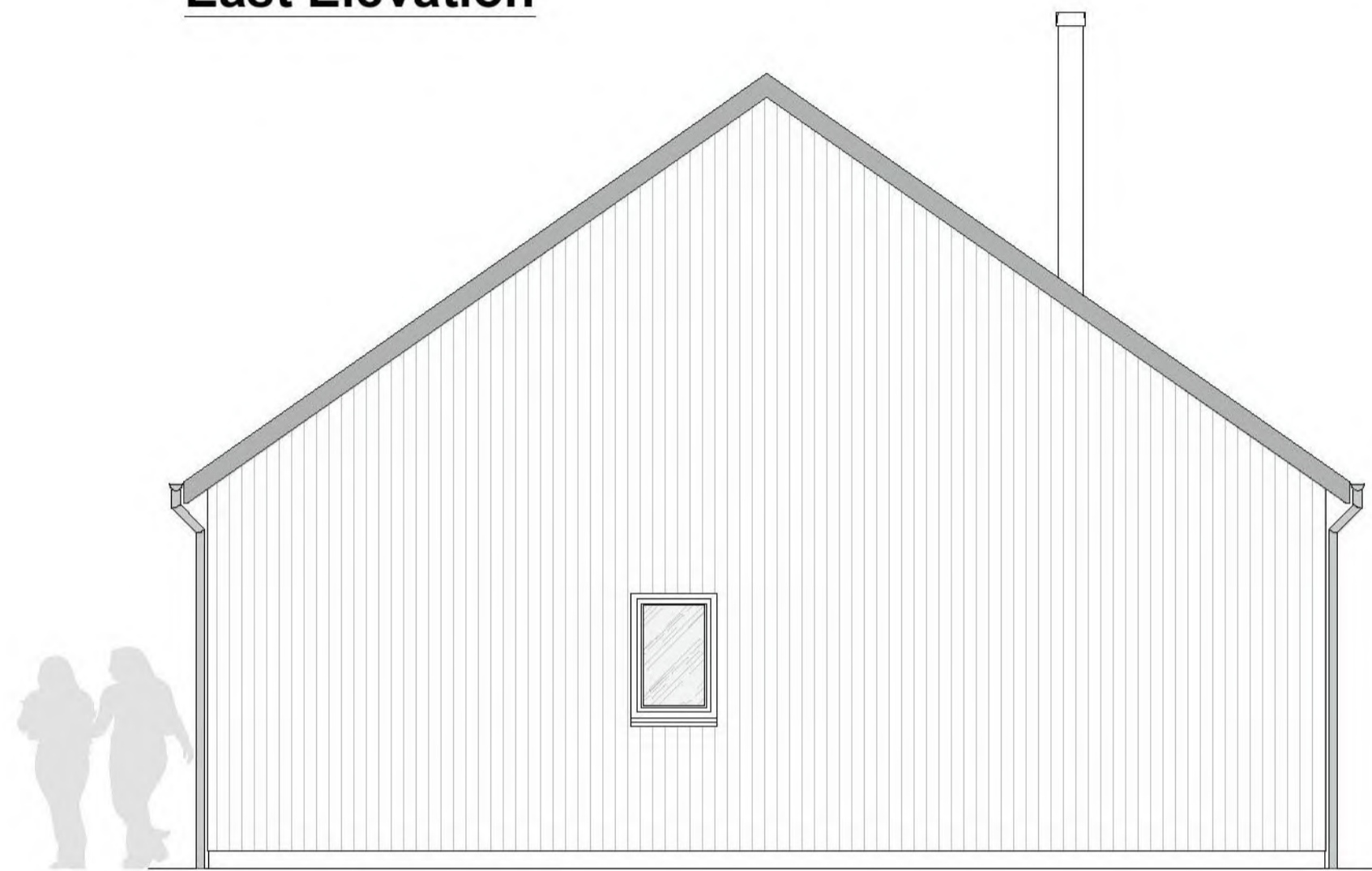
**“Photographs taken in connection with the determination of the application and any other associated documentation form part of the Report of Handling”.**



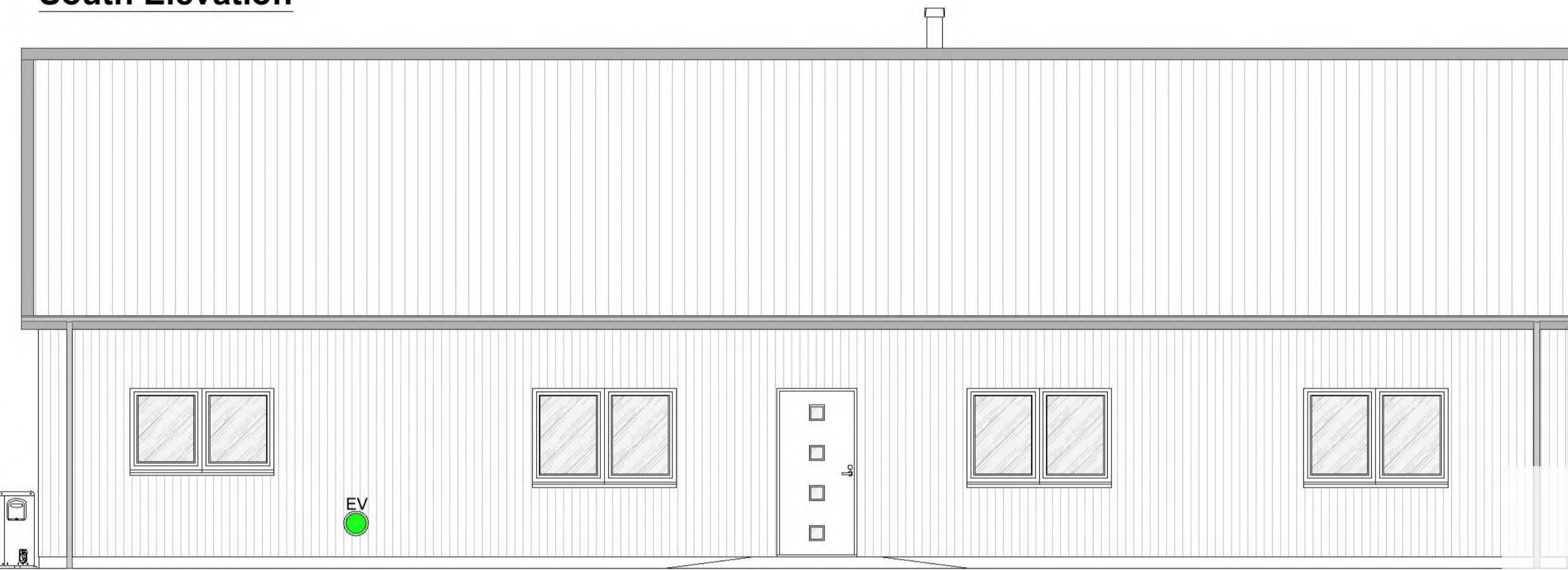
East Elevation



South Elevation



West Elevation



North Elevation

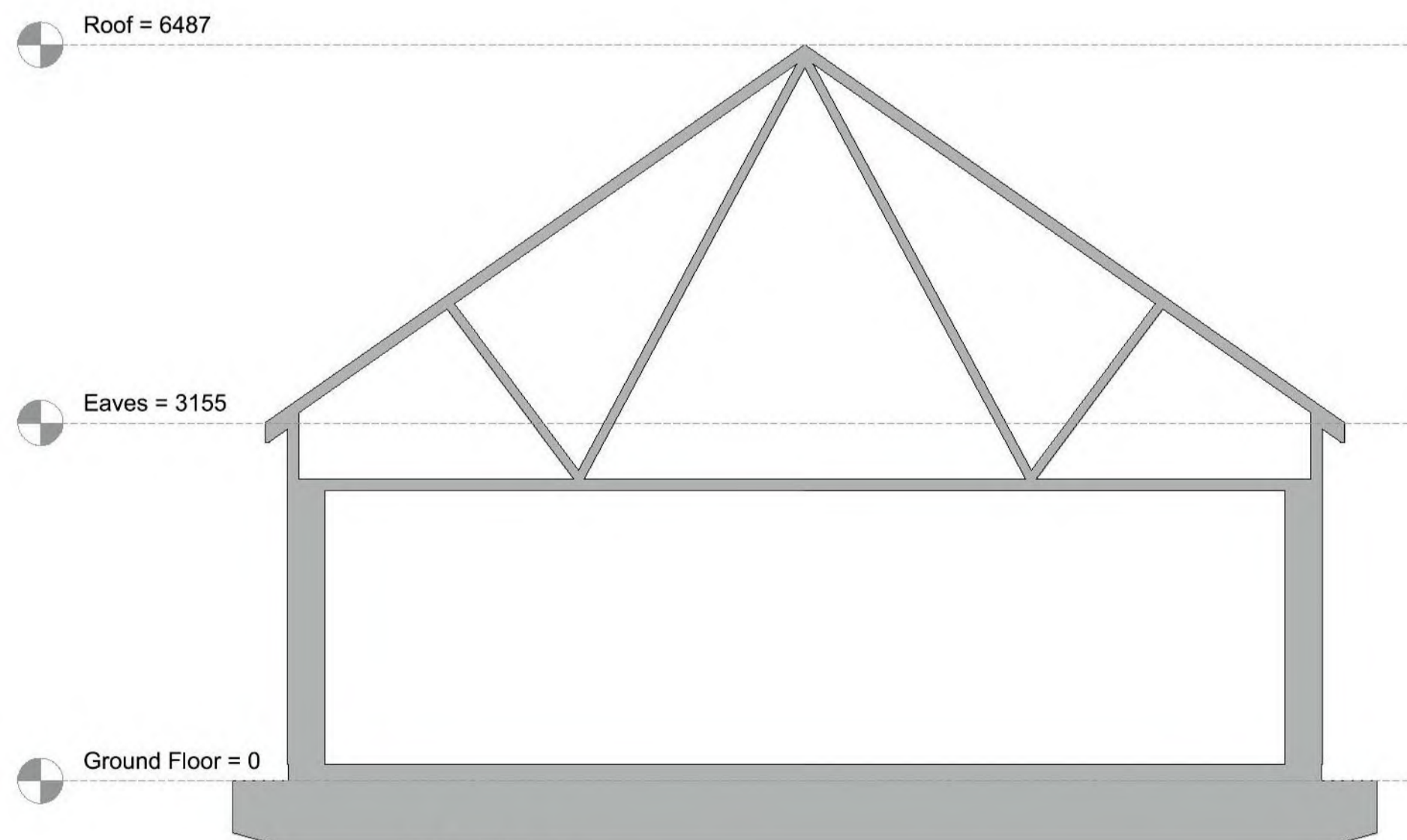
Page 397

21/01639/FUL  
19/04/2022

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

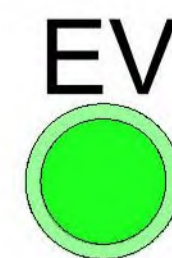
**REFUSED**

subject to the  
requirements of the  
associated Decision  
Notice



Section

External Finishes:  
Roof: Colour "Grey" - Metal Roof  
Basecourse: Colour "Grey" - Render  
Ext Doors & Windows: Colour "Grey" - UPVC  
Fascia, Soffit & Bargeboards: Colour "Grey"  
Rainwater goods: Colour "Silver"  
Walls: Vertical Timber Cladding, Larch



Electric Vehicle (EV) charging infrastructure

As per marked location a future Electric Vehicle (EV) charging unit would be connected to an appropriate electricity supply, confirming the provision of the necessary cabling, ducting, and consumer units capability of supporting the future charging unit.

Written proposals and/ or plans) confirming the provision of the necessary cabling, ducting, and consumer units capable of supporting the future charging unit to be supplied for approval prior to any development works commencing.



STATUS: Planning  
PROJECT: Covers Hillhead, Hawick  
TDS 8LJ

TITLE: Sections, Elevations

PAPER SIZE	A1	DATE	07/10/2021	DRAWN	JJ	CHECKED	GC
SCALE	1:50	DRAWING NO.	514	REVISION	514.1.04	REVISION	1st

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5 Moycroft Industrial Estate Elgin, IV30 1XZ

Agenda Item 7b

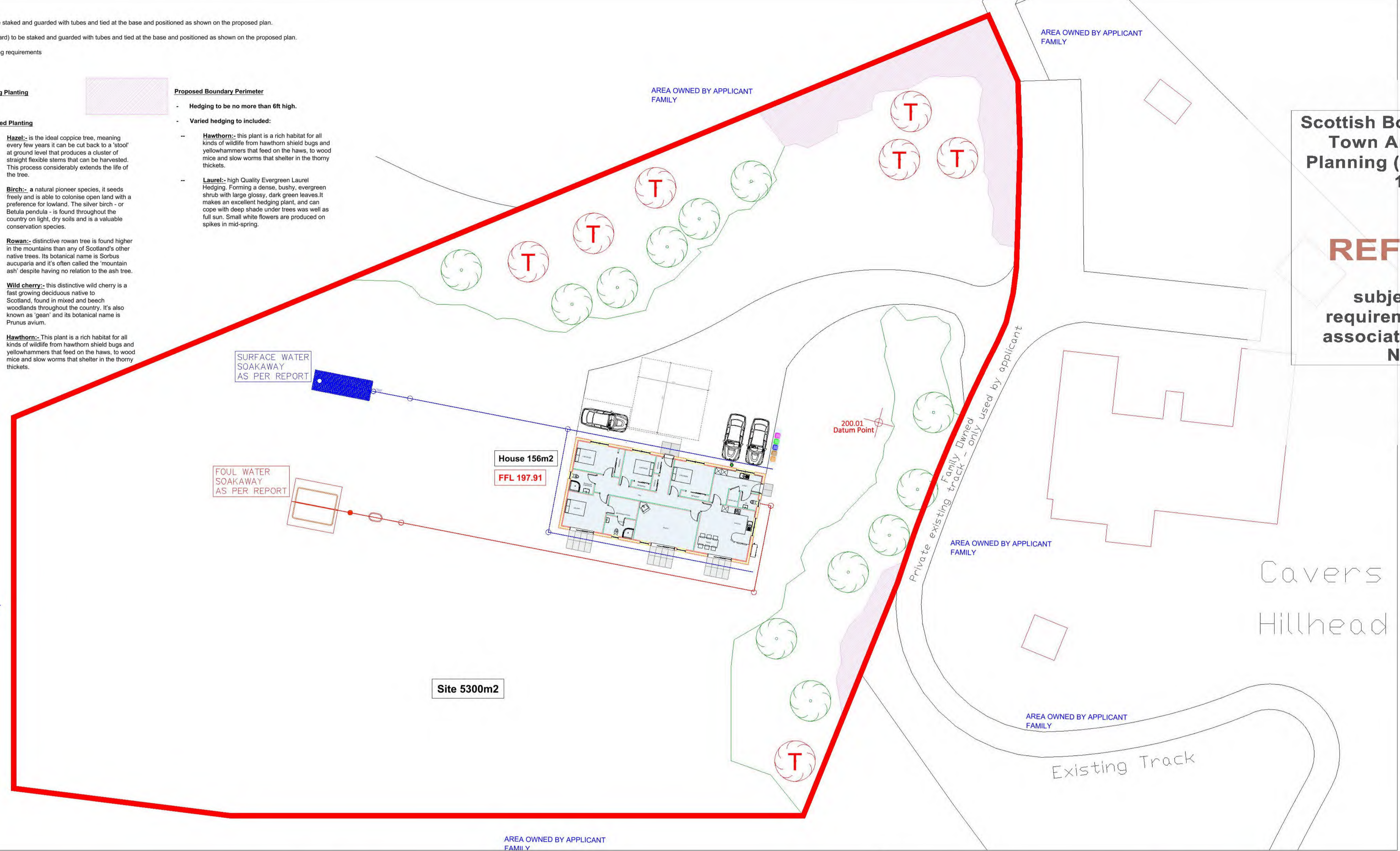
**PLANTING**

New trees (Normal) to be staked and guarded with tubes and tied at the base and positioned as shown on the proposed plan.

New trees (Heavy Standard) to be staked and guarded with tubes and tied at the base and positioned as shown on the proposed plan.

Maintained as per planting requirements

- Existing Planting**
- Proposed Planting**
- Hazel:** is the ideal coppice tree, meaning every few years it can be cut back to a 'stool' at ground level that produces a cluster of straight flexible stems that can be harvested. This process considerably extends the life of the tree.
  - Birch:** a natural pioneer species, it seeds freely and is able to colonise open land with a preference for lowland. The silver birch - or *Betula pendula* - is found throughout the country on light, dry soils and is a valuable conservation species.
  - Rowan:** distinctive rowan tree is found higher in the mountains than any of Scotland's other native trees. Its botanical name is *Sorbus aucuparia* and it's often called the 'mountain ash' despite having no relation to the ash tree.
  - Wild cherry:** this distinctive wild cherry is a fast growing deciduous native to Scotland, found in mixed and beech woodlands throughout the country. It's also known as 'gean' and its botanical name is *Prunus avium*.
  - Hawthorn:** This plant is a rich habitat for all kinds of wildlife from hawthorn shield bugs and yellowhammers that feed on the haws, to wood mice and slow worms that shelter in the thorny thickets.
- Proposed Boundary Perimeter**
- Hedging to be no more than 6ft high.
  - Varied hedging to included:
    - Hawthorn:** this plant is a rich habitat for all kinds of wildlife from hawthorn shield bugs and yellowhammers that feed on the haws, to wood mice and slow worms that shelter in the thorny thickets.
    - Laurel:** high Quality Evergreen Laurel Hedging. Forming a dense, bushy, evergreen shrub with large glossy, dark green leaves. It makes an excellent hedging plant, and can cope with deep shade under trees as well as full sun. Small white flowers are produced on spikes in mid-spring.



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Planning (Scotland) Act  
1997

**REFUSED**

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21/01639/FUL  
19/04/2022



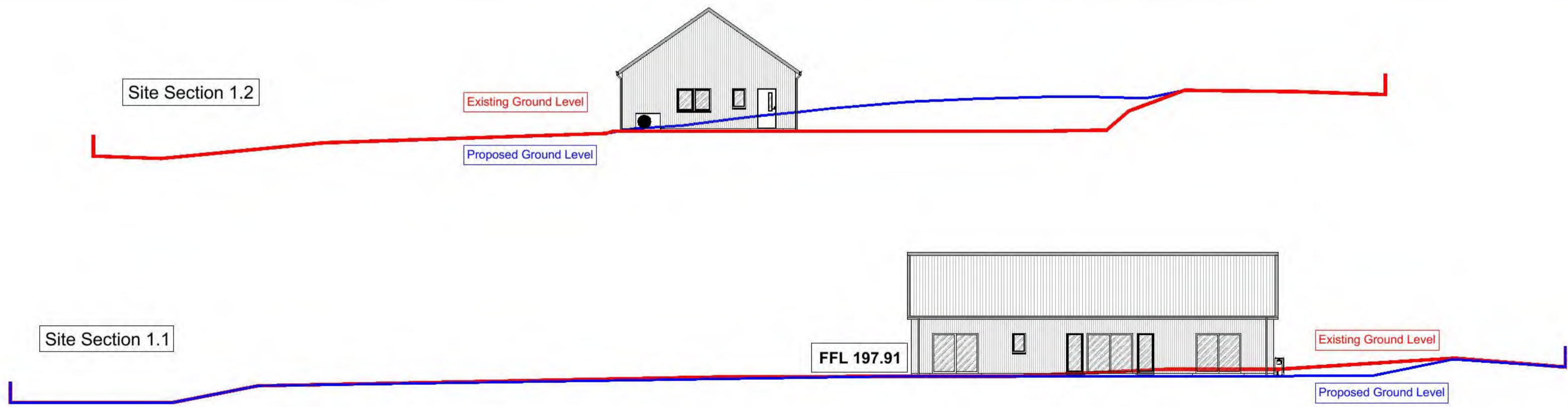
**ACJ Design**  
ARCHITECTURAL & STRUCTURAL DESIGN SERVICES  
info@acj-group.co.uk

STATUS: Planning  
PROJECT: Covers Hillhead, Howick  
TDS BLJ

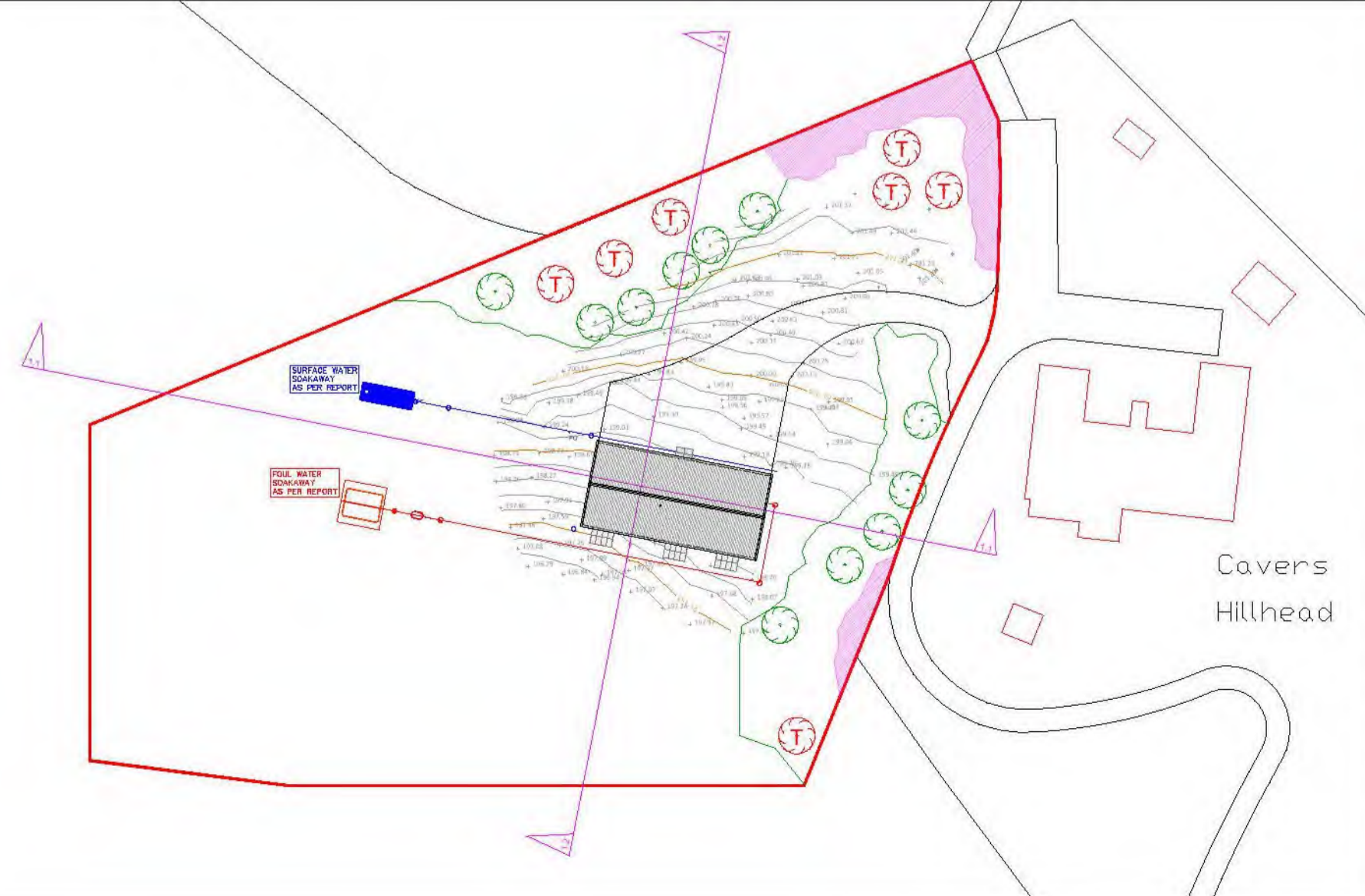
TITLE: Site Plan, Sections, Planting

PAPER SIZE: A1	DATE: 07/10/2021	DRAWN: JJ	CHECKED: GC
SCALE: 1:50	DRAWING NO: 514	REVISION: 1st	

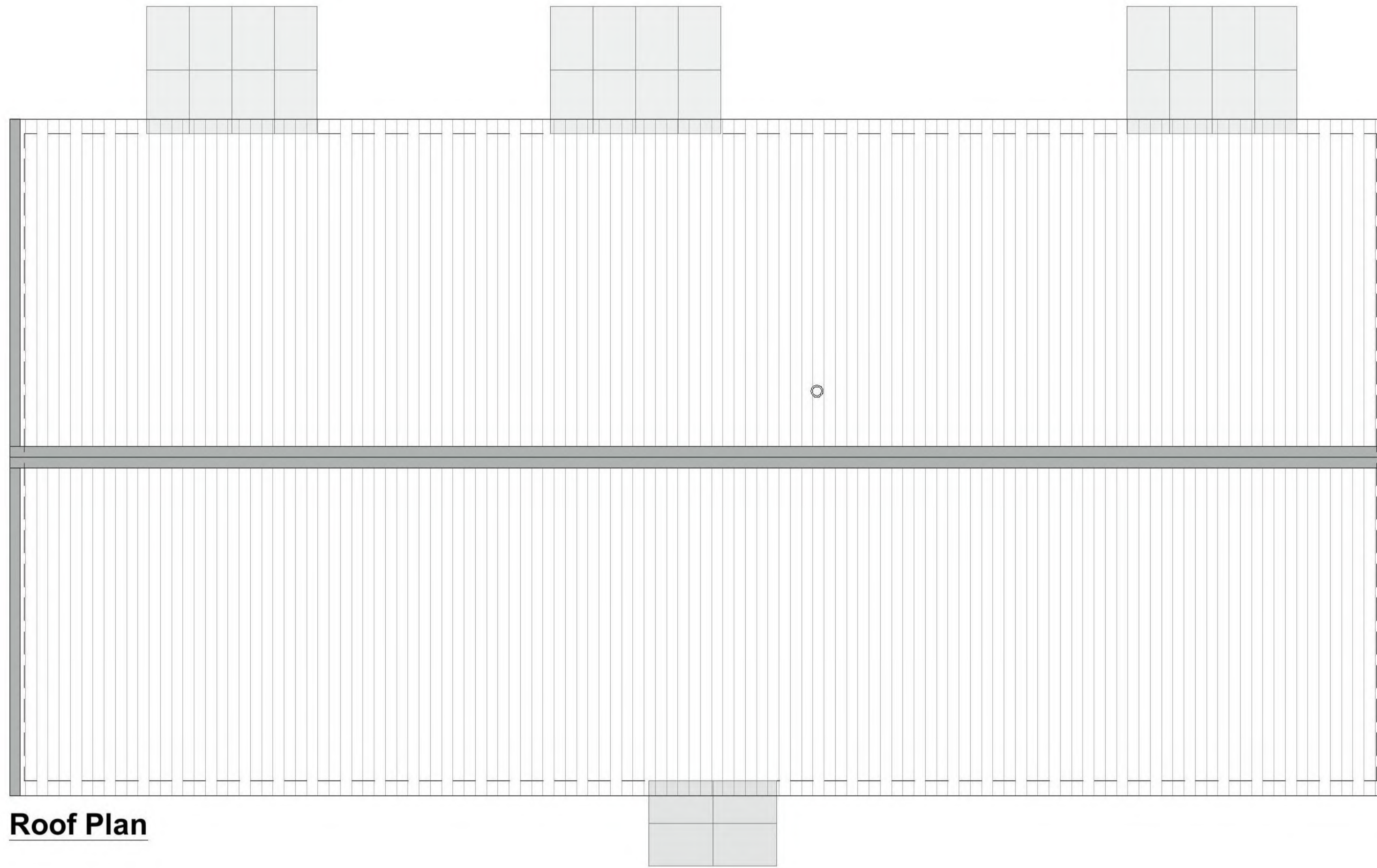
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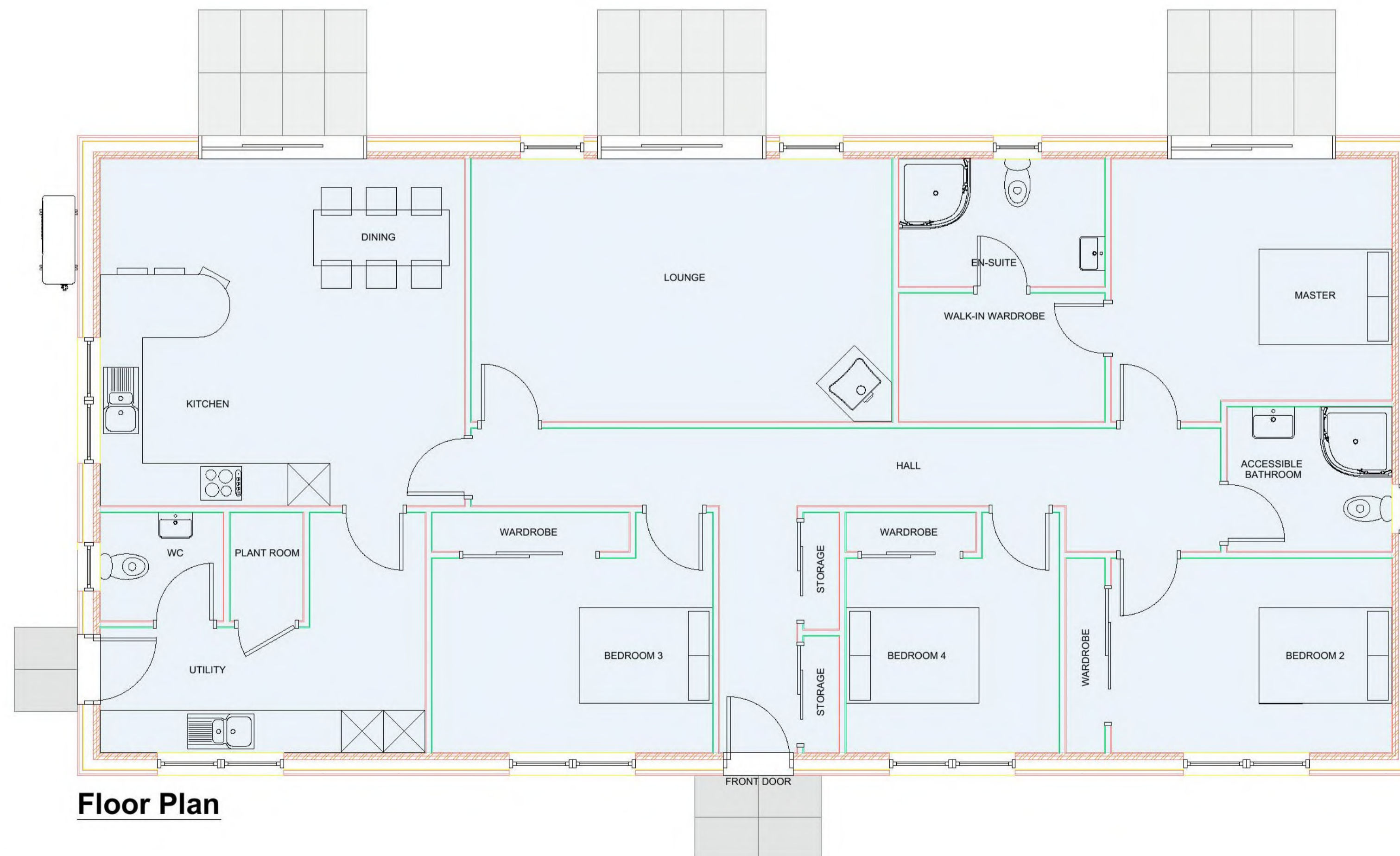
1:200 Scale Bar



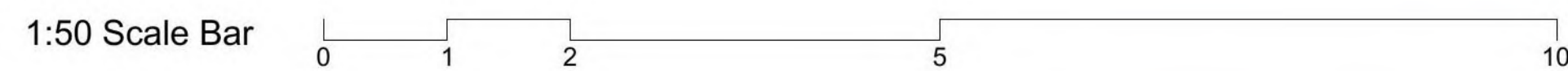
Cavers Hillhead



Roof Plan



Floor Plan



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1997

**REFUSED**

subject to the  
requirements of the  
associated Decision  
Notice

21/01639/FUL

19/04/2022



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STATUS: Planning

PROJECT: Covers Hillhead, Hawick  
TDS 8LJ

TITLE: Floor Plan, Roof Plan

PAPER SIZE A1	DATE 07/10/2021	DRAWN JJ	CHECKED GC
SCALE 1:50	DRAWING NO. 514.1.03	REVISION 1st	

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21/01639/FUL  
19/04/2022

**REFUSED**

subject to the  
requirements of the  
associated Decision  
Notice

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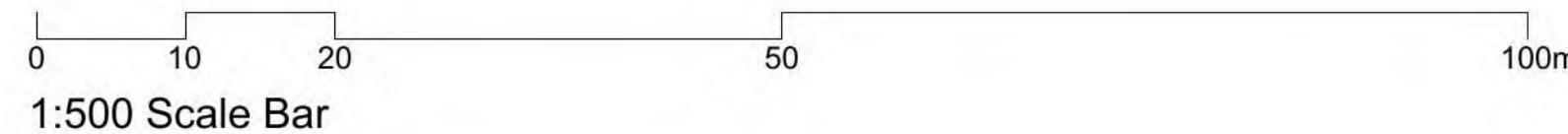
Arbourslaw Plantation

Path (um)

Path (um)

Cavers Hillhead

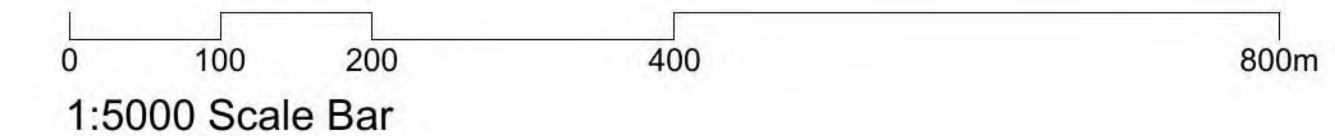
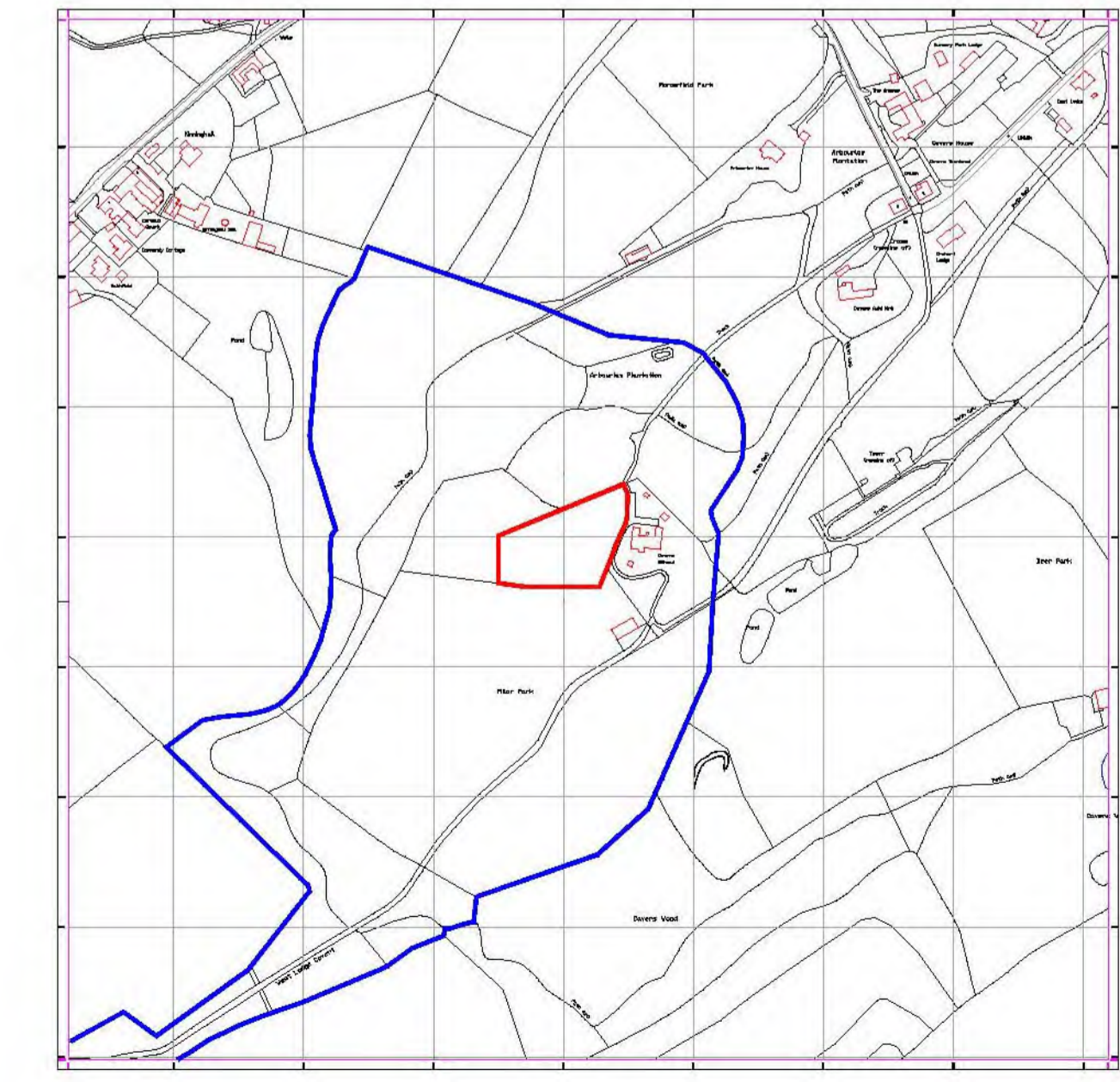
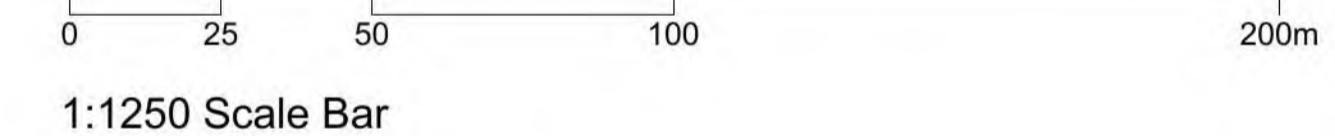
Pillar Park



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Date: Rev: Note:



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info@acj-group.co.uk

STATUS: Planning  
PROJECT: Cavers Hillhead, Hawick  
TDS BLJ

TITLE: Location Plan

PAPER SIZE A1	DATE 07/10/2021	DRAWN JJ	CHECKED GC
SCALE 1:50	PROJECT NO. 514	DRAWING NO. 514.1.01	REVISION 1st

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Tuesday, 26 October 2021



Local Planner  
Development Management  
Scottish Borders Council  
Newtown St. Boswells  
TD6 0SA

Development Operations  
The Bridge  
Buchanan Gate Business Park  
Cumbernauld Road  
Stepps  
Glasgow  
G33 6FB

Development Operations  
Freephone Number - 0800 3890379  
E-Mail - [DevelopmentOperations@scottishwater.co.uk](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)



Dear Customer,

**Land West Of Cavers Hillhead, Cavers, Hawick, TD9 8LJ**  
**Planning Ref: 21/01639/FUL**  
**Our Ref: DSCAS-0051463-TXQ**  
**Proposal: Erection of dwellinghouse**

**Please quote our reference in all future correspondence**

### **Audit of Proposal**

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

### **Water Capacity Assessment**

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ There is currently sufficient capacity in the Robertson Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.
- ▶ The nearest public water main is approx. 400m from the proposed site.

### **Waste Water Capacity Assessment**

- ▶ Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.

---

## Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

---

## Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

### General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
  - ▶ Site Investigation Services (UK) Ltd
  - ▶ Tel: 0333 123 1223
  - ▶ Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)
  - ▶ [www.sisplan.co.uk](http://www.sisplan.co.uk)
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

- ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
  - ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
- 

## **Next Steps:**

### **▶ All Proposed Developments**

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

### **▶ Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk)

### **▶ Trade Effluent Discharge from Non Dom Property:**

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and laundrettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.
- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com)

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely,

**Angela Allison**

Development Services Analyst

[PlanningConsultations@scottishwater.co.uk](mailto:PlanningConsultations@scottishwater.co.uk)

### **Scottish Water Disclaimer:**

*"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."*

**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 Service	<a href="mailto:pgrigor@scotborders.gov.uk">pgrigor@scotborders.gov.uk</a> 01835 826663	
<b>Date of reply</b>	19 <sup>th</sup> November 2021	<b>Consultee reference:</b>	
<b>Planning Application Reference</b>	21/01639/FUL	<b>Case Officer:</b> Brett Taylor	
<b>Applicant</b>	Mr Mark Mcglone		
<b>Agent</b>	ACJ Design ACJ Group		
<b>Proposed Development</b>	Erection of dwellinghouse		
<b>Site Location</b>	Land West Of Cavers Hillhead Cavers Hawick 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>			
<b>Background and Site description</b>			
<b>Key Issues (Bullet points)</b>	<ul style="list-style-type: none"> <li>• Location</li> <li>• Economic Justification</li> </ul>		
<b>Assessment</b>	<p>I would normally be against sporadic housing in the countryside like this from a sustainable transport point of view, due to the over reliance on a vehicle of all transport matters. However, this application is being made on economic justification grounds and is required for a family member to help run and look after the estate at Cavers.</p> <p>Should the planning department feel there is sufficient economic justification for a dwelling at this location, I shall have no objections providing a suitably worded condition is attached to any subsequent approval restricting the occupancy of the dwelling to someone associated with the running of Cavers Hillhead Estate.</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>The occupation of the dwelling shall be limited to a person solely or mainly employed by Cavers Hillhead Estate.</p> <p>Reason: The site is in a rural area where it is not the Council's policy to permit unrestricted residential development, and permission has therefore only been granted on account of the demonstrated economic justification.</p>		
<b>Recommended Informatives</b>			

AJS

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## **Comments for Planning Application 21/01639/FUL**

### **Application Summary**

Application Number: 21/01639/FUL

Address: Land West Of Cavers Hillhead Cavers Hawick Scottish Borders

Proposal: Erection of dwellinghouse

Case Officer: Brett Taylor

### **Customer Details**

Name: Mr Simon Forder

Address: 7 Lower Castleton, Glenlivet, Ballindalloch AB37 9DE

### **Comment Details**

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Having read through and discussed this application carefully, the owners and I support this application as written. Simon Forder, Estate Manager, Cavers Castle

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Ardarroch  
7 Lower Castleton  
Glenlivet  
Ballindalloch  
AB37 9DE  
27<sup>th</sup> July 2022

Dear Ms McGeoch

**Re Appeal Ref 22/00024/RREF**

Thank you for your correspondence dated 12<sup>th</sup> July. As per the comment on the planning portal, I would like to confirm that Simon Forder represents me, the owner of Cavers Castle, the boundaries of which adjoin those of Hillhead of Cavers, and he writes on my behalf.

We were surprised by the decision of The Borders Council to refuse the application for the erection of a new dwelling house on land adjacent to Hillhead of Cavers. It is particularly surprising that the reason given is that the development ran contra to the Housing in the Countryside policy HD2. The opening sentence of the policy states that the pattern of development focused on defined settlements is to be encouraged.

The Hillhead of Cavers property was constructed on parkland that historically lay within the policies of the Cavers estate following the breaking up of that estate in the mid 20<sup>th</sup> century, and forms part of the historic landscape of the estate. Historically the core of the Cavers estate was Cavers Castle and the Auld Kirk, and remained so for centuries. The medieval settlement of Cavers, largely abandoned by the 18<sup>th</sup> century lay, as today, generally to the east of the Auld Kirk and north of the castle.

Insofar as pedestrian and wheeled traffic through this core of the estate was concerned, the route is now principally represented by what are now referred to as the East Drive and West Drive, incorporating a section of road running generally to the south of East Lodge and the occupied building site known as Orchard Lodge.

The parkland nature of the policies is reflected in the retained names of fields in the vicinity of the castle, which historically formed the policies of the castle and core of the estate, such as Annfield Park, Nursery Park, Castle Park, Mansefield Park, the Deer Park, and the Pillar Park. This area formed the historic core of the Cavers Estate. Hillhead was built within the Pillar Park, part of the historic policies of the Cavers Estate. As Hillhead also lies between the East and West Lodges, and is accessed directly from the estate road between the two lodges, it is clearly within the wider settlement group associated with the castle.

In our own recent legal case it was clearly proven and accepted by the court that the Hillhead property also retains access rights along the East Drive as well as the section of road running generally to the south of East Lodge and Orchard Lodge. It is a matter of fact that traffic servicing Hillhead uses the East Drive by preference due to it being tarmacked, whereas the West Drive is not. Therefore, it is our opinion that the proposed building can only really be considered as being within the Cavers settlement group.

The refusal also states that the development is in a “previously undeveloped field.” This is not the case. Examination of historic maps, and the satellite imagery on Google Earth shows that prior to forestry works carried out in 2019/20, this piece of land had in fact been incorporated into the Arbourlaw Plantation, not a field. The neighbouring property of Hillhead was constructed within the

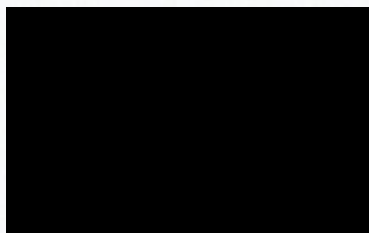
Pillar Park, and the boundaries of the domestic property were regularised at the time with clear boundaries with the plantation and the Pillar Park area.

We would not support any “sporadic expansion” within the historic landscape of the castle policies. The original application states that the intended use of the property is restricted to occupancy associated with the management of the Hillhead estate owned by Mrs Campbell, the applicant’s grandmother. The planned house is not in a prominent location from outwith the Hillhead estate, including the Core Path, and is immediately adjacent to the principal residence, Hillhead of Cavers.

Furthermore, we are of the opinion that since Mr McGlone is intended to operate as the estate manager for his vulnerable and elderly grandmother (who lives on her own at Hillhead), and has his own family, it is entirely appropriate for the property adjacent to be built as it enables his grandmother to be cared for by her family in her old age, and for her welfare and security to be attended to. This is over and above the economic argument that has been put forward – which centres on the management, support and development of the estate and the family businesses based in and around the Cavers Retreat area by Mr McGlone. These businesses operate outside the core area of the historic landscape of the parkland policies now lying within the Hillhead estate.

We do not therefore see that the proposed development as outlined in the application is intended to be a precursor to “sporadic expansion” as suggested by the terms of the refusal, or that the proposed development lies outside current planning policy. Should such expansion be considered in the future within the historic landscape, however, we do not see how it could be justified.

Yours sincerely



Simon Forder

pp Julie Sharrer

Cavers Castle & Estate

**Local Review Reference:** 22/00024/RREF

**Planning Application Reference:** 21/01639/FUL

**Development Proposal:** Erection of dwellinghouse

**Location:** Land West of Cavers Hillhead, Cavers, Hawick

**Applicant:** Mr Mark McGlone

## **Scottish Borders Local Development Plan 2016**

### **POLICY PMD2: QUALITY STANDARDS**

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

#### Sustainability

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

#### Placemaking & Design

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

#### Accessibility

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

#### Greenspace, Open Space & Biodiversity

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

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

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

The Council wishes to promote appropriate rural housing development:

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

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

### **(A) BUILDING GROUPS**

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

- a) the Council is satisfied that the site is well related to an existing group of at least three houses or building(s) currently in residential use or capable of conversion to residential use. Where conversion is required to establish a cohesive group of at least three houses, no additional housing will be approved until such conversion has been implemented,
- b) the cumulative impact of new development on the character of the building group, and on the landscape and amenity of the surrounding area will be taken into account when determining new applications. Additional development within a building group will be refused if, in conjunction with other developments in the area, it will cause unacceptable adverse impacts,

c) any consents for new build granted under this part of this policy should not exceed two housing dwellings or a 30% increase in addition to the group during the Plan period. No further development above this threshold will be permitted.

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

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

## (B) DISPERSED BUILDINGS GROUPS

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

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

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

## (C) CONVERSIONS OF BUILDINGS TO A HOUSE

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

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

## (D) RESTORATION OF HOUSES

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

- a) the siting and design reflects and respects the historical building pattern and the character of the landscape setting,
- b) any proposed extension or alteration should be in keeping with the scale, form and architectural character of the existing or original building, and

c) significant alterations to the original character will only be considered where it can be demonstrated that these provide environmental benefits such as a positive contribution to the landscape and/or a more sustainable and energy efficient design.

#### (E) REPLACEMENT DWELLINGS

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

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

#### (F) ECONOMIC REQUIREMENT

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

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

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

#### **POLICY 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.

### **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 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;
- d) leisure, sport, recreation, play areas and community facilities, either on-site or off-site;
- e) landscape, open space, allotment provision, trees and woodlands, including costs of future management and maintenance;
- f) protection, enhancement and promotion of environmental assets either on-site or off-site, having regard to the Local Biodiversity Action Plan and the Council's Supplementary Planning Guidance on Biodiversity, including compensation for any losses and/or alternative provision;
- g) provision of other facilities and equipment for the satisfactory completion of the development that may include: measures to minimise the risk of crime; provision for the storage, collection and recycling of waste, including communal facilities; provision of street furniture and digital connectivity with associated infrastructure.

Wherever possible, any requirement to provide developer contributions will be secured by planning condition. Where a legal agreement is necessary, the preference for using an agreement under other legislation, for example the 1973 Local Government (Scotland) Act and the 1984 Roads (Scotland) Act will be considered. A planning obligation will only be



necessary where successors in title need to be bound by its terms. Where appropriate, the council will consider the economic viability of a proposed development, including possible payment options, such as staged or phased payments.

### **POLICY IS7: PARKING PROVISION AND STANDARDS**

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

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

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

### **POLICY IS9: WASTE WATER TREATMENT STANDARDS AND SUSTAINABLE URBAN DRAINAGE**

#### **WASTE WATER TREATMENT STANDARDS**

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

- a) direct connection to the public sewerage system, including pumping if necessary, or failing that:
- b) negotiating developer contributions with Scottish Water to upgrade the existing sewerage network and/or increasing capacity at the waste water treatment works, or failing that:
- c) agreement with Scottish Water and SEPA where required to provide permanent or temporary alternatives to sewer connection including the possibility of stand alone treatment plants until sewer capacity becomes available, or, failing that:
- d) for development in the countryside i.e. not within or immediately adjacent to publicly 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 Housing in the Countryside 2008
- SBC Supplementary Planning Guidance on Developer Contributions 2021
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006
- SBC Supplementary Planning Guidance on Placemaking and Design 2010
- SBC Supplementary Planning Guidance on Landscape and Development 2008
- SBC Supplementary Planning Guidance on Local Landscape Designations 2012
- SBC Supplementary Planning Guidance on Waste Management 2015
- SBC Supplementary Planning Guidance on Trees and Development 2008
- SPP 2014



Newtown St Boswells Melrose TD6 0SA Tel: Payments/General Enquiries 01835 825586 Email: regadmin@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 100583197-001

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: *	Lucy	Building Name:	
Last Name: *	Moroney	Building Number:	54
Telephone Number: *	01896 668 744	Address 1 (Street): *	Island Street
Extension Number:		Address 2:	Galasheils
Mobile Number:		Town/City: *	Scottish Borders
Fax Number:		Country: *	Scotland
		Postcode: *	TD1 1NU
Email Address: *	lucy@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="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="c/o Agent"/>
First Name: *	<input type="text" value="Christopher"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Wilson"/>	Address 1 (Street): *	<input type="text" value="c/o Agent"/>
Company/Organisation	<input type="text" value="Phen Farms"/>	Address 2:	<input type="text" value="c/o Agent"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="c/o Agent"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="c/o agent"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="c/o agent"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="lucy@fergusonplanning.com"/>		

## 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

<input type="text" value="Plot 1 at Land North of Belses Cottage, Jedburgh, TD8 6UR"/>
--

Northing	<input type="text" value="625044"/>	Easting	<input type="text" value="357117"/>
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## Description of Proposal

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

Please see Appeal Statement

## 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 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 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)

Core Documents Appeal Statement Technical Transport Note

## Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

21/00992/PPP

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

14/06/2021

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

14/04/2022

## 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: Miss Lucy Moroney

Declaration Date: 13/07/2022

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## Proposal Details

Proposal Name	100583197
Proposal Description	Residential development at Plot 1 at Land North of Belses Cottage, Jedburgh, TD8 6UR
Address	
Local Authority	Scottish Borders Council
Application Online Reference	100583197-001

## Application Status

Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete

## Attachment Details

Notice of Review	System	A4
Core Document 1	Attached	A0
Core Document 1 Part 2	Attached	A0
Core Document 2	Attached	A0
Core Document 3 P1	Attached	A0
Core Document 3 P2	Attached	A0
Core Document 4	Attached	A0
Core Document 5	Attached	A0
Appeal Statement	Attached	A0
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-001.xml	Attached	A0

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F E R G U S O N  
P L A N N I N G

Plots 1 and 2 at Land North of Belses Cottage, Jedburgh, TD8 6UR

Phen Farms

July 2022

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Plots 1 and 2 at Land North of Belses Cottage, Jedburgh, TD8 6UR

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## INTRODUCTION

## INTRODUCTION

- 1.1 This Appeal Statement is submitted on behalf of Phen Farms ('the appellant') and sets out the grounds of appeal against the decision of Scottish Borders Council (SBC) to refuse planning applications LPA ref: 21/00993/PPP and 21/00992/PPP by delegated decision on 15<sup>th</sup> April 2022.
- 1.2 The applicant, Phen Farms are a family farming partnership, operating an arable farm which adjoins the proposed sites at New Belses Farm to the north. The proposed development represents a form of rural diversification which is becoming increasingly important within the current economic climate.
- 1.3 The Planning Permission in Principle Application sought consent for Residential Dwellings at Plots 1 and 2 at Land North of Belses Cottage, Jedburgh, TD8 6UR.
- 1.4 The two reasons for the refusal of the application as 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 because it would constitute housing in the countryside that would be unrelated to a building group and would lead to an unjustified sporadic expansion of development into a previously undeveloped field. Furthermore, there is no overriding economic justification to support the development. The resulting visual impact of the development would be adverse and, therefore, also conflict with policy PMD2.
  - The development is contrary to policy PMD2 of the Local Development Plan 2016 in that the means of access onto a public road out with a settlement boundary would adversely affect the road safety of this road, including but not limited to the site access without providing any overriding economic and or road safety improvements.

1.5 The table below provides a summary of the technical consultee responses:

Consultee	Comment
Scottish Water	<b>No Objection</b>
Community Council	<b>No Objection</b>
Archaeology Officer	<b>No Objection</b>
Ecology Officer	<b>No Objection</b>
Flood and Coastal Management	<b>No Objection</b>
Roads Planning	<b>Highways concerns. Requests additional information which we have provided within this statement and associated Core Documents</b>

1.5 The remaining sections in this appeal statement comprise:

- A description of the appeal site and surrounding context (Section 2)
- A summary of the appeal proposals (Section 3)
- Ground of Appeal (Section 4)
- Summary of the appellant's case and conclusion (Section 5).

### Supporting Documents

1.6 This appeal statement should be read in conjunction with all the supporting documents and drawings submitted as part of the original planning application.

### Application Process

1.7 This appeal is made to the Local Review Body on the basis they are local applications, and which were determined under delegated powers. For the reasons outlined in this statement, we conclude that the development is in accordance with relevant development plan policies and supported by significant material considerations.

Plot 1 and 2 at land North of Belses Cottage, Jedburgh, TD8 6UR

## APPLICATION SITE AND CONTEXT

## APPLICATION SITE AND CONTEXT

- 2.1 The site is currently rough pasture bordered to the north by a tree belt, adjoining the working arable farm with the New Belses Farmhouse, Cottages and Farmyard beyond. The B6400 adjoins the site to the south and east, with residential properties to the south, creating a Building Group of three properties with a wider disperse building group of 16 dwellings on either side of the adopted road. A site Location Plan is shown within Figures 1 and 2 below.
- 2.2 There are a number of newbuild properties in the wider building group, all of which would have been on similar rough pastureland historically.
- 2.3 In terms of topography, the site itself is relatively flat, with the topography falling slightly beyond the site boundary to the northwest.
- 2.4 The proposed dwellings are shown indicatively on the plots with the new access off the B6400, illustrated within 'The Proposal' section of this report below. The proposed internal track, heading east from the new access point is provided as an alternative access arrangement to serve the new plots if considered a more favorable option. Such arrangements can be agreed at the detailed planning application stage via a suitably worded condition. In addition to the above, the applicant has agreed to stop-up a field access to the south of the site as illustrated within Core Document 3, removing a junction from the B6400.
- 2.5 Careful consideration has been taken in the positioning the dwellings with the intention being that the proposal relates well to the established building group in which it surrounds, not extending into the open countryside, contained by existing and proposed new planting.
- 2.6 With regards to the Local Development Plan adopted proposals map, the site holds no specific allocations or designations. In terms of Heritage, there are no listed buildings on or within close proximity to the Site.
- 2.7 The Scottish Environmental Protection Agency (SEPA) is the statutory body for flood management in Scotland and maintains flood risk maps for public and development purposes. The site is not at risk of surface or water flooding.

- 2.8 In terms of accessibility, the site is approximately 3.5 miles east of Lilliesleaf (17-minutes cycle or 7-minute drive) which has a Church, Pub and Primary School. The Village of Ancrum is within 3.3 miles to the east of the site (again, a 17- minutes cycle or 7- minute drive) which offers a village shop, post office, pub, primary school and church, along with bus services to and from Jedburgh and Galashiels.
- 2.9 Referring to the Scottish Borders Planning Application Portal, there have been no historic planning applications to date on the site prior to the previously withdrawn applications (20/00411/PPP and 20/0041/PPP) in which this application follows and seeks to address the highways concerns as mentioned above. There has been a recent neighbouring application for residential development within the Belses Building Group, which, has similar characteristics to the proposed site in terms of the location and positioning. The neighbouring applications are referenced in the table below:

Table 1: Neighbouring Planning History

LPA Ref/ Address	Proposal	Status
20/00486/FUL Land Northwest Of Strathmyre Old Belses Jedburgh Scottish Borders	Erection of dwellinghouse with detached garage	Approved at LRB 2 <sup>nd</sup> December 2020. Members confirmed there was capacity within the building group and the proposal is in keeping with the local character and sense of place. Members also accepted the proposed manmade landscape boundary to form an element of containment, agreeing the proposal will not break into an open field.
07/00578/REM Stables At Old Belses Jedburgh Scottish Borders TD6 8UR	Erection of dwellinghouse	Approved 13 <sup>th</sup> May 2010 and built out
06/00453/REM Paddock Southwest Of Belses Station Ancrum Scottish	Erection of dwellinghouse (amendment to previous consent 05/01661/REM)	Approved 8 <sup>th</sup> June 2006 and built out



Figure 1: Proposed Location Plan- Plot 1

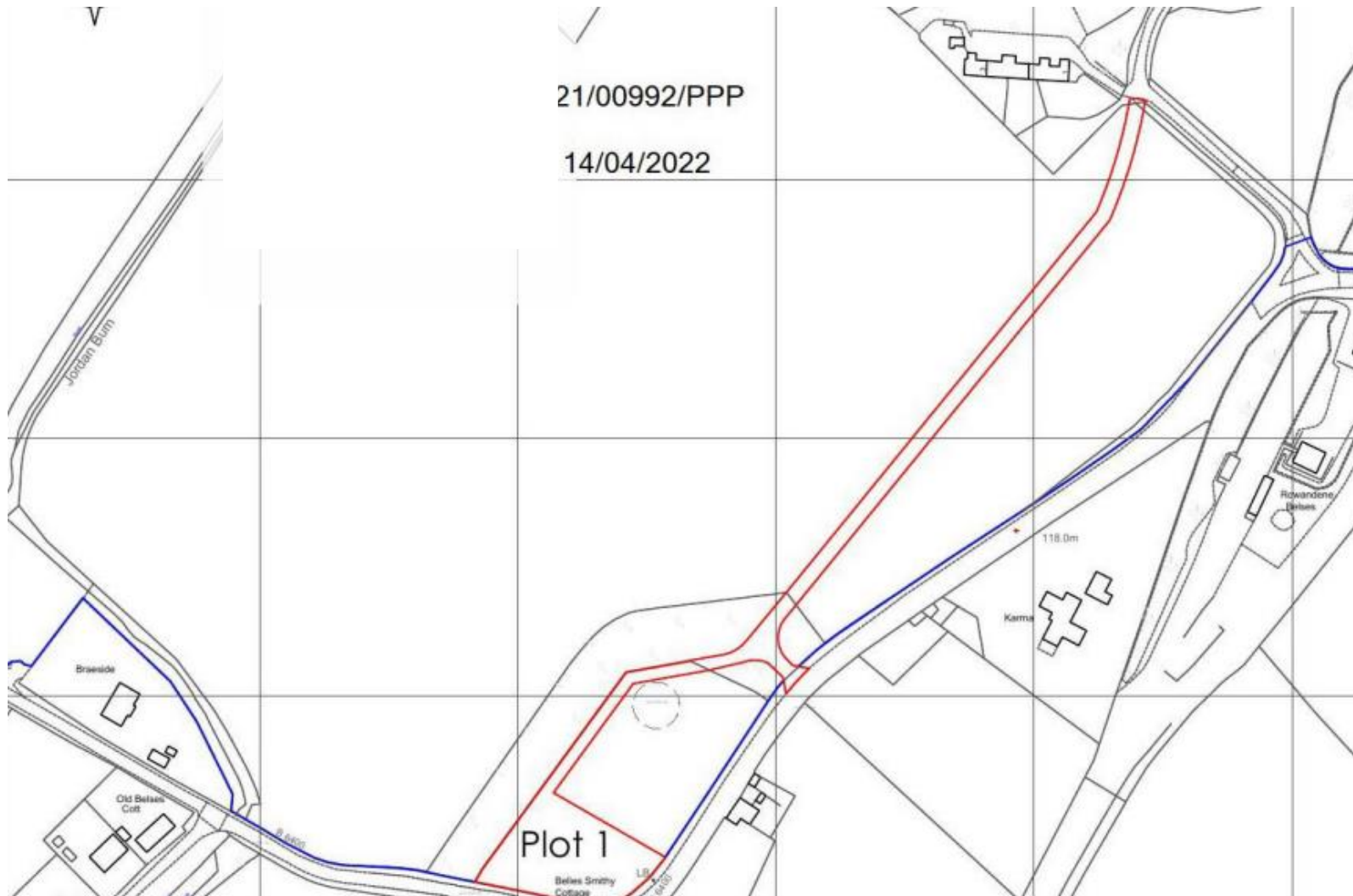
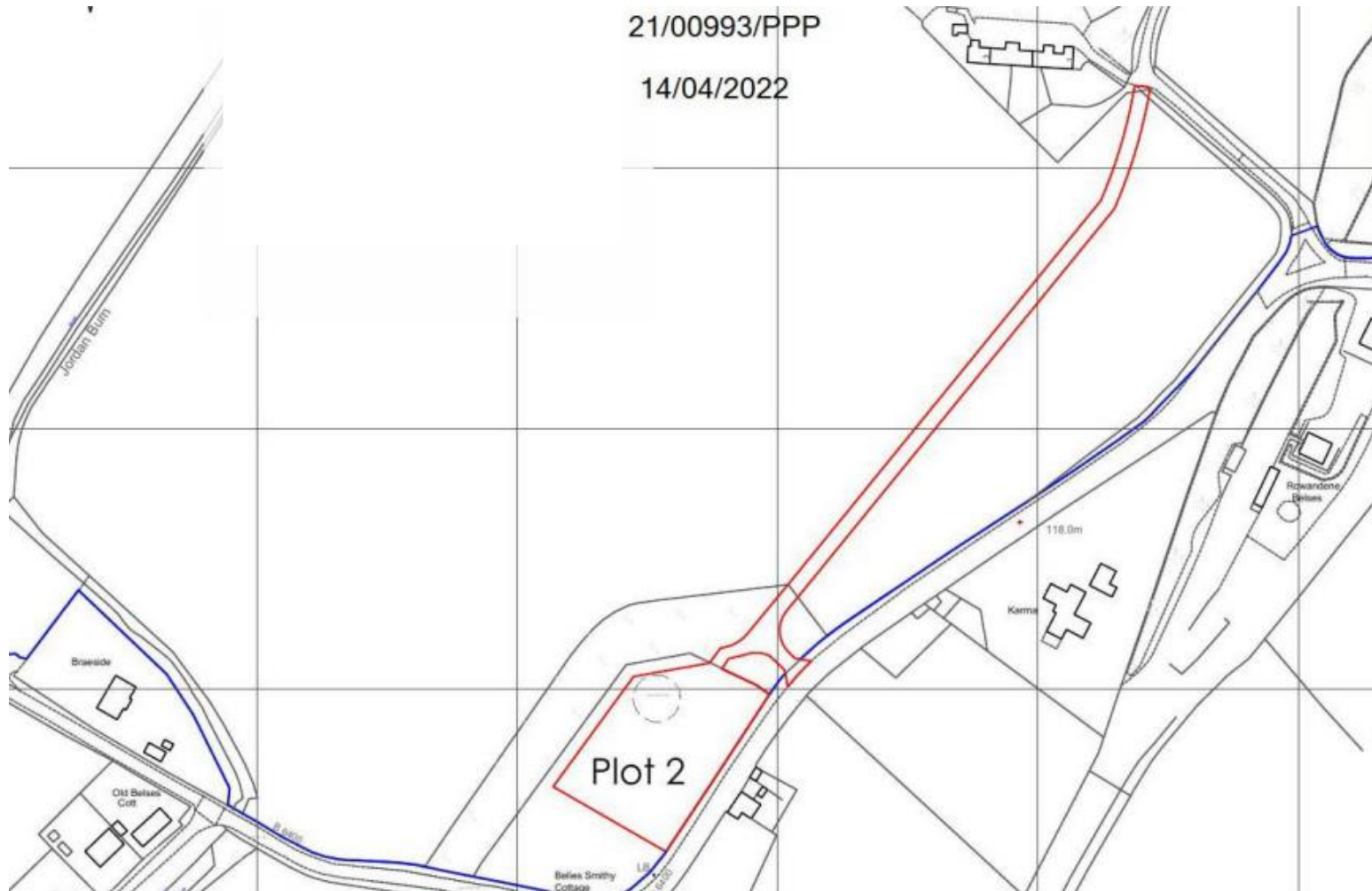


Figure 2: Proposed Location Plan- Plot 2



Plot 1 and 2 at Land North of Belses Cottage, Jedburgh, TD8 6UR

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## THE PROPOSAL

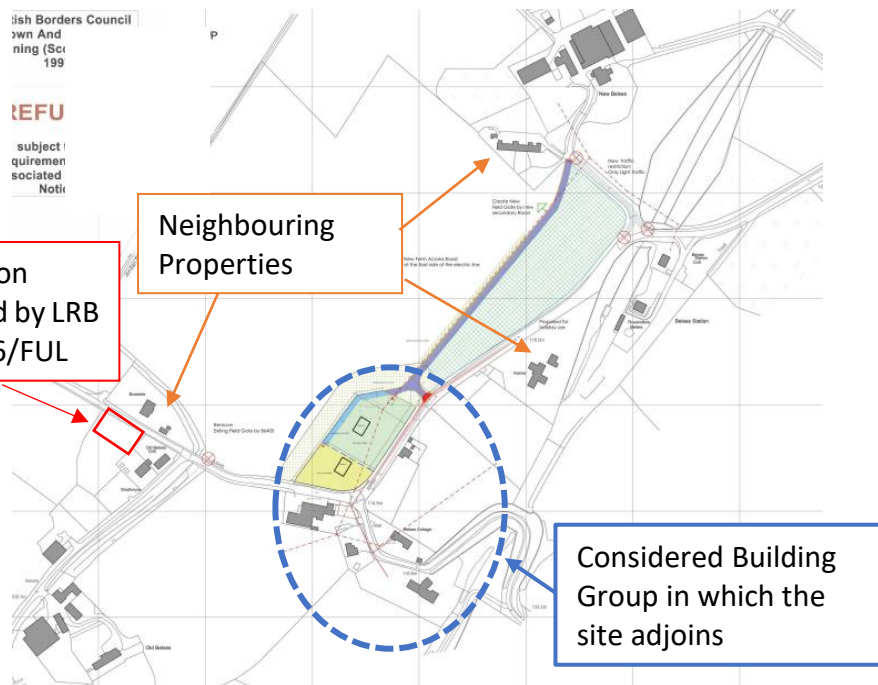
## THE PROPOSAL

3.1 This section set out the details of the proposal. The description of which is as follows:

***“Planning Application in Principle for Residential Dwellings with associated Amenity, Parking, Infrastructure and Access at the Plots 1 and 2 at Land North of Belses Cottage, Jedburgh, TD8 6UR”.***

3.2 The proposed development involves the provision of two detached residential dwellings with associated infrastructure within two Plots to the North of Belses Cottage, situated between the villages of Ancrum and Lilliesleaf. The site Location Plans for the two applications are within Figures 1 and 2 above, with the proposed Layout Plan in Figure 3 below:

Figure 3: Proposed Layout Plan



3.3 In terms of the layout, it is proposed to provide a new site access point in response to Scottish Borders Council’s Roads Department, closing off an existing field access to the west of the site as illustrated in Figure 3. In addition, the proposal outlines an alternative access solution that would utilise the existing access point to the farmhouse and farm cottages off the B6400 with a road branch that could be put in place to serve the Plots, as shown in Figure 3 and on the ‘Road Layout Plan’ document that formed part of the original application.

3.4 Careful consideration has been taken in the positioning of the proposed dwellings within the site ensuring they are well related to the existing built form within the building group, adjoining the properties to the south, beyond the B6400.

3.5 The proposal has also ensured there are reasonable separation distances between the two proposed dwellings, and the existing dwellings adjoining the southern borders, safeguarding the daylight and sunlight provision and privacy of residents.

3.6 The site has been chosen as a suitable location for the proposed development as it is considered to be well contained within the landscape, bounded by existing trees and vegetation, not extending into the open countryside.

3.7 The proposed built form does not extend beyond the building line of the built form to the south and west, whilst ensuring they are set back from the adjoining road and do not impinge upon the streetscape of the area within its Countryside Setting. This is further supported by the indicative height of the proposals, which are envisaged to replicate the character of dwellings within the building group, not extending beyond the neighbouring building heights.

3.8 The proposal seeks to be of the highest architectural standard, with sufficient renewable technologies such as PV panels and Air Source Heat Pumps and represents appropriate rural housing development within the Scottish Borders.

3.9 In terms of the chosen materiality, as this appeal relates to an application for Planning Permission in Principle, the requirement to submit detailed drawings to secure the outstanding elements of the design would be for the next stage of the Planning process is acknowledged. The applicant would however seek to use high-quality materials such as natural stone and timber on the façade of the property which are sympathetic to its rural location.

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3.10 The private outdoor amenity provision for the proposed dwelling would complement the natural rural environment in which it surrounds. As previously discussed, the site benefits from being bordered by existing trees and vegetation which will be retained and enhanced where possible. It is proposed that an extensive hedge and landscaping would contain the site as shown on the drawings supporting this appeal statement.

Plots 1 and 2 at Land North of Belses Cottage, Jedburgh, TD8 6UR

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## Grounds of Appeal

## Grounds of Appeal

- 4.1 The Local Authority's decision to refuse the application is challenged on the basis of the two reasons for refusal. It is asserted that the Proposal accords with the relevant policies and intentions of the Local Development Plan and Supplementary Planning Guidance and why we consider the application should be approved.
- 4.2 The Appellant sets out the following four Grounds of Appeal (GOA).
- **GOA 1:** The development is not contrary to policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 because it would constitute housing in the countryside that would relate well to a building group, within a contained site not breaking into an open field.
  - **GOA 2:** The resulting visual impact of the development would not be adverse and, would not conflict with policy PMD2.
  - **GOA 3:** The development is not contrary to policy PMD2 of the Local Development Plan 2016 in that the means of access onto a public road would not adversely affect the road safety of this road.
  - **GOA 4:** There are no other material considerations which warrant refusal of the application. The material considerations have not fully been taken into account. The SPP and NPF4 both support and promote further rural housing and investment in the communities.

- 4.5 **GOA 1:** The development is not contrary to policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 because it would constitute housing in the countryside that would relate well to a building group, within a contained site not breaking into an open field.
- 4.6 Policy HD2: Housing in the Countryside: Section A of Policy HD2 is key to this proposal and has been replicated below:

*(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 a conversion has been implemented,*
- b) the cumulative impact of new development on the character of the building group, and of 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.*

**Appellant’s Case**

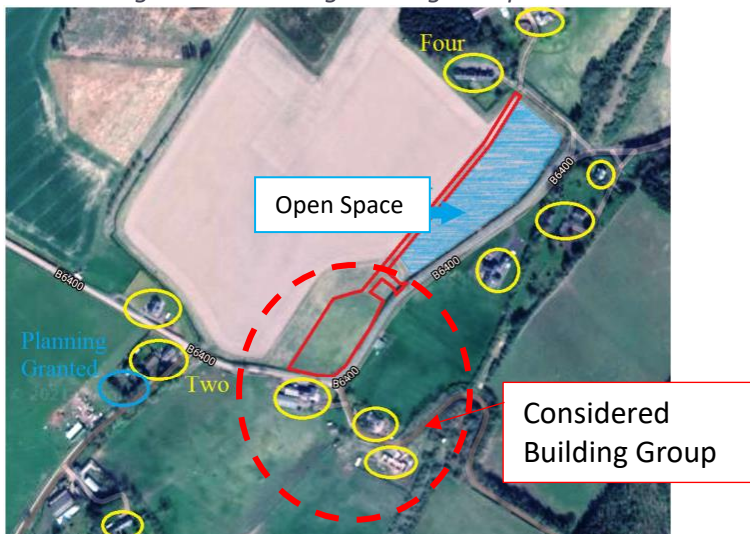
4.7 We have set out below the circumstances for why this development should proceed in line with policy. We first demonstrate that the site relates well to the existing building group, in line with Part A of this policy.

4.8 We then provide justification for the proposed development of the site being in keeping with the surrounding area whilst being within a building group which has capacity for a further dwelling, in accordance with Part B and C of this policy.

4.9 **Policy HD2 A Part a) *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.***

4.10 The site in question is positioned within and adjacent to the setting of the existing Building Group at Belses. The Building Group comprises 16 dwellings, immediately to the south of the site, with further dwellings to the west, east and north as illustrated on Figure 4 below.

Figure 4: Setting out the existing Building Group at Belses



4.11 A review of the Council’s online planning records has indicated that no new dwellings have been approved within the immediate Building Group with the Local Development Plan period.

4.12 It is however apparent that the wider Building Group has one new dwelling has been approved referenced in Table 1 (LPA Ref: 20/00486/FUL) and illustrated within Figure 3 above. Members of the Local Review Body concluded within this recent approval that there was a building group present within the vicinity, despite being on both sides of the B6400 and the proposal is in keeping with the local character whilst contributing to the sense of place. Members also accepted the proposed manmade landscape boundary to form an element of containment, agreeing the proposal will not break into an open field and countryside. It is therefore considered this approval sets a precedent for the acceptance of the proposed development this application relates to. It is important to emphasize that this building group includes a house on the same side of the road as the subject sites.

4.13 Taking Policy HD2 into account, there is scope for two further dwellings within Belses. There are no vacant properties or buildings that are capable of conversion within the building group, within the applicant’s ownership.

4.14 It is considered the proposal complements the character of the building group with the dwellings positioned on both sides of the adopted road serving the properties with built form surrounding the site, situated within the heart of the grouping. As such the chosen location is therefore deemed the most appropriate location for the properties. The proposal is therefore considered to satisfy criteria a) of Section (A) of Policy HD2.

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**Policy HD2 A Part b) The cumulative impact of new development on the character of the building group, and of 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.**

4.15 The existing and proposed enhancement to the landscaped boundary bordering the site further ensures the proposal does not impinge upon the local character of the area, sitting well within the setting of the building group, whilst reducing the visual impact of the dwellings and safeguarding the amenity of residents from the adjoining properties to the south.

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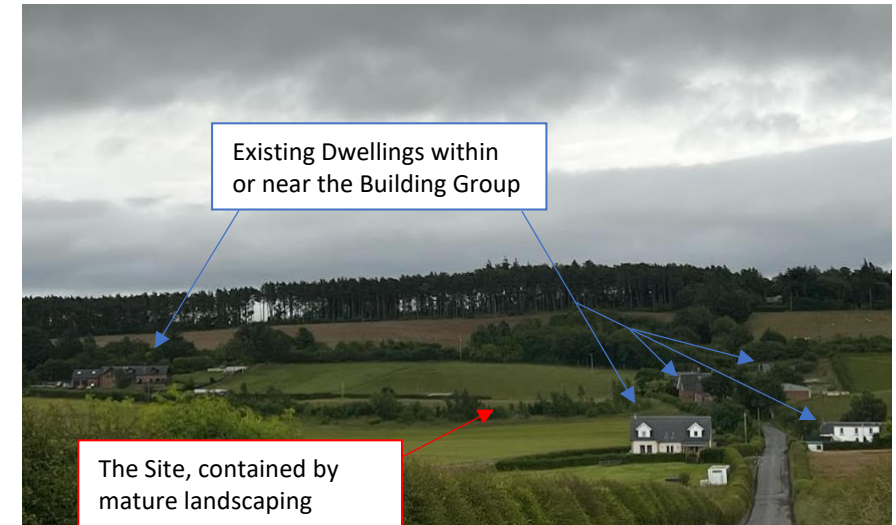
4.16 The proposed built form does not extend beyond the building line of the neighboring properties to the south and west, ensuring they do not impinge upon the open landscape. This is further supported by the contained landscape in which the site lies and the indicative height of the proposal, anticipated to be 1.5 storey dwellings, not exceeding beyond the height of neighboring dwellings that extend up to two storeys in height.

4.17 The proposal will largely be unnoticed in landscape impact terms and from public receptor points (i.e., public roads and footpaths) as illustrated in Figure 5 below. The existing hedgerow adjoining the public road to the south of the site is sought to be retained and enhanced, acting as a natural shield, restricting the view from passers-by.

4.18 The proposed landscaping from the east will further soften the approach from afar, complying with the New Housing in the Countryside SPG where man-made boundaries are considered acceptable. Again, the new access will contain the plots in question.

4.19 Overall, it is considered the site proposal is compliant with Policy HD2 A Part b).

Figure 5 Image taken from the west looking down onto the Building Group, highlighting the sites landscape containment.



**Policy HD2 A Part 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.**

4.20 Having reviewed the online planning portal, there have been no new plots within the Building Group within the current Local Development Plan period, as outlined above. We, therefore, consider there is scope for an additional two dwellings within the plan period in accordance with section (A) of Policy HD2 Part c.

4.21 As such, we consider the site to be a logical location and a sustainable form of development relating well to the existing building group which has capacity for further dwellings.

4.22 **GOA 2:** The resulting visual impact of the development would not be adverse and, would not conflict with policy PMD2.

**Appellant’s Case**

4.23 We set out below why this development should proceed in line with Policy PMD2, demonstrating the proposal will not result in having an adverse visual impact upon the character of the local area.

4.24 Policy PMD2 Quality Standards sets out a range of sustainability, placemaking and design, accessibility and open space/ biodiversity requirements whereby the proposals must:

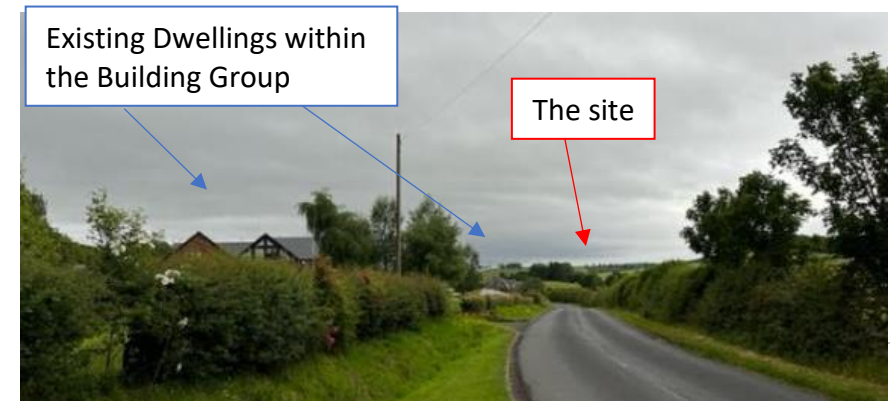
- Take appropriate measures to maximise the efficient use of energy and resources, in terms of layout, orientation, construction and energy supply;
- Make provision for sustainable drainage;
- Incorporate appropriate measures for separate storage of waste and recycling;
- Incorporate appropriate landscaping to help integration with the surroundings;
- Create a sense of place, based on a clear understanding of context;
- Be of a scale, massing and height appropriate to the surroundings;
- Be finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality;
- Be compatible with, and respect, the character of the surrounding area, neighbouring uses and neighbouring built form;
- Be able to be satisfactorily accommodated within the site;
- Provide for appropriate boundary treatments to ensure attractive edges, and to help integration with the surroundings;
- Incorporate access for those with mobility difficulties;
- Not have an adverse impact on road safety in terms of the site access;
- Incorporate adequate access and turning space for vehicles including those used for waste collection purposes; and
- Retain physical or natural features which are important to the amenity or biodiversity of the area.

4.25 The site is situated within a rolling hill landscape with the proposed dwellings sitting within the low-lying topography, not breaching upon the skylines, largely concealed behind an existing property within the building group as illustrated within Figure 5 above, minimizing the landscape impact.

4.26 As previously discussed, the existing and proposed enhancement to the landscape boundary bordering the site further ensures the proposal does not impinge upon the local character of the area, sitting well within the setting of the building group whilst further reducing the visual impact of the dwellings and safeguarding the amenity of the adjoining properties.

4.27 Although the detail of the design is reserved for a later stage, the applicant seeks to use natural materials, complimenting the rural environment in which it lies. There are minimal visual impacts from public receptor points from the road to the south with the retention of the existing landscape buffer adjoining the site and the set-back positioning of the dwellings within the plot. Overall, it is considered the proposal will not have an adverse impact on the landscape due to not impinging upon the skyline, sitting below the existing build-form within the Building Group, complying with Policy PMD2.

*Figure 6: Image taken from the east, looking west towards to the site and the Building Group, noting the mature hedgerow bordering the site*



**GOA 3:** The development is not contrary to policy PMD2 of the Local Development Plan 2016 in that the means of access onto a public road would not adversely affect the road safety of this road.

**Appellants Case**

4.28 We set out below why this development should proceed in line with Policy PMD2, demonstrating the proposal will not adversely affect the road safety of the adjoining public road.

4.29 A mentioned above, Policy PMD2 Quality Standards sets out a range of accessibility requirements whereby the proposals must:

- Not have an adverse impact on road safety in terms of the site access; and
- Incorporate adequate access and turning space for vehicles including those used for waste collection purposes.

4.30 SWECO have provided a Transport Technical Note which forms part of the submission package for this appeal and can be found within Core Document 5. The note provides clarity, rationale and justification for the proposals in response to the above reason for refusal and the Roads Officers concerns raised in relation to the access onto the public road and the pedestrian movement within the locality.

4.31 SWECO have concluded the development proposals will improve the safety of the surrounding road network by removing the farm access to the west and limiting traffic through the access currently serving both the dwellings and the farm. The proposed junction will deliver visibility requirements to Councils standards and is suitable in form given its proposed use.

4.32 The rural nature of the location and the lack of public facilities means there are no missing pedestrian links and it is considered that any additional pedestrian infrastructure would be very infrequently used due to both the population size and the lack of obvious destination.

4.33 Overall, it is considered the proposal is compliant with Policy PMD2 in that it has been demonstrated the proposal will have no adverse impact on road safety in terms of site access.

**GOA 4:** There are no other material considerations which warrant refusal of the application. The material considerations have not fully been taken into account. The SPP and NPF4 both support and promote further rural housing and investment in the communities.

**Appellants Case**

4.34 Reason for Refusal Ground 4: There are no other material considerations which warrant refusal of the application. The material considerations have not fully been taken into account. The SPP and NPF4 both support and promote further rural housing and investment in the communities.

4.35 Whilst it is a modest development site, analysis shows that that a significant proportion of houses built in the Scottish Borders range between 1-4 units and that many are non-allocated / windfall sites. The importance of smaller sites in delivering housing in the Scottish Borders should therefore not be overlooked and this site in question can help meet the housing land targets. This was recognized by the Local Review Body in the granting of the nearby residential plot (LPA ref: 20/00486/FUL).

4.36 Our clients' aspirations are for this site to provide two new properties, representing an opportunity to invest in the rural community to help address the current housing shortfall. The proposal also represents a form of rural diversification associated with the adjoining New Belses Farm, preparing for a time of change within the partnership and improvements to the farm business. Any financial return will be reinvested into the farm partnership.

4.37 The proposed development supports the ethos of the Draft NPF4 through the provision of rural housing. The draft NPF4 seeks to encourage rural investment, encouraging development to contribute to the viability, sustainability and diversity of rural economies and communities.

4.38SPP advises that the planning system should support economically, environmentally, and socially sustainable places by enabling development that balances the cost and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place it is not to allow development at any cost. This means that policies and decisions should be guided by the following principles in Paragraph 29 which we address in turn:

Policy Principle	How the Proposal Complies
Giving due weight to net economic benefit;	The proposal will deliver much needed investment and delivery of family housing within the rural area within close proximity to the rural villages of Lilliesleaf and Ancrum, whilst being only 7 miles outside of Jedburgh. The applicant will also seek to appoint local tradesmen during the construction process, contributing to the local economy.
Responding to economic issues, challenges and opportunities, as outlined in local economic strategies;	The proposal supports the growth of the rural community, ensuring there is a generous supply of housing land to cater for the increase in people and families living in the Scottish Borders.
Supporting good design and the six qualities of successful places;	The proposal will deliver two high quality new family homes, utilising sustainable technologies such as PV panels and air source heat pumps.
Making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;	The proposal will capitalise on the existing investment made in Jedburgh and the rural villages of Ancrum and Lilliesleaf. The additional residents the proposed dwelling will bring to the building group will contribute to local services and facilities through having a higher footfall in the local area.
Supporting delivery of accessible housing, business, retailing and leisure development.	The proposal will deliver a much-needed family sized dwellings. The applicant also Farms at the adjoining Farm with the proposal acting as a form of rural diversification, assisting in enabling the longevity of the farm operations in this increasingly difficult economic environment.
Supporting delivery of infrastructure, for example transport, education, energy, digital and water.	The proposal will make a financial contribution through a s.69 or s.75 agreement, as deemed necessary by SBC, and will also sustain the local rural primary schools at Lilliesleaf and Ancrum.
Supporting climate change mitigation and adaptation including taking account of flood risk.	The future proofing of homes for climate change will be agreed during the detailed planning application stage and will include renewable technologies.

SPP Table Continued...

Policy Principle	How the Proposal Complies
Improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation.	The proposed gardens within the site offers an opportunity for an array of activities as well as nearby walks and cycle routes. The site is also well located for the existing amenities provided by Ancrum, Lilliesleaf and Jedburgh.
Having regard to the principles for sustainable land use set out in the Land Use Strategy;	The proposed site is in a sustainable rural location, within cycling distance to Ancrum and Lilliesleaf, offering sustainable access to a school, shops, services and leisure facilities.
Protecting, enhancing and promoting access to cultural heritage, including the historic environment.	The sensitive approach to the design seeks to safeguard the character of dwellings within the building group.
Protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment.	The safeguarding of the existing landscaping as well as the proposed additional landscaping will provide a level of beneficial effects, such as enhanced biodiversity and additional screening through the introduction of locally appropriate hedgerow and trees within the proposed development.
Reducing waste, facilitating its management and promoting resource recovery; and	Suitable provision for waste collection can be demonstrated.
Avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.	The low-density scale of development is considered appropriate for a site of this nature.

Plots 1 and 2 at Land North of Belses Cottage, Jedburgh, TD8 6UR

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## CONCLUSION

## CONCLUSION

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5.1 The submitted appeal, supported by this statement, seeks to overturn the Council's decision to refuse planning permission for the Planning Permission in Principle Application relating to the residential dwellings at the Plots 1 and 2 at Land North of Belses Cottage, Jedburgh, TD8 6UR.

5.2 In summary:

- The proposal represents a logical extension of the Building Group adjoining the existing built-up area, which has the capacity to accommodate two additional dwellings within this local plan period, in accordance with Policy HD2.
- Members of the LRB has previously approved similar proposals within the Building Group as demonstrated within Table 1 above.
- The proposal is sympathetic to the character of the building group, positioned in a logical location and will have no detrimental impact upon the amenity of neighbouring residents, ensuring there are adequate separation distances between the existing properties resulting in no overlooking or loss of daylight/sunlight.
- The site is primarily visible from the adopted road to the south of the site upon approach from the west, noting the visibility will be restricted due to the low-lying topography in which the site lies and the existing neighbouring dwelling shielding the plot. In addition, the existing and proposed landscaping along the eastern and southern boundaries, further enhancing the aesthetics, screening views from the south. Overall, the visual impact of the proposal on the local area is considered to be minimal.
- The proposal will provide a high-quality family-sized dwelling within this desirable and sustainable location, within cycling distance to Lilliesleaf and Ancrum which benefits from schools, shops, post office, pub, and other local services, supported by the Draft NPF.

- We have acknowledged the safety concerns from the Roads Officer and have provided a supporting technical note to address these concerns.
- The proposal will utilise sustainable renewable technologies.
- The proposal will assist in meeting the strong demand for rural homes in the Scottish Borders.

5.3 As we have demonstrated through this statement, we consider that the proposal complies with the development plan, and LDP Policies HD2 and PMD2 against which the original applications were refused.

5.4 There is a presumption in favour of applications that accord with the development plan unless there are significant material considerations that indicate the development plan should not be followed.

5.5 In addition to the above, the proposal will deliver local investment in trade employment, whilst expanding purchasing power in the local economy and supporting existing rural services.

5.6 The proposal is considered with the guiding principles of the SPP, and we do not consider that there are any impacts which are significant and demonstrably outweigh the presumption in favour of development. We therefore respectfully request that the appeal be allowed.

### APPENDICIES: Core Documents

Core Doc 1: Decision Notice and Officer Report

Core Doc 2: Location Plan

Core Doc 3: Proposed and Existing Plan

Core Doc 4: Planning Statement

Core Doc 5: Transport Note prepared by SWECO

# F E R G U S O N P L A N N I N G

## GALASHIELS

Shiel House  
54 Island Street  
Galashiels TD1 1NU

T: 01896 668 744  
M: 07960 003 358

## EDINBURGH

37 One George Street  
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## NORTHERN IRELAND

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Northern Ireland  
BT54 6LG

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E: [tim@fergusonplanning.co.uk](mailto:tim@fergusonplanning.co.uk)

WWW.FERGUSONPLANNING.CO.UK







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Newtown St Boswells Melrose TD6 0SA Tel: Payments 01835 825586 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 100425337-001

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 a detached dwelling

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:	Smith & Garratt		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Hugh	Building Name:	The Guildhall
Last Name: *	Garratt	Building Number:	
Telephone Number: *	01289382209	Address 1 (Street): *	Ladykirk
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Berwick-upon-Tweed
Fax Number:		Country: *	United Kingdom
		Postcode: *	TD15 1XL
Email Address: *	ahg@smithandgarratt.com		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:		You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	New Belses Farm
First Name: *		Building Number:	
Last Name: *		Address 1 (Street): *	New Belses Farm
Company/Organisation	Phen Farms	Address 2:	Ancrum
Telephone Number: *		Town/City: *	Jedburgh
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	TD8 6UR
Fax Number:			
Email Address: *	info@smithandgarratt.com		

## 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

New Belses Farm Ancrum Jedburgh TD8 6UR

Northing

625050

Easting

357113

## Pre-Application Discussion

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

Yes  No

## Pre-Application Discussion Details Cont.

In what format was the feedback given? \*

Meeting  Telephone  Letter  Email

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

This is a re-application of an application withdrawn in December 2020 (20/00411/PPP).

Title:

Mr

Other title:

First Name:

Brett

Last Name:

Taylor

Correspondence Reference Number:

Date (dd/mm/yyyy):

In what format was the feedback given? \*

Meeting  Telephone  Letter  Email

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

It may be possible to get a junction in the vicinity shown blue below which meets the visibility requirements, although its location would be very specific. However, the provision of an access at this location would require the closure of the existing access to New Belses (shown red below) and a route from any new access to serve the existing dwellings, shown below. An access at this location would also have a detrimental impact on the existing tree belt that is present.

Title:

Mr

Other title:

First Name:

Alan

Last Name:

Scott

Correspondence Reference Number:

Land North of Belses Cottage

Date (dd/mm/yyyy):

11/11/2020

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

## Site Area

Please state the site area:

1922.00

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)

Paddock.

## 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 PPP is for one of a pair of dwellings proposed at the Belses site. It is envisaged that they will share a new septic tank. The drainage field (soakaway) will be designed after carrying out a porosity test in the expectation that details will be submitted with an application for approval of matters specified in conditions. Adequate adjoining land for a drainage field is within the control of the applicant.

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

Yes  No

Note:-

Please include details of SUDS arrangements on your plans

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

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

- Yes  
 No, using a private water supply  
 No connection required

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

## Assessment of Flood Risk

Is the site within an area of known risk of flooding? \*  Yes  No  Don't Know

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

Do you think your proposal may increase the flood risk elsewhere? \*  Yes  No  Don't Know

## Trees

Are there any trees on or adjacent to the application site? \*  Yes  No

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

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*  Yes  No

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) \*  Yes  No  Don't Know

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

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

## Planning Service Employee/Elected Member Interest

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

## Certificates and Notices

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

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

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

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

## Certificate Required

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

Certificate A



# Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Hugh Garratt

On behalf of: Phen Farms

Date: 11/06/2021

Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

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

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

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

Provide copies of the following documents if applicable:

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

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

## 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: Mr Hugh Garratt

Declaration Date: 11/06/2021

**Design, Access & Planning Statement**  
**Proposal for Two Dwellings**  
**Plots at New Belses, Ancrum, Jedburgh, TD8 6UR**  
**June 2021**

**Introduction**

The applicant, Phen Farms – a family farming partnership based at New Belses Farm – seeks to erect two dwellings on an unproductive corner of land opposite Belses Smithy. The farm, which is almost all arable, is small by modern standards and the proposed development represents rural diversification in preparation for a time of change within the partnership and improvements to the farm business.

The site is an awkward corner of pasture isolated from the arable land by a tree belt. It fronts the B6400 and has options for access including an excellent safe spot at its eastern side. It is within a rural building group and will provide an excellent opportunity for the erection of two dwellings.

The applicant has decided to submit a pair of similar applications, each in respect of a single dwelling. This pair of applications follows withdrawal of 20/00411/PPP and 20/00412/PPP, a pair submitted last year for this same scheme – later withdrawn to allow time to resolve a query raised by Scottish Borders Council's Roads Department. That query related to the density of access points on the B6400. The applicant has now agreed to stop-up a field access and to restrict the existing farm access to light traffic only, in lieu of creating one new and safe access for the farm and these plots.

The time elapsed since submission of the original pair of applications, blighted as it was by the Coronavirus pandemic, has reinforced the need for diversification at this farm. The applicants recently made pre-application enquiries about placing shepherd huts on part of the old railway as a leisure diversification, which have been rejected as incompatible with Planning Policy IS4, so they propose to site this activity in the small field south of the railway next to the B6400, sharing the proposed new access. Although this will be the subject of a separate application, it is relevant to note it now because it reinforces the need for a new safe access at the north-east corner of the plots. The access further north, adjacent to the old railway bridge, is used as-of-right by occupants of the New Belses Cottages so it cannot be stopped-up at present. It may become a candidate for stopping-up and diversion to the new proposed access (once constructed) if the railway is reinstated to Hawick. In the meantime, it will be restricted to light traffic only; tractors, lorries and other heavy vehicles will be prohibited and will use the proposed new access.

**1. Design & Access**

Taking the headings from CABA guidance – *Design & Access Statements, How to Read, Write and Use Them*, we promote the scheme as follows:

**Use**

The use is currently a small pasture paddock within an arable farm.

### **Amount**

The proposal is to erect two detached dwellings, each the subject of a separate planning application for Planning Permission in Principle.

### **Layout**

The proposal is to erect two detached dwellings, each the subject of a separate planning application for Planning Permission in Principle. Indicative footprints are shown in the block plan accompanying the applications; the precise layout is to be confirmed in a later application for either full planning or approval of matters specified in conditions.

### **Scale**

The aggregated area of the two plots is around half a hectare.

### **Landscaping**

The proposal is to erect two detached dwellings, each the subject of a separate planning application for Planning Permission in Principle. The plots are bounded to the west and north by a belt providing a natural screen and a sense of containment; this shelter belt is immature and will thicken over time. The roadside hedge on the east side also provides elements of screening and containment. The plot has open views to the south, facing other dwellings. Further landscaping details will be confirmed in a later application for either full planning or approval of matters specified in conditions. It is anticipated that these details will complement the proposed dwellings and extend the domesticated landscape of the building group fully into the site.

### **Appearance**

The proposal is to erect two detached dwellings, each the subject of a separate planning application for Planning Permission in Principle. Details of the appearance will be confirmed in a later application for either full planning or approval of matters specified in conditions.

### **Access**

#### **(i) Vehicular and Transport Links**

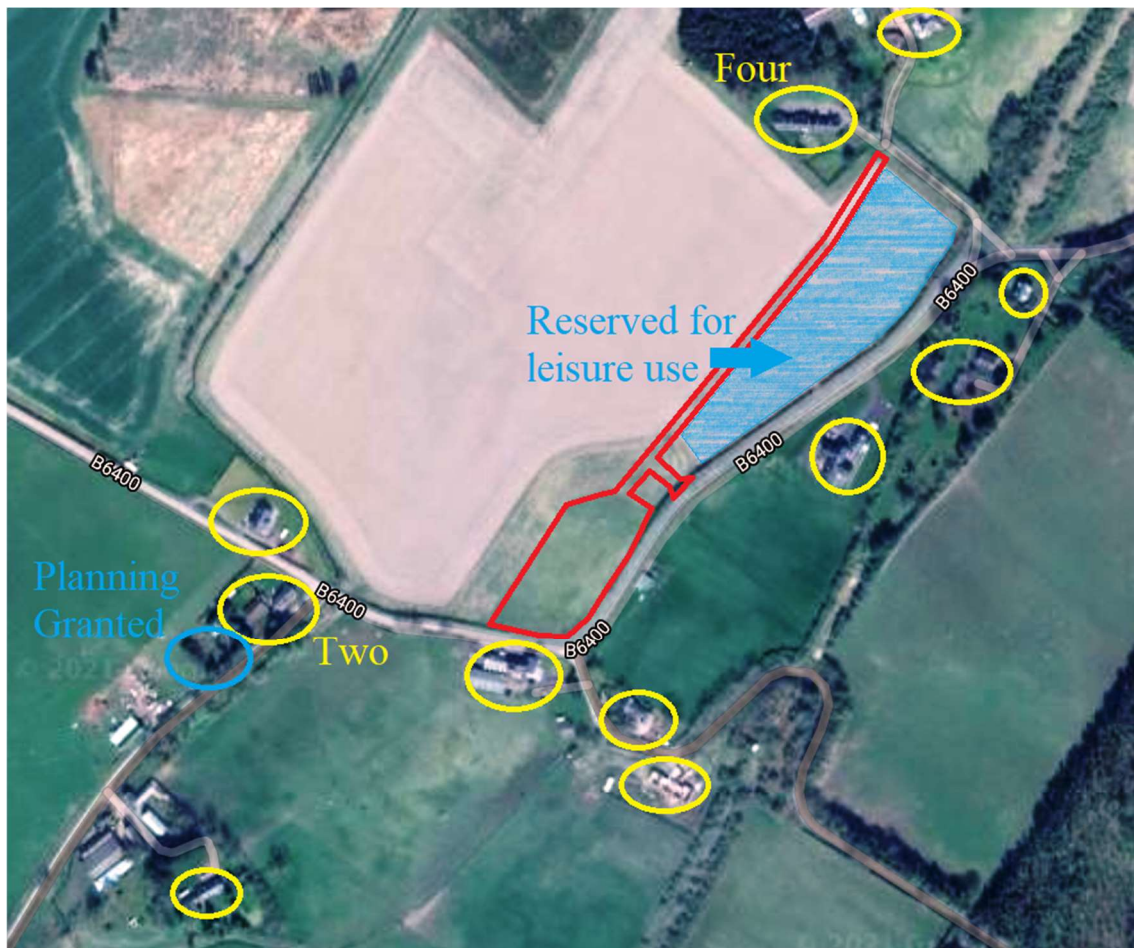
The plots have excellent vehicular and transport links being adjacent to the B6400 (Nisbet to Lilliesleaf), about 6km west of Ancrum and 4km east of Lilliesleaf. The nearest A-class roads are the A68 (St Boswells and Ancrum, each about 6km) and the A699 (St Boswells about 6km, Bowden about 5km). A new access is required from the B6400 into the plots. Visibility splays 2.5m by 100m are comfortably achieved at the proposed entrance. In lieu of the new access onto the B6400 the existing farm access will be restricted to light vehicles only, and the existing southern access to the adjoining field will be permanently stopped-up. These road improvements are shown on Road Layout Plan 20210609\_BPHE01-08.

#### **(ii) Inclusive Access**

The proposal is to erect two detached dwellings, each the subject of a separate planning application for Planning Permission in Principle. Details of inclusive access arrangements will be confirmed in a later application for either full planning or approval of matters specified in conditions.

## 2. Planning

The proposal requires planning permission ... which is justified under Policy HD2A of Scottish Borders Council's adopted Local Plan. The applicant is satisfied that there is an existing group of more than three dwellings; the wider group could be defined as sixteen dwellings, as shown below. The group is characterised as fairly dispersed with dwellings on both sides of the road. The proposals complement the group and will have no adverse impact on it, or landscape, or amenity. There is headroom for development because only one new dwelling has been proposed here in recent years – application reference 20/00486/FUL. The proposals will have no adverse impact on wildlife, protected species or biodiversity. There is no flood risk. Overhead power lines running through the site have minimal impact on the scheme and may, in any case, be moved to the roadside by moving only one pole. The proposed access is through a young plantation, but it follows the electricity line, with no trees planted beneath, so the impact on trees is minimal and any losses will be made up severalfold in landscaping the plots.



## Summary

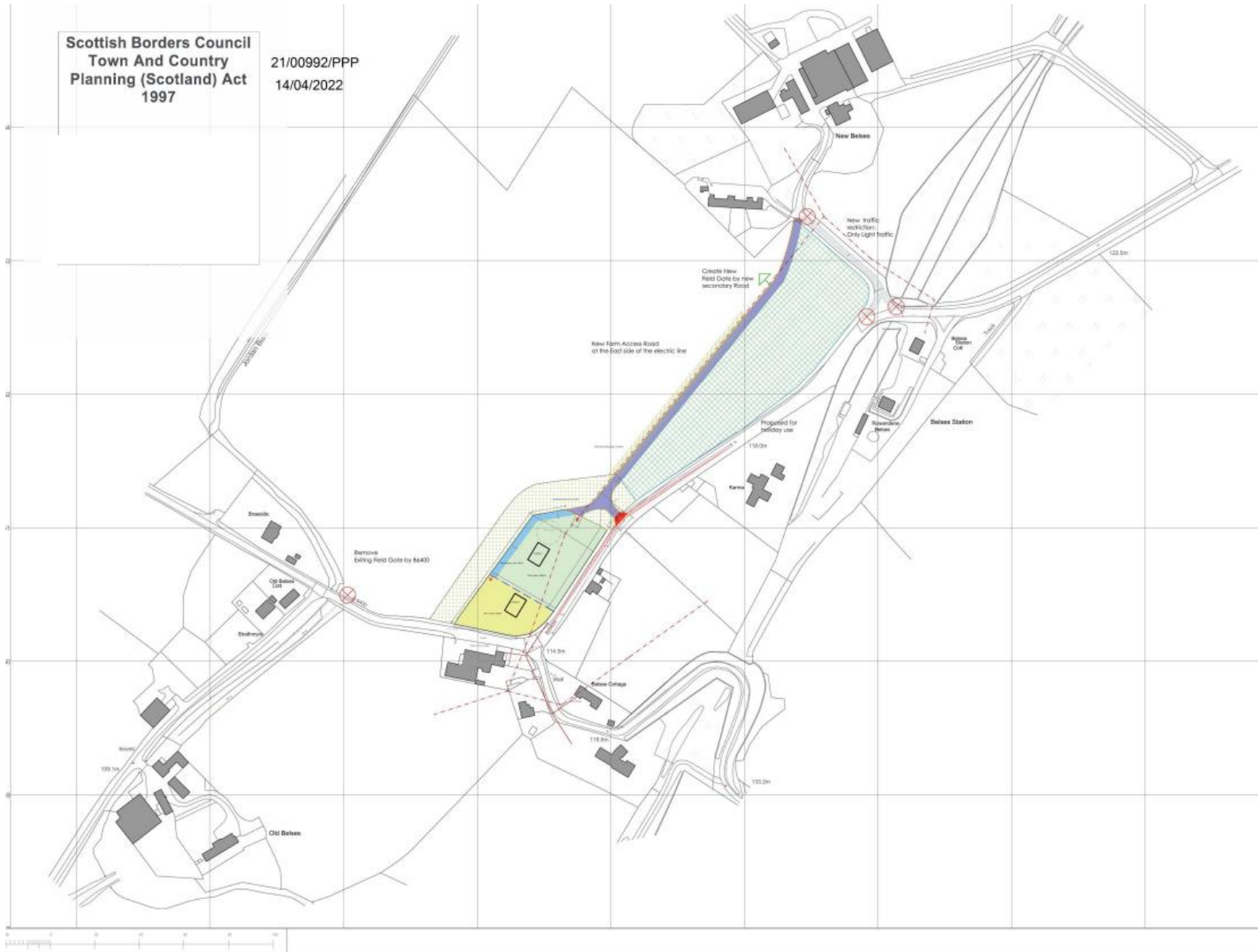
We are satisfied that these two proposals, each for the erection of a single dwelling, merit support. The proposed development represents necessary diversification in an existing local farm business at a time of

change. It is in line with current Scottish Borders local plan policies for development in the countryside, will help satisfy a local need for family housing and will provide choices to the west of Ancrum, where there has been little development in recent years.

-----  
**Prepared by:**  
**A H Garratt LL.B FRICS**



**The Guildhall, Ladykirk, Berwickshire, TD15 1XL**  
**Tel: 01289 382209 / 07702 091626**  
**E-mail: [ahg@smithandgarratt.com](mailto:ahg@smithandgarratt.com)**



NOTE:  
Do not scale from this drawing.  
All dimensions are to be checked on site prior to construction.  
Dimensions marked with an asterisk (\*) are open to discussion if the site is not built.  
Dimensions are to be checked on site.  
Dimensions are to be checked on site.  
Dimensions are to be checked on site.  
Dimensions are to be checked on site.

- Legend
- Layout of Access
  - Visibility line
  - New Farm Access Road
  - Plot Access Road
  - Exclusion Light Traffic
  - Permanent boundary - Tree belt
  - Plot 1
  - Plot 2
  - Proposed for holiday use
  - Easement line



Scale 1:1000

Planning

New Deben

Plot 1

Plot 2

Proposed for holiday use

SMITH & GARRATT  
The Guildhall, Leith, Edinburgh EH6 7JH  
Tel: 0131 222 2000

John Alford

11/09/2021 11:25:00 AM 9 Jun 2021

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# New Belses, 21/00992/PPP

Transport Input to Planning Appeal

Author Bonnie Edgar-Nevill

Project Number 65207205

Project Name New Belses

Client Chris Wilson

Project Manager Bonnie Edgar-Nevill

Approved by

Graeme Kelly

## 1 Introduction

This note was prepared in reply to the Roads Planning consultation response to the above planning application, for the erection of two dwellings within the hamlet of Belses, and forms part of the appeal submission. In relation to transport and roads, the key issues stated within the objection from Roads Planning were:

- Access onto public road; and
- Pedestrian movement within locality.

This note provides some clarity, rationale, and justification for the proposals, and a response to the two issues raised by the Council on transport. It is recommended that further discussions can be held with the Council to agree a way forward as the applicant is willing to make changes to the proposals to find an agreeable solution.

## 2 New Access

Roads Planning objected to the application in relation to the vehicular access arrangements.

The previous 2020 planning application for the site utilised the existing access northeast of the site (2) which is currently the access for five dwellings and the farm. The Council rejected this proposal and suggested a new location further south (3) which would meet visibility splay requirements. The current application proposes the access to the site as suggested by the Council and is promoted as being the safer option. **Figure 1** highlights the location of the accesses to provide context to the accompanying text.

Currently, the existing farm at New Belses can use both the northern farm access (1) and the southern access (2) which is predominantly used to access dwellings south of the farm. As part of the development proposals the farm machinery would be restricted to only the northern access (1) and the southern access (2) would only serve the five dwellings and therefore have a very light amount of traffic, this will help to address safety concerns regarding the existing access and the new development will not use this access.

On review of CrashMap data for all years available (23 years), no accidents have been recorded at either access or on the B6400 at any point through Belses and the surrounding settlements. There does not appear to be a safety issue at the existing dwelling and farm access (2) and the light traffic generated by the existing dwellings will not be an issue. The applicant is willing to remove foliage at the junction to ensure good visibility and to engage in discussions with the Council around any changes to the junction and its usage.

Additionally, the applicant has agreed to close the existing field access (4) to the west of the site, removing a junction on the B6400. The proposed junction (3) will provide adequate separation from other junctions on the network and has been designed to meet visibility requirements set out but the Council.



**Figure 1.** Access locations

### 3 Pedestrian infrastructure

A key issue within the objection is “Pedestrian movement within the locality” with reference to the lack of a footway. The location of the development is rural with surrounding buildings being residential or farming. There are no surrounding facilities or points of interest. There is therefore no obvious missing pedestrian links and no clear desire lines where pedestrian infrastructure would be necessary. Additionally, there is a very low population and therefore formal pedestrian infrastructure would have minimal usage. **Figure 2** highlights the 20-minute walking catchment from the proposed dwellings, which is set out within planning policy as a reasonable walking journey time to amenities.



**Figure 2.** 20-minute walking.

As shown in **Figure 2**, there are no amenities within a 20-minute walking catchment and therefore formal pedestrian infrastructure is considered unnecessary.

A review of other similar planning applications with New Belses highlights that pedestrian infrastructure has not been required previously. A 2020 application for the erection of a dwelling and garage (20/00486/FUL) which received planning permission on appeal was originally refused with no mention or requirement for pedestrian infrastructure. It is not envisioned that the current proposals will create a substantially higher level of footfall than the previously consented application elsewhere within Belses.

If pedestrian improvements are an absolute requirement, can the Council confirm where they would want to see this delivered?

## 4 Conclusions

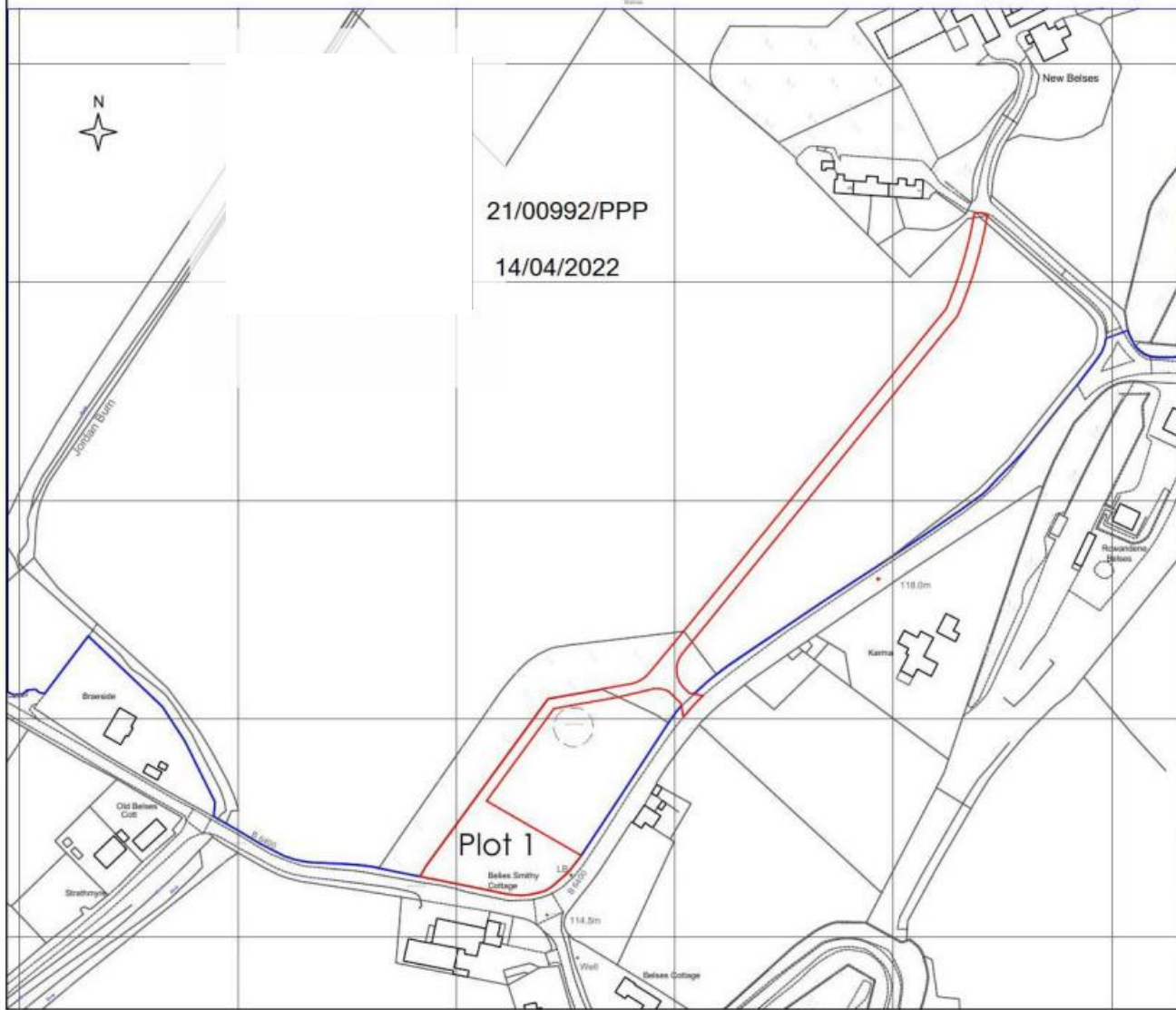
Overall, the development proposals will improve the safety of the surrounding road network by removing the farm access to the west and limiting traffic through the access currently serving both the dwellings and the farm. The proposed junction will deliver visibility requirements to Council standards and is suitable in form given its proposed use.

The rural nature of the location and the lack of public facilities means there is no missing pedestrian links and that any additional pedestrian infrastructure would be very infrequently used due to both the population size and the lack of obvious destination.

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# New Belses - Phen Farms

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21/00992/PPP  
 14/04/2022

- Notes:**
- Do not scale from this drawing
  - All dimensions are to be checked on site prior to construction.
  - Dimensions marked with an asterisk \* are open site dimensions to be confirmed on site.
  - Should any discrepancy be found with this drawing please report to this office immediately.
- Plot 1 Area is 1,922m<sup>2</sup> or thereby.  
 New Road Area is 1,872m<sup>2</sup> or thereby.  
 Access Road Area is 405m<sup>2</sup> or thereby.  
 Total Area is 4,136m<sup>2</sup> or thereby.

Rev	Date	Note	By	Chk
-----	------	------	----	-----

Status  
**Title Plan**

Project  
**New Belses**

Client  
**Phen Farms**

Drawing  
**Title Plan  
 Plot 1**



The Guildhall, Ladykirk,  
 Berwick-upon-Tweed, TD15 1XL  
 Tel: 01289 382 209



Drawn by  
**Jaime Alberdi**

Scale <b>1:1250 @A4</b>	Date <b>9 Jun 2021</b>
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Drawing Number  
**BPHE01-07**

Rev

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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:** 21/00992/PPP

**APPLICANT:** Phen Farms

**AGENT:** Smith And Garratt Rural Asset Management

**DEVELOPMENT:** Erection of dwellinghouse

**LOCATION:** Plot 1  
Land North Of Belses Cottage  
Jedburgh  
Scottish Borders

**TYPE:** PPP Application

---

**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
BPHE01_07	Location Plan	Refused
BPHE01_02	Proposed Block Plan	Refused
BPHE01_03	Proposed Plans	Refused

**NUMBER OF REPRESENTATIONS: 2**  
**SUMMARY OF REPRESENTATIONS:**

Two representations were received in respect of the application. The main points raised include: access, road safety, contrary to Local Plan, impact on the rural character, privacy/overlooking and impact on the environment.

**Consultations**

Ancrum Community Council: Have not responded at the time of writing this report.

Environmental Health: Have not responded at the time of writing this report.

Education & Lifelong Learning: Have not responded at the time of writing this report.

Landscape Architect: Objects to the application on the grounds of the adverse visual impact on the surrounding landscape.

Roads Officer: Objects to the application as it would contribute towards sporadic development in the Belses community without the appropriate road infrastructure being in place to justify it. Furthermore, it is good practice to restrict the number of accesses onto A and B class roads outside settlements. The existing access to New Belses is proposed for restricted use rather than closure so that there would be an additional access overall.

Scottish Water: No objection to the application

**PLANNING CONSIDERATIONS AND POLICIES:**

Local Development Plan - Adopted Scottish Borders Local Development Plan (2016)

PMD2 - Quality Standards

HD2 - Housing in the Countryside

HD3- Protection of Residential Amenity

EP1: International Nature Conservation and Protected Species

EP2: National Nature Conservation Sites and Protected Species

EP3 - Local Biodiversity

EP13 - Trees, Woodlands and Hedgerows

IS2 - Developer Contributions

IS7 - Parking Provision and Standards

IS9 - Waste Water and Treatment Standards and Sustainable Urban Drainage

Supplementary Planning Guidance

Affordable Housing 2015

Developer Contributions 2021

Householder Development (Privacy and Sunlight) 2006

Landscape and Development 2008

New Housing in the Borders Countryside 2008

Placemaking and Design 2010

Trees and Development 2008

Waste Management 2015

Scottish Planning Policy 2014

**Recommendation by** - Brett Taylor (Planning Officer) on 14th April 2022

Site and Proposal

This application proposes planning permission in principle for a new house at Plot 1. The site is a relatively level undeveloped field located to the north Belses Smithy Cottage. The village of Ancrum is approximately 6km to the east. The current boundary treatments consist of hedging and post and wire fencing. The site would be served by an existing road the B6400 which forms the southern and eastern boundaries of the site. The submitted location plan shows an entrance taken from B6400 to the east with a further access taken directly from New Belses Farm to the north.

An adjacent application for Plot 2 forms part of a separate application.

I note the submitted plans indicate an area to the north-east is shown as 'holiday use'. No further information has been provided and they have not assessed as part of this application.

Planning History

16 June 2021 - Planning application in Principle pending consideration for the erection of a dwellinghouse (21/00993/PPP).

21 December 2020 - Planning application withdrawn for the erection of a dwellinghouse - (20/00411/PPP).

Key Planning Policies

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).

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.

In terms of the above, the only possible criterion against which the proposals could be assessed is A, building group, to which there are three further tests. Those are: a) the application site must relate well to an existing group of three houses; 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 and; c) any consents should not exceed two dwellings or a 30% increase to the group during the Plan period.

There are two dwellings (Belses Smithy Cottage and Belses Cottage) in close proximity, however, I do not consider these meet the requirements of a building group as stated by policy HD2. The B6400 forms a logical boundary and I also do not consider that these two houses form a group with other houses in the surrounding area. Even if a building group did exist, the proposed house would break into an undeveloped field and would encourage sporadic development along this section of the B6400. This is discouraged by our policy guidance, siting a house here would not comprise a sympathetic, organic addition to the area, and there is no justification for it here.

I note that no supporting and economic case was submitted by the applicant to justify that the house is required in this location that would override the conflict with policy.

#### Placemaking and design

It would be feasible to design a house and site layout to comply with PMD2 as regards visual impact, and account for our SPG on Placemaking and Design. However, houses in this undeveloped field served by a significant access road, would be poorly related to the existing settlement pattern and, as a result, would fail to comply with PMD2 or HD2. This visual isolation reinforces the concern above regarding general policy conflict. Providing a tree belt, as proposed, would take many years to establish and is not reason to justify such an intrusive impact on this undeveloped field.

#### Neighbouring amenity

Policy HD3 aims to protect the amenity of neighbouring residential properties against inappropriate development that would result in the loss of amenity and privacy. It would be possible for a dwelling to be constructed on this site in compliance with the relevant standards in the SPG. The nearest other dwellings are sufficiently distant from the site that I am satisfied the proposal would not affect the residential amenities of occupants of these properties. There are no other properties in the surrounding area that would be affected by the proposal. I am satisfied that the proposed development of a dwelling on this site could comply with policy HD3 of the Local Development Plan.

#### Parking and Road Safety

Policy PMD2 requires that a development incorporates adequate access and turning space and for vehicles and ensures that there is no adverse impact on road safety. Policy IS7 requires that car parking should be provided in accordance with the Council's adopted standards.

The site is capable of providing two spaces to support a new house, thus complying with Policy IS7. In terms of the access, the site is proposed to be accessed via a new access (in conjunction with Plot 2) with the existing farm access being restricted to light vehicles only. The Council's Road Planning Officer objects due

to the principle of sporadic development between Old Belses and New Belses without the proper road infrastructure to support both vehicular and pedestrian movements. In addition, the submitted plans show the access being moved, it does not propose to stop-up the existing access at new Belses and instead, only looks to restrict access to 'Light Traffic Only', which would be unenforceable in planning terms.

Overall, the proposal would fail to ensure there is no adverse impact on road safety and as such, does not comply with Policy PMD2.

#### Ecology

With respect to ecology, given the site is not subject to any natural heritage designations nor nearby any, no buildings would be lost, mature trees removed, or substantial amounts of hedging needing removed, it is, therefore, considered that the proposal will have a negligible impact on ecology and biodiversity of the surrounding area.

#### Trees, Woodlands and Hedgerows

Existing trees, woodland, and hedgerows are protected by policy EP13 of the LDP on Trees, Woodlands and Hedgerows. The Council has also adopted Supplementary Planning Guidance on Landscape and Development, and on Trees and Development, which are both relevant to these proposals. There is an established road side hedge along the eastern boundary. It is apparent that part of this hedge would require to be removed to facilitate the new access with the required visibility splays, however, this would have a minor landscape impact. No trees would not be affected by the proposals. Should the application be approved I consider the proposed development can be considered to comply with the requirements of policy EP13 (Trees, Woodlands and Hedgerows) of the Local Development Plan, and the adopted SPG on Trees and Development.

#### Water and Drainage

Policy IS9 states that the preferred method of dealing with waste water associated with new developments would be the direct connection to the public sewerage system and for development in the countryside the use of private sewerage may be acceptable provided that it can be provided without negative impacts to public health, the environment, watercourses or ground water. A SUDS is required for surface water drainage.

The proposed dwellinghouse would connect to a private water supply and foul drainage would be to a new sewage treatment plant with SUDS for dealing with surface water. The exact details would be agreed by condition and through the Building Warrant process.

#### Development Contributions

No schools contributions are required. However, this is one of two plots on the same site by the same developer. Therefore, in the event consent were to be granted for both, one of the two will require a legal agreement for an affordable housing contribution.

#### Letters of representation

I note the objections raised by third parties and would agree with their concerns that a house would be inappropriate in this location.

#### Reason for Decision

It is recommended that the application is refused for the reasons given above.

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

The development is contrary to Policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 because it would constitute housing in the countryside that would be

unrelated to a building group and would lead to an unjustified sporadic expansion of development into a previously undeveloped field. Furthermore, it would be visually adverse as a result of its lack of cohesion with existing development, contrary to HD2 and PMD2, and the proposed means of access would be unsatisfactory since the development would potentially increase the road safety risk along the B 6400.


**Recommendation:** Refused

- 1 The development is contrary to policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 because it would constitute housing in the countryside that would be unrelated to a building group and would lead to an unjustified sporadic expansion of development into a previously undeveloped field. Furthermore, there is no overriding economic justification to support the development. The resulting visual impact of the development would be adverse and, therefore, also conflict with policy PMD2
- 2 The development is contrary to policy PMD2 of the Local Development Plan 2016 in that the means of access onto a public road out with a settlement boundary would adversely affect the road safety of this road, including but not limited to the site access without providing any overriding economic and or road safety improvements.

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

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Phen Farms  
per Smith And Garratt Rural Asset Management  
The Guildhall  
Ladykirk  
Scottish Borders  
TD15 1XL

**Please ask  
for:**  


Brett Taylor  
X6628

**Our Ref:  
Your Ref:**

21/00992/PPP

**E-Mail:**

brett.taylor@scotborders.gov.uk

**Date:**

15th April 2022

Dear Sir/Madam

**PLANNING APPLICATION AT Plot 1 Land North Of Belses Cottage Jedburgh Scottish Borders**

**PROPOSED DEVELOPMENT:**           Erection of dwellinghouse

**APPLICANT:**                           Phen Farms

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

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

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

Yours faithfully

John Hayward

Planning & Development Standards Manager

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

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

**Application for Planning Permission**

**Reference: 21/00992/PPP**

**To: Phen Farms per Smith And Garratt Rural Asset Management The Guildhall Ladykirk Scottish Borders TD15 1XL**

With reference to your application validated on **16th June 2021** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

**Proposal: Erection of dwellinghouse**

**At: Plot 1 Land North Of Belses Cottage Jedburgh Scottish Borders**

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

**Dated 14th April 2022  
Regulatory Services  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**John Hayward  
Planning & Development Standards Manager**

**APPLICATION REFERENCE: 21/00992/PPP****Schedule of Plans and Drawings Refused:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
BPHE01_07	Location Plan	Refused
BPHE01_02	Proposed Block Plan	Refused
BPHE01_03	Proposed Plans	Refused

**REASON FOR REFUSAL**

- 1 The development is contrary to policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 because it would constitute housing in the countryside that would be unrelated to a building group and would lead to an unjustified sporadic expansion of development into a previously undeveloped field. Furthermore, there is no overriding economic justification to support the development. The resulting visual impact of the development would be adverse and, therefore, also conflict with policy PMD2
- 2 The development is contrary to policy PMD2 of the Local Development Plan 2016 in that the means of access onto a public road out with a settlement boundary would adversely affect the road safety of this road, including but not limited to the site access without providing any overriding economic and or road safety improvements.

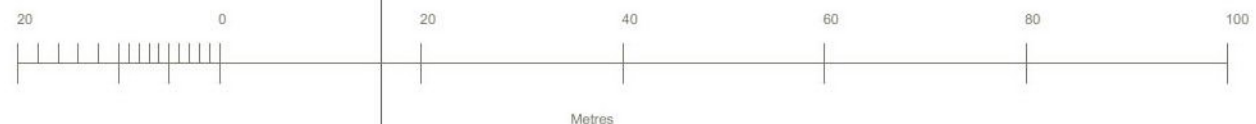
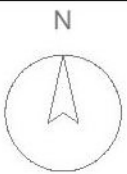
**FOR THE INFORMATION OF THE APPLICANT**

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

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

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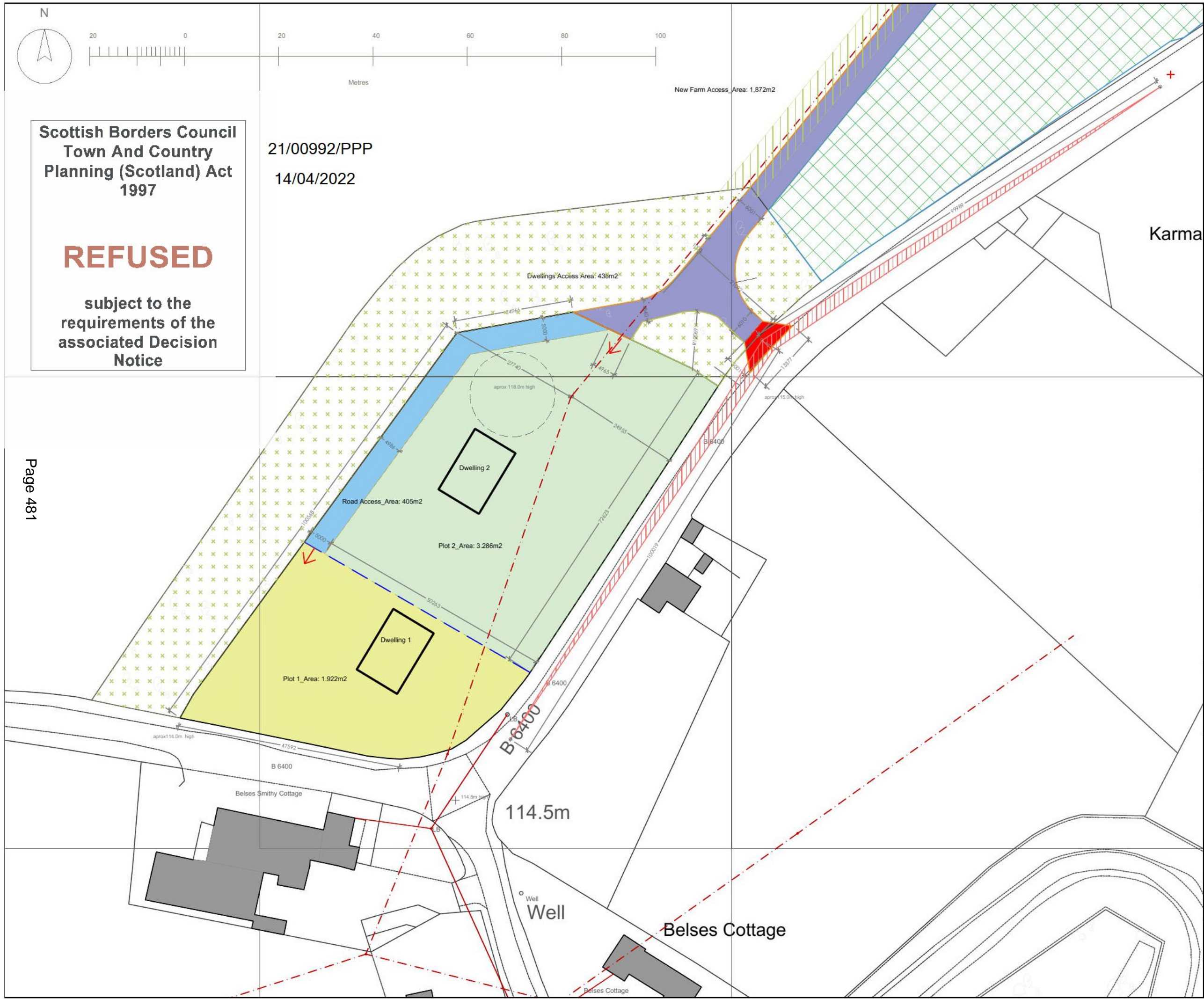
Scottish Borders Council  
Town And Country  
Planning (Scotland) Act  
1997

21/00992/PPP  
14/04/2022

**REFUSED**

subject to the  
requirements of the  
associated Decision  
Notice

Page 481



Notes:  
- Do not scale from this drawing  
- All dimensions are to be checked on site prior to construction.  
- Dimensions marked with an asterisk thus \* are open site dimensions to be confirmed on site.  
- Should any discrepancy be found with this drawing please report to this office immediately.

Legend

	Layout of Access
	Visibility line
	New Farm Access Road
	Plot Access Road
	Exclusive Light Traffic
	Permanent landscape: Tree belt
	Plot 1
	Plot 2
	Proposed for holiday use
	Electric line

B / 8-6-2021 / New road access / JA  
A / 16-4-2020 / Review Layout / JA

Rev	Date	Note	By	Chk

Status  
**Planning**

Project  
**New Belses**

Client  
**Phen Farms**

Drawing  
**Block Plan**

**SMITH & GARRATT**  
HERITAGE · RURAL · PRIVATE CLIENT  
The Guildhall, Ladykirk,  
Berwick-upon-Tweed, TD15 1XL  
Tel: 01289 382 209

Drawn by  
**Jaime Alberdi**

Scale  
**1:750 @A3**

Date  
**9 Jun 2021**

Drawing Number  
**BPHE01\_02**

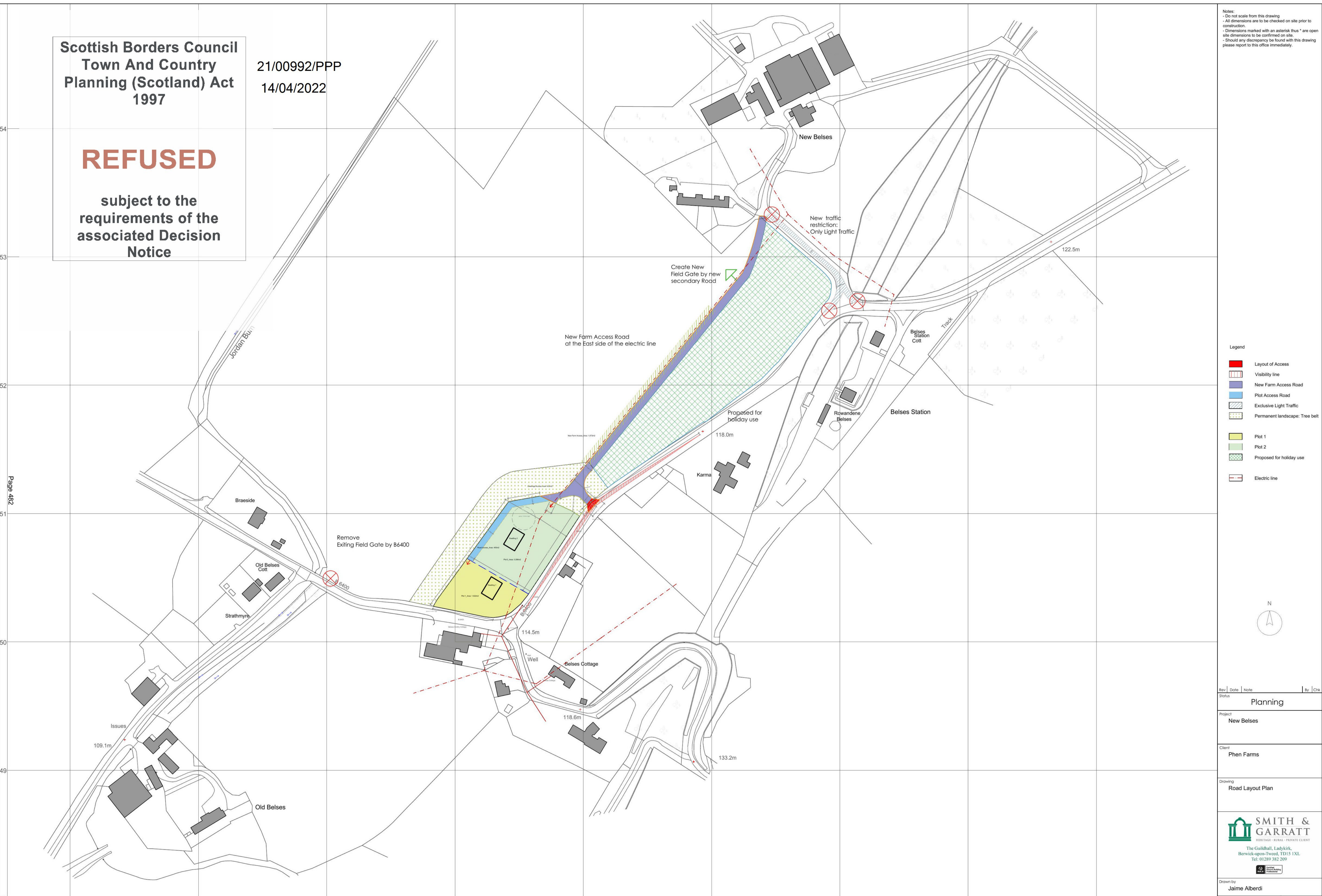
Rev  
**B**

Agenda Item 8b

**REFUSED**

subject to the  
requirements of the  
associated Decision  
Notice

Notes:  
- Do not scale from this drawing  
- All dimensions are to be checked on site prior to construction.  
- Dimensions marked with an asterisk \* are open site dimensions to be confirmed on site.  
- Should any discrepancy be found with this drawing please report to this office immediately.



Page 482

- Legend
- Layout of Access
  - Visibility line
  - New Farm Access Road
  - Plot Access Road
  - Exclusive Light Traffic
  - Permanent landscape: Tree belt
  - Plot 1
  - Plot 2
  - Proposed for holiday use
  - Electric line



Rev	Date	Note	By	Chk

Status

Planning

Project

New Belses

Client

Phen Farms

Drawing

Road Layout Plan

Scale

1:1250@ A1/1:2500 @A3

Date

8 Jun 2021

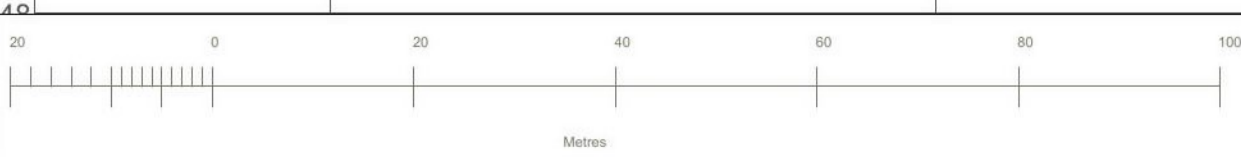
Drawn by

Jaime Alberdi

Drawing Number

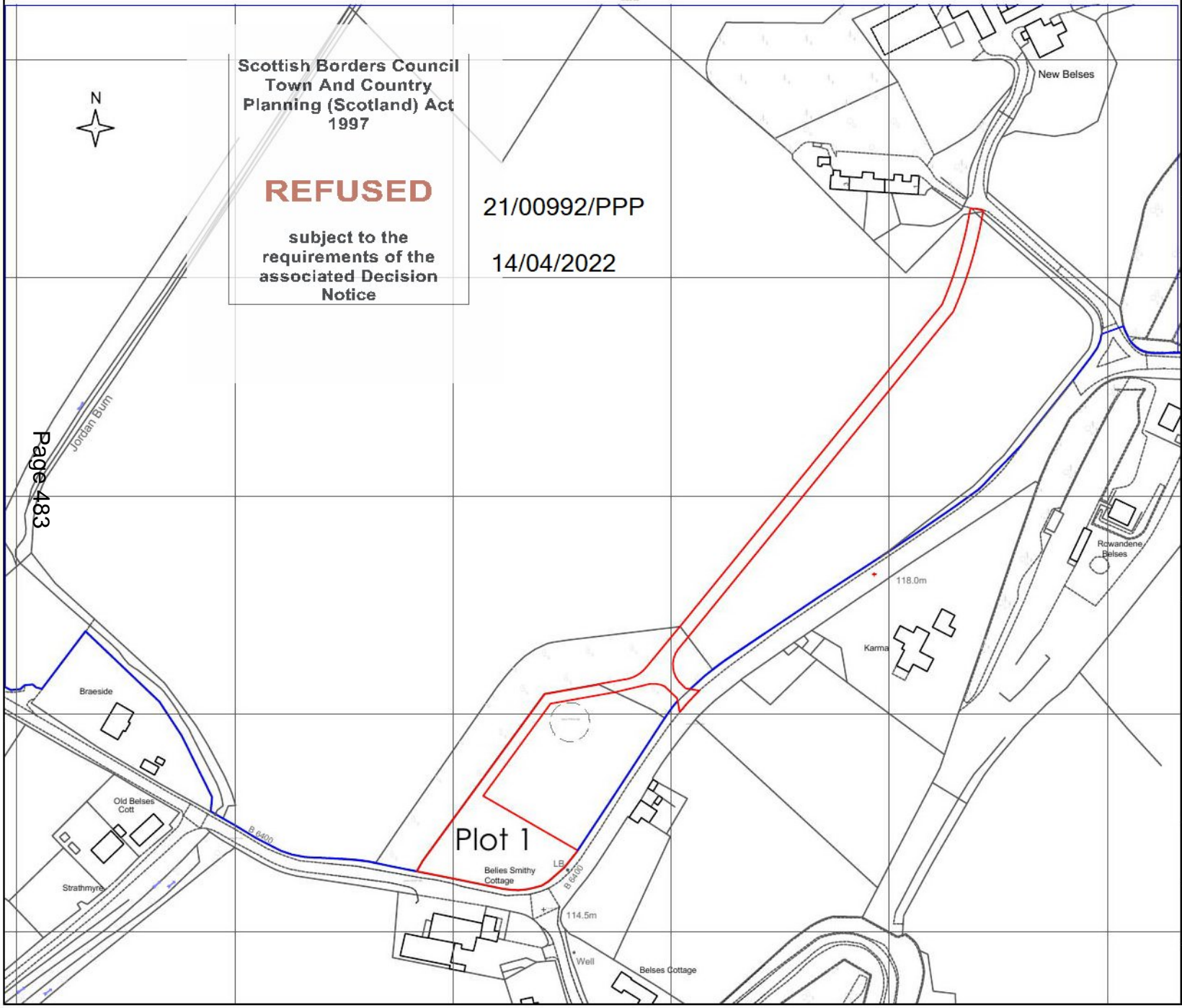
BPHE01-03

Rev



# New Belses - Phen Farms

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

**REFUSED**

subject to the  
 requirements of the  
 associated Decision  
 Notice

21/00992/PPP  
 14/04/2022

- Notes:
- Do not scale from this drawing
  - All dimensions are to be checked on site prior to construction.
  - Dimensions marked with an asterisk \* are open site dimensions to be confirmed on site.
  - Should any discrepancy be found with this drawing please report to this office immediately.
- Plot 1 Area is 1,922m<sup>2</sup> or thereby.  
 New Road Area is 1,872m<sup>2</sup> or thereby.  
 Access Road Area is 405m<sup>2</sup> or thereby.  
 Total Area is 4,136m<sup>2</sup> or thereby.

Rev	Date	Note	By	Chk

Status  
**Title Plan**

Project  
**New Belses**

Client  
**Phen Farms**

Drawing  
**Title Plan  
 Plot 1**



The Guildhall, Ladykirk,  
 Berwick-upon-Tweed, TD15 1XL  
 Tel: 01289 382 209



Drawn by  
**Jaime Alberdi**

Scale  
**1:1250 @A4**

Date  
**9 Jun 2021**

Drawing Number  
**BPHE01-07**

Rev

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Planning and  
Economic Development

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Town and Country Planning (General Development Procedure) (Scotland) Order 1992

Application for Approval of Reserved Matters

Reference: 05/01661/REM

To : Mr And Mrs K Short per Aitken Turnbull 22 Buccleuch Street Hawick Scottish Borders TD9 0HW

With reference to your application validated on **2nd September 2005** for approval under the Town and Country Planning (Scotland) Act 1997 for reserved matters relating to outline planning permission for the following development:-

Proposal : Erection of dwellinghouse and double garage

at : Paddock West Of Belses Station Ancrum Scottish Borders

The Scottish Borders Council hereby **approve** the application in accordance with the approved plan(s) and the particulars given in the application, and in accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 **subject to the following standard condition:-**

that the development to which this approval relates must be begun not later than whichever is the later of the following dates:-

- (i) the expiration of five years from the date of the original outline planning permission
- (ii) the expiration of two years from the date of this approval.

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

Dated 15th December 2005  
Planning and Economic Development  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 OSA

Signed

A handwritten signature in black ink, appearing to be "PP".

Head of Planning & Building Standards

**Application reference : 05/01661/REM**

**SCHEDULE OF CONDITIONS**

- 1 The access to be formed as per the approved plans before the dwellinghouse is occupied.  
Reason: In the interests of road safety.
- 2 A tree/shrub planting scheme to be submitted before the development commences for approval by the Planning Authority, incorporating the retention and realignment of the roadside hedge. Once approved, the planting to be carried out concurrently with the development or during the next planting season thereto and to be maintained thereafter.  
Reason: To maintain and enhance the visual amenities of the area.
- 3 All external materials to be agreed with the Planning Authority, including the submission of samples of the natural stone to be used.  
Reason: To safeguard the visual amenity of the 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.

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  
East of Scotland Water (Borders Division), West Grove, Waverley Road, Melrose, TD6 9SJ  
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 the applicant is aggrieved by the decision of the Planning Authority, an appeal may be made to the Scottish Ministers under section 47 of the Town and Country Planning (Scotland) Act 1997, within six months from the date of this notice. The appeal should be addressed to the Chief Reporter, Scottish Executive Inquiry Reporter's Unit, 4 The Courtyard, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR.

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 V of the Town and Country Planning (Scotland) Act, 1997.

**SCOTTISH BORDERS COUNCIL**

**DEVELOPMENT AND BUILDING CONTROL COMMITTEE**

**APPLICATION FOR PLANNING PERMISSION – PART II REPORT**

REF : 05/01661/REM

APPLICANT : Mr And Mrs K Short

AGENT : Aitken Turnbull

DEVELOPMENT : Erection of dwellinghouse and double garage

LOCATION : Paddock West Of Belses Station  
Ancrum  
Scottish Borders

TYPE : Approval of Reserved Matters

**Observations by Development Control Officer - Mr Craig Miller**

This application was approved as part of a dispersed building group stretching between Belses Station and the houses and farm buildings at Old Belses. It was felt that the opportunities for infill were limited to this field, sandwiched between the public road and the former railway line and embankment. Approval was granted subject to there only being one house within this site, a slate roof, single storey design and a badgers survey.

After discussion both before and during the application, the design is now considered to be an appropriate way of treating a large overall floor area without over-dominance on the environment or landscape. The "Z" plan and relatively low height (for a 1½ storey design) combined with the use of slate and natural stone, have combined to produce a design which can be accepted despite it not complying with the initial wish for a single storey design. The arched glazed screens pick up on the form of agricultural buildings in the area and the glazed gable to the roadside echoes the glazing pattern at the nearby Station and signal box.

Some adjustments have been made to the ventilator spacings and window depths to improve the rural relationship, although the greatest change has been to the siting of the house and garage. I felt that the house was too far up the site towards the railway embankment, resulting in a higher floor level and more prominence, especially when approaching from the east. A modest movement of five metres to the west has resulted in it being nearer to the road and having a lower floor level of 500mm. Furthermore, SNH have now accepted that as the nearest part of the building would be 15 metres from the beginning of the railway embankment, this is ample room for them to remove their requirement for a badger survey, the setts being outwith the site and the likelihood of tunnels being more than 15 metres into the field being remote.

I am afraid that I view the objections from the nearby neighbour and Community Council to be invalid on a Reserved Matters application as they challenge the very basis of approving a house on the site in the first instance. These concerns were heard from them at the appropriate outline stage and considered.

The application is recommended for approval subject to the following conditions:

**Recommendation**

It is recommended that the application be approved subject to the following condition(s) :-

1. The access to be formed as per the approved plans before the dwellinghouse is occupied.  
Reason: In the interests of road safety.

2. A tree/shrub planting scheme to be submitted before the development commences for approval by the Planning Authority, incorporating the retention and realignment of the roadside hedge. Once approved, the planting to be carried out concurrently with the development or during the next planting season thereto and to be maintained thereafter.  
Reason: To maintain and enhance the visual amenities of the area.
  
3. All external materials to be agreed with the Planning Authority, including the submission of samples of the natural stone to be used.  
Reason: To safeguard the visual amenity of the area.

25/11/05

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**DELEGATED PROCEDURE**

It is considered that this application can be determined in accordance with the procedure for delegation to the Chairman, the Local Member and the Head of Planning & Building Standards.

\_\_\_\_\_ (Local Member) 2/12/05 (Date)  
\_\_\_\_\_ (Chairman) 29/12/05 (Date)  
14



TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Town and Country Planning (General Development Procedure) (Scotland) Order 1992

Application for Approval of Reserved Matters

Reference: 06/00453/REM

To : Mr & Mrs K Short per Aitken Turnbull 22 Buccleuch Street Hawick TD9 0HW

With reference to your application validated on **7th March 2006** for approval under the Town and Country Planning (Scotland) Act 1997 for reserved matters relating to outline planning permission for the following development:-

Proposal : Erection of dwellinghouse (amendment to previous consent 05/01661/REM)

at : Paddock West Of Belses Station Ancrum Scottish Borders

The Scottish Borders Council hereby **approve** the application in accordance with the approved plan(s) and the particulars given in the application, and in accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 **subject to the following standard condition:-**

that the development to which this approval relates must be begun not later than whichever is the later of the following dates:-

- (i) the expiration of five years from the date of the original outline planning permission
- (ii) the expiration of two years from the date of this approval.

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

Dated 8th June 2006  
Planning and Economic Development  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 OSA

Signed



Standards

Application reference : 06/00453/REM

**SCHEDULE OF CONDITIONS**

- 1 The access to be formed as per the approved plans before the dwellinghouse is occupied.  
Reason: In the interests of road safety.
- 2 A tree/shrub planting scheme to be submitted before the development commences for approval by the Planning Authority, incorporating the retention and realignment of the roadside hedge. Once approved, the planting to be carried out concurrently with the development or during the next planting season thereto and to be maintained thereafter.  
Reason: To maintain and enhance the visual amenities of the area.
- 3 All external materials to be agreed with the Planning Authority, including the submission of samples of the natural stone to be used.  
Reason: To safeguard the visual amenity of the 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.

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 the applicant is aggrieved by the decision of the Planning Authority, an appeal may be made to the Scottish Ministers under section 47 of the Town and Country Planning (Scotland) Act 1997, within six months from the date of this notice. The appeal should be addressed to the Chief Reporter, Scottish Executive Inquiry Reporter's Unit, 4 The Courtyard, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR.

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 V of the Town and Country Planning (Scotland) Act, 1997.

SCOTTISH BORDERS COUNCIL

DEVELOPMENT AND BUILDING CONTROL COMMITTEE

APPLICATION FOR PLANNING PERMISSION – PART II REPORT

REF : 06/00453/REM  
APPLICANT : Mr & Mrs K Short  
AGENT : Aitken Turnbull  
DEVELOPMENT : Erection of dwellinghouse (amendment to previous consent  
05/01661/REM)  
LOCATION : Paddock West Of Belses Station  
Ancrum  
Scottish Borders  
  
TYPE : Approval of Reserved Matters

Observations by Development Control Officer - Mr Craig Miller

Took this application mainly because of the additional dormer to the rear although some other minor variations were noticed to the access position, house height, oil tank etc. These are all contained on this revised application and do not cause any form of problem, the overlooking issue being raised by the objector not considered to be valid at the distance/elevations involved. His concerns over the access really goes back to the actual principle of approval, given that the access has only moved 2.5 m from where it was approved. DTS cannot continue to oppose this although they had objected to the principle of the original application. Finally, the oil tank is a little closer to the badger sett than the garage but SNH have been contacted and they have no worries.

Recommendation

The application is recommended for APPROVAL subject to the original conditions attached to 05/01661/REM, namely.

1. The access to be formed as per the approved plans before the dwellinghouse is occupied.  
Reason: In the interests of road safety.
2. A tree/shrub planting scheme to be submitted before the development commences for approval by the Planning Authority, incorporating the retention and realignment of the roadside hedge. Once approved, the planting to be carried out concurrently with the development or during the next planting season thereto and to be maintained thereafter.  
Reason: To maintain and enhance the visual amenities of the area.
3. All external materials to be agreed with the Planning Authority, including the submission of samples of the natural stone to be used.  
Reason: To safeguard the visual amenity of the area.

DELEGATED PROCEDURE

It is considered that this application can be determined in accordance with the procedure for delegation to the Chairman, the Local Member and the Head of Planning & Building Standards.

\_\_\_\_\_ (Local Member) 1 June '06 (Date)  
\_\_\_\_\_ (Chairman) 8/6/06 (Date)

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

**Town and Country Planning (General Development Procedure) (Scotland) Order 1992**

**Application for Approval of Reserved Matters**

**Reference: 07/00578/REM**

**To : Mr And Mrs D Jack per John R Harris & Partners Paima Place Melrose Scottish Borders TD6 9PR**

With reference to your application validated on **23rd March 2007** for approval under the Town and Country Planning (Scotland) Act 1997 for reserved matters relating to outline planning permission for the following development:-

**Proposal : Erection of dwellinghouse**

**at : Stables At Old Belses Jedburgh Scottish Borders TD6 8UR**

The Scottish Borders Council hereby **approve** the application in accordance with the approved plan(s) and the particulars given in the application, and in accordance with Section 59 of the Town and Country Planning (Scotland Act 1997 **subject to the following standard condition:-**

that the development to which this approval relates must be begun not later than whichever is the later of the following dates:-

- (i) the expiration of five years from the date of the original outline planning permission
- (ii) the expiration of two years from the date of this approval

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

**Dated 13th May 2008  
Planning and Economic Development  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 OSA**

Signed  .....  
**Head of Planning & Building Standards**

**Application reference : 07/00578/REM**

### **SCHEDULE OF CONDITIONS**

- 1 No landraising should occur on site below the 99.39m AOD contour.  
Reason: In the interests of flood risk.
- 2 The precise location of the access to be agreed by the Local Planning Authority before any development is commenced on site.  
Reason: In the interests of road safety.
- 3 The existing vehicular access opposite Old Belses Cottage must be closed off before any works commence on site.  
Reason: In the interests of road safety.
- 4 Any gates erected at the access must open into the site and must be set back a minimum of 6 metres from the edge of the public road.  
Reason: In the interests of road safety.
- 5 The basecourse to be natural stone.  
Reason: To safeguard the character and amenity of the area.
- 6 The colour(s) of the external timbers and walls shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.  
Reason: To safeguard the character of the area.
- 7 No development shall take place except in strict accordance with a scheme of landscaping works, which has first been submitted to and approved in writing by the Local Planning Authority. Details of the scheme shall include details of the species within the 5 metre wide strip of planting along the side of Jordan Burn as indicated on drawing no. 07007 – PL/001. This planting strip must extend along the entire length of the Jordan Burn boundary. A planting strip must also be implemented along the north western boundary of the site and the existing hedge along the B6400 boundary must be replaced.  
Reason: To ensure the satisfactory form, layout and assimilation of the development.
- 8 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and shall be maintained thereafter and replaced as may be necessary for a period of two years from the date of completion of the planting, seeding or turfing.  
Reason: To ensure that the proposed landscaping is carried out as approved.

### **FOR THE INFORMATION OF THE APPLICANT**

It should be noted that:

Please find attached consultation responses received from the Scottish Environment Protection Agency (SEPA) for your information.

It should be noted that all work within the existing public road and verge must be carried out by an approved contractor on Scottish Borders Council's approved list who must complete and

return the relevant application form for permission to work in the public road prior to work commencing on site.

Steps must be taken to prevent surface water flowing from the site to the adjacent public road.

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.

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 the applicant is aggrieved by the decision of the Planning Authority, an appeal may be made to the Scottish Ministers under section 47 of the Town and Country Planning (Scotland) Act 1997, within six months from the date of this notice. The appeal should be addressed to the Chief Reporter, Scottish Executive Inquiry Reporter's Unit, 4 The Courtyard, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR.

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 V of the Town and Country Planning (Scotland) Act 1997.

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**SCOTTISH BORDERS COUNCIL**

**APPLICATION FOR PLANNING PERMISSION TO BE DETERMINED UNDER POWERS DELEGATED  
TO THE HEAD OF PLANNING AND BUILDING STANDARDS**

**PART III REPORT**

**REF :** 07/00578/REM

**APPLICANT :** Mr And Mrs D Jack

**AGENT :** John R Harris & Partners

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

**LOCATION:** Stables At Old Belses  
Jedburgh  
Scottish Borders  
TD6 8UR

**TYPE :** REM Application

**Observations by Development Control Officer - Miss Karen Hope**

This application seeks the approval of reserved matters for the erection of a dwellinghouse on land at Old Belses near Jedburgh.

Outline planning consent was granted on 6 February 2006 for the erection of a dwellinghouse on this site, subject to conditions.

Various amendments have been made to the design of the proposed dwellinghouse including a revision to the proposed bathroom extension and an amendment to the roof pitch. The design of the proposed dwellinghouse is now considered to be acceptable. The outline consent for the site required that natural stone is used in the basecourses and features/surrounds. Natural stone is proposed to the vestibule but the drawings indicate the use of 'Anstone' in the basecourse. For the avoidance of doubt, a suitably worded condition should be attached to this consent again requiring that the basecourse is natural stone.

A further condition was attached requiring that a landscape scheme is submitted, including tree, hedge and shrub treatment along the Jordan Burn boundary. This has been indicated on the site plan although further information is required in respect of the proposed species. It is also considered that the planting belt should continue along the north western boundary of the site. Regrettably an existing beech hedge along the southern boundary of the site requires to be removed in order that an acceptable access can be achieved. A condition should be attached to this consent requiring that the hedging is replaced.

The Director of Technical Services (Roads) has raised various issues. These can be dealt with by attaching suitably worded conditions to any consent granted. No neighbour objections have been received and Ancrum Community Council has raised no objections.

The Scottish Environment Protection Agency and the Council's Flood Protection Officer advised that the site is within a 1 in 200 year flood risk area. The submission of a flood risk assessment was therefore required. Unfortunately this issue did not come to light during the process of the outline planning application. The flood risk assessment was subsequently submitted and the proposals are now considered to be acceptable from a flood risk point of view.

Overall, it is now considered that the proposals are acceptable.

**Recommendation:**

It is recommended that the application is approved subject to the following conditions:

1. No landraising should occur on site below the 99.39m AOD contour.  
Reason: In the interests of flood risk.
2. The precise location of the access to be agreed by the Local Planning Authority before any development is commenced on site.  
Reason: In the interests of road safety.
3. The existing vehicular access opposite Old Belses Cottage must be closed off before any works commence on site.  
Reason: In the interests of road safety.
4. Any gates erected at the access must open into the site and must be set back a minimum of 6 metres from the edge of the public road.  
Reason: In the interests of road safety.
5. The basecourse to be natural stone.  
Reason: To safeguard the character and amenity of the area.
6. The colour(s) of the external timbers and walls shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.  
Reason: To safeguard the character of the area.
7. No development shall take place except in strict accordance with a scheme of landscaping works, which has first been submitted to and approved in writing by the Local Planning Authority. Details of the scheme shall include details of the species within the 5 metre wide strip of planting along the side of Jordan Burn as indicated on drawing no. 07007 – PL/001. This planting strip must extend along the entire length of the Jordan Burn boundary. A planting strip must also be implemented along the north western boundary of the site and the existing hedge along the B6400 boundary must be replaced.  
Reason: To ensure the satisfactory form, layout and assimilation of the development.
8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and shall be maintained thereafter and replaced as may be necessary for a period of two years from the date of completion of the planting, seeding or turfing.  
Reason: To ensure that the proposed landscaping is carried out as approved.

Informative: Please find attached consultation responses received from the Scottish Environment Protection Agency (SEPA) for your information.

It should be noted that all work within the existing public road and verge must be carried out by an approved contractor on Scottish Borders Council's approved list who must complete and return the relevant application form for permission to work in the public road prior to work commencing on site.

Steps must be taken to prevent surface water flowing from the site to the adjacent public road.

Miss Karen Hope  
Senior Planning Officer (East)

Recommended On: 9 May 2008

Mr and Ms Neil / Valerie Fortune / Mauchlen  
per Dan-Wood Concept Plus Ltd  
1 Wilderhaugh  
Galashiels  
Scottish Borders  
TD1 1QJ

**Please ask for:** Brett Taylor  
X6628  
**Our Ref:** 20/00486/FUL  
**Your Ref:**  
**E-Mail:** brett.taylor@scotborders.gov.uk  
**Date:** 31st July 2020

Dear Sir/Madam

**PLANNING APPLICATION AT Land North West Of Strathmyre Old Belses Jedburgh Scottish Borders**

**PROPOSED DEVELOPMENT:** Erection of dwellinghouse with detached garage

**APPLICANT:** Mr and Ms Neil / Valerie Fortune / Mauchlen

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

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

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

Yours faithfully

John Hayward

Planning & Development Standards Manager

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

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

**Application for Planning Permission**

**Reference : 20/00486/FUL**

**To : Mr and Ms Neil / Valerie Fortune / Mauchlen per Dan-Wood Concept Plus Ltd 1 Wilderhaugh Galashiels Scottish Borders TD1 1QJ**

With reference to your application validated on **7th May 2020** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

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

**At : Land North West Of Strathmyre Old Belses Jedburgh Scottish Borders**

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

**Dated 30th July 2020  
Regulatory Services  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**John Hayward  
Planning & Development Standards Manager**

**APPLICATION REFERENCE : 20/00486/FUL**

**Schedule of Plans and Drawings Refused:**

Plan Ref	Plan Type	Plan Status
SP01	Location Plan	Refused
	Proposed Site Plan	Refused
PP01	Proposed Plans & Elevations	Refused

**REASON FOR REFUSAL**

- 1 The development would be contrary to Policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 in that the development would not relate sympathetically to an existing building group and would lead to an unjustified and sporadic expansion of development into a previously undeveloped field. The proposal would therefore not relate sympathetically to the character and sense of place of an existing building group and there is no overriding economic or other justification to support the development.
- 2 The development is contrary to policy PMD2 of the Local Development Plan 2016 in that the means of access onto a B Class Road out with a settlement boundary would unacceptably adversely affect the road safety of the B 6400
- 3 The development is contrary to policies PMD2 and HD2 of the Local Development Plan 2016 and the Supplementary Planning Guidance on Placemaking and Design 2010 and New Housing in the Borders Countryside 2008 in that its form and design would not be sympathetic to the character and appearance of the building group or countryside setting.

**FOR THE INFORMATION OF THE APPLICANT**

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months from the date of this notice.

The notice of review must be submitted on the standard form and addressed 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). The standard form and guidance notes can be found online at [Appeal a Planning Decision](#). Appeals to the Local Review Body can also be made via the Scottish Government Planning and Environmental Appeals Division by clicking on the following link [PEAD](#)

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

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**SCOTTISH BORDERS COUNCIL**

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

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

**REF :** 20/00486/FUL  
**APPLICANT :** Mr and Ms Neil / Valerie Fortune / Mauchlen  
**AGENT :** Dan-Wood Concept Plus Ltd  
**DEVELOPMENT :** Erection of dwellinghouse with detached garage  
**LOCATION:** Land North West Of Strathmyre Old Belses  
Jedburgh  
Scottish Borders

**TYPE :** FUL Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
SP01	Location Plan	Refused
PP01	Proposed Site Plan	Refused
	Proposed Plans & Elevations	Refused

**NUMBER OF REPRESENTATIONS: 1**

**SUMMARY OF REPRESENTATIONS:**

One letter was received from a neighbouring property neither objecting nor supporting the application.

Consultations

Ancrum Community Council: Have not responded at the time of writing this report.

Education and Lifelong learning: Have not responded at the time of writing this report.

Roads Planning Officer: Objects to the application in that the proposal does not comply with Policy PMD2 of the Local Development Plan 2016 in that it would fail to ensure there is no adverse impact on road safety, including but not limited to the site access.

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

**PLANNING CONSIDERATIONS AND POLICIES:**

Local Development Plan 2016

PMD2 - Quality Standards

HD2 - Housing in the Countryside

HD3- Protection of Residential Amenity

EP1: International Nature Conservation and Protected Species

EP2: National Nature Conservation Sites and Protected Species

EP3 - Local Biodiversity  
EP13 - Trees, Woodlands and Hedgerows  
IS2 - Developer Contributions  
IS7 - Parking Provision and Standards  
IS9 - Waste Water and Treatment Standards and Sustainable Urban Drainage

#### Supplementary Planning Guidance

Developer Contributions 2019  
Householder Development (Privacy and Sunlight) 2006  
Landscape and Development 2008  
New Housing in the Borders Countryside 2008  
Placemaking and Design 2010  
Trees and Development 2008  
Waste Management 2015

Scottish Planning Policy 2014

#### **Recommendation by** - Brett Taylor (Planning Officer) on 30th July 2020

##### Site and Proposal

The application site is a relatively level undeveloped field located to the northwest of Old Belses Cottage and opposite the property at Braeside. The village of Ancrum is approximately 6km to the east. The current boundary treatments consist of hedging and post and wire fencing. The site would be served by an existing road the B 6400 which forms the north-eastern boundary of the site. The submitted location plan shows an entrance located on the north-eastern corner of the site.

The applicant is seeking planning permission for a single storey house with a footprint of approximately 171m<sup>2</sup> and a separate garage of approximately 49m<sup>2</sup>. Access would be taken half-way along the north-eastern boundary of the site opposite the existing access to the property at Braeside. The site would have a private access track with an area of hardstanding including vehicle parking and stand-alone garage.

The proposed house would have a pitched roof and be 'L' shaped, it would measure 16.1m x 14.3m at its widest points and will be 5m in height. Four windows and a door are proposed for the southeast elevation, three windows for the northeast elevation, two windows and a door for the northwest elevation. The southwest elevation would have three windows and two gable windows. The materials would comprise of white rendered walls, grey concrete roof tiles, UPVC windows/doors and rainwater goods. The soffits and fascias would be white painted timber.

The separate garage would be situated to the east of the main house and would have a similar design pitched roof. It would measure 8.3m x 6.2m and would be 4.4m in height. The materials would be the same as the main dwellinghouse.

Other proposals shown on the submitted plans include the installation of a septic tank for foul water and a new soakaway for surface water.

##### Site History

There is no planning history associated with this site. No pre-application discussions were undertaken.

##### Key Planning Policies

The key policies against which this application is assessed are PMD2 - quality standards and HD2 - housing in the countryside.

In terms of policy HD2: 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) In dispersed communities in the Southern Borders housing market area.

The New Housing in the Borders Countryside supplementary planning guidance (SPG) reinforces the terms of policy HD2, albeit the SPG predates the introduction of the 30% threshold in the policy.

Of the above, the application falls into the second criterion. Although the site is not within a defined settlement, it is associated with a building group of three houses (Braeside, Old Belses and Strathmyre) which has not been expanded during the local development plan period.

Our SPG cautions against developing beyond established building group boundaries into undeveloped fields - to do so opens up the potential of expanding the group away from the sense of place which justifies a house in the first place. In this case, the proposed site is an exposed undeveloped field and the development would expand the group in an uninterrupted manner along the B 6400. As such, this proposal would encourage ribbon development along this section of the B 6400, out of character with the clustered form of the group. This does not comply with Policy HD2 or our SPG as a result, since it will not sympathetically relate to its character or sense of place. Siting a house here would not comprise a sympathetic, organic addition to the area.

#### Placemaking and design

Policy PMD2 sets out the council's strategy towards design. It states, amongst other things, that: "All new development will be expected to be of high quality in accordance with sustainability principles, designed to fit with...its landscape surroundings". The policy sets out the standards which will apply to all development."

For this application, I consider the design of the proposal would fail to make a positive contribution to the sense of place. The design of both the house and garage are of a suburban character, and whilst I acknowledge the property opposite the proposal (Braeside) is of similar character, this site is more exposed and prominent. The design is of insufficient quality by incorporating a low shallow pitched roof, horizontal form and fenestration. The external materials require amendment, and no details have been provided on landscaping and boundary treatment. These latter matters can be addressed by condition, but the overall form and design of the house requires significant change to relate sympathetically to the group and reflect policy aspirations for good quality design.

Overall, in my interpretation, the resulting house and garage would not be sympathetic to the adjacent group or setting and would therefore be contrary to the terms of policies HD2 and PMD2 and related guidance.

#### Amenity and privacy

Notwithstanding above fundamental matters regarding the principle of development, the site appears to be 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. The submitted design is of little architectural merit and would be an incongruous feature in the countryside. That having been said, the house and garage are sufficiently distance from the neighbouring properties that amenity and privacy would not be adversely affected.

#### Developer contribution

No developer contributions would be required in respect of education provision and affordable housing.

#### Ecology

With respect to ecology, given the site is not subject to any natural heritage designations nor nearby any, no buildings would be lost, mature trees removed, or substantial amounts of hedging needing removed, it is,

therefore, considered that the proposal will have a negligible impact on ecology and biodiversity of the surrounding area.

#### Parking and Road Safety

Policy PMD2 requires that a development incorporates adequate access and turning space and for vehicles and ensures that there is no adverse impact on road safety. Policy IS7 requires that car parking should be provided in accordance with the Council's adopted standards.

The site is capable of providing two spaces to support a new house, thus complying with Policies IS7. The site is proposed to be accessed via a new entrance onto the B 6400. The Council's Road Planning Officer has considered the suitability of the proposed access and objects to the proposal due to road safety concerns. The principle of new accesses on to B class roads is not supported without economic or road safety justification. Whilst a site visit was not possible due to Covid-19 restrictions, it has been advised by the Roads Planning Officer that the primary function of B Class roads out with settlement boundaries is movement of vehicles which could potentially travel up to 60mph. To facilitate safe vehicle movements, the Council would seek to limit the number of new accesses onto B class roads unless a proposed development provides a sufficient economic or road safety benefit. In addition, Roads Planning Officer's opinion is that the proposed access is not an appropriate location due to the nature of the road and the lack of a strong building group. These concerns are not capable of being addressed by planning condition.

Overall, this new access would be an isolated access onto a rural section of road without any justification and as such would be contrary to policy PMD2.

#### 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 including the installation of a septic tank and soakaway.

#### Trees

There are no trees currently on the site. The plan is not sufficiently detailed and, if permission were to be granted, a fully detailed landscaping plan would be required by condition.

#### Waste

The submitted site plan indicates provision for the storage of bins next to the garage away from public view.

#### Conclusion

It is recommended that the application is refused for the reasons given above.

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

The development would be contrary to Policies PMD2 and HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 because it would constitute housing in the countryside that would not be well related to a building group by extending out into an open field alongside the B 6400. It would also be of a design that would not be sympathetic to the character and appearance of the surrounding area, contrary to the above-noted policies and our SPG on Placemaking and Design. Furthermore, the proposed means of access would be unsatisfactory since the development would potentially increase the road safety risk along the B 6400.

#### **Recommendation:** Refused

- 1 The development would be contrary to Policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 in that the development would not relate

sympathetically to an existing building group and would lead to an unjustified and sporadic expansion of development into a previously undeveloped field. The proposal would therefore not relate sympathetically to the character and sense of place of an existing building group and there is no overriding economic or other justification to support the development.

- 2 The development is contrary to policy PMD2 of the Local Development Plan 2016 in that the means of access onto a B Class Road out with a settlement boundary would unacceptably adversely affect the road safety of the B 6400
- 3 The development is contrary to policies PMD2 and HD2 of the Local Development Plan 2016 and the Supplementary Planning Guidance on Placemaking and Design 2010 and New Housing in the Borders Countryside 2008 in that its form and design would not be sympathetic to the character and appearance of the building group or countryside setting.

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

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Friday, 18 June 2021



Local Planner  
Development Management  
Scottish Borders Council  
Newtown St. Boswells  
TD6 0SA

Development Operations  
The Bridge  
Buchanan Gate Business Park  
Cumbernauld Road  
Steps  
Glasgow  
G33 6FB

Development Operations  
Freephone Number - 0800 3890379  
E-Mail - [DevelopmentOperations@scottishwater.co.uk](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)

Dear Sir/Madam

**SITE: Plot 1, Land North Of Belses Cottage, Jedburgh, TD8 6UR**  
**PLANNING REF:**  
**OUR REF: DSCAS-0042640-3PW**  
**PROPOSAL: Erection of dwellinghouse**

**Please quote our reference in all future correspondence**

### Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

### Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ There is currently sufficient capacity in ROBERTON Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

### Waste Water Capacity Assessment

- ▶ Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.

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### Please Note



SW Public  
Published  
To find out more about connecting your  
the water and waste water supply visit:



#### So, how are we doing?

We'd love to know what we're  
doing well or could do better.  
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- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

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## Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

### General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
  - ▶ Site Investigation Services (UK) Ltd
  - ▶ Tel: 0333 123 1223
  - ▶ Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)
  - ▶ [www.sisplan.co.uk](http://www.sisplan.co.uk)
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.



### So, how are we doing?

We'd love to know what we're doing well or could do better. We promise we're listening, [click here](#) to tell us...



- ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
- 

## Next Steps:

### ▶ **All Proposed Developments**

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

### ▶ **Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk)

### ▶ **Trade Effluent Discharge from Non Dom Property:**

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which



prevent food waste, fat oil and grease from being disposed into sinks and drains.

- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com)

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely,

**Pamela Strachan**

Development Operations Analyst

Tel: 0800 389 0379

[developmentoperations@scottishwater.co.uk](mailto:developmentoperations@scottishwater.co.uk)

### **Scottish Water Disclaimer:**

*"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."*



#### So, how are we doing?

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**From:**McDermott, Siobhan  
**Sent:**6 Oct 2021 13:24:47 +0100  
**To:**Taylor, Brett  
**Subject:**21/00992/PPP &21/00993/PPP Plots 1 &2, Land N of Belses Cottage, Jedburgh

Brett,

This is a response to a consultation request from the early summer.

On landscape and visual grounds, I would not support development in this location. I do not recognise a building group in the immediate area so I feel it would be contrary to Policy HD2 – Housing in the Countryside, the aim of which is to restrict isolated new housing in the countryside in order to protect the environment from inappropriate and sporadic new housing. I do not think two detached properties located on large plots, set back from the road would reflect or complement the existing pattern of development in the area.

*Siobhan McDermott*

*Landscape Architect*

*Heritage and Design*

*Regulatory Services*

*Scottish Borders Council  
Newtown St Boswells, Melrose TD6 0SA*

*tel: 01835 824000 ext 5425  
fax: 01835 825071*

*email: [smcdermott@scotborders.gov.uk](mailto:smcdermott@scotborders.gov.uk)*



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**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>	Craig Johnston Roads Planning Technician	<a href="mailto:Craig.johnston@scotborders.gov.uk">Craig.johnston@scotborders.gov.uk</a> 01835 826856
<b>Date of reply</b>	13/07/2021	<b>Consultee reference:</b>
<b>Planning Application Reference</b>	21/00992/PPP	<b>Case Officer:</b> Brett Taylor
<b>Applicant</b>	Phen Farms	
<b>Agent</b>	Smith And Garratt Rural Asset Management	
<b>Proposed Development</b>	Erection of dwellinghouse	
<b>Site Location</b>	Plot 1 Land North Of Belses Cottage Jedburgh Scottish Borders	
<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>		
<b>Background and Site description</b>	<p>The site was the subject of previous application 20/00411/PPP, which raised objections from the Roads Planning Service (RPS) at the time. During consideration of the previous application, discussions took place between the RPS and the agent after the original consultation response and, the current application takes into account some elements of these discussions with an amended site plan and road layout.</p>	
<b>Key Issues (Bullet points)</b>	<ul style="list-style-type: none"> <li>• Access onto public road</li> <li>• Pedestrian movement within locality</li> </ul>	
<b>Assessment</b>	<p>The 2020, application was objected to on the basis that the Roads Planning Service look to avoid the creation of new accesses onto A and B class roads outwith settlements. Furthermore, it was felt that the rural nature and feel of the road would cause a new access to be unexpected to an approaching driver. It was also the opinion previously that the approval of such an application would add to the level of sporadic development within the vicinity without the appropriate road infrastructure, such as a footway and street lighting being in place to support it.</p> <p>During discussions regarding the 2020 application, it was suggested that by moving the access to the position shown in the current submission and closing the existing access to New Belses, a forthcoming application could offer road safety improvements and achieve adequate visibility splays for the new junction. However, it was also intimated that even if the access was moved to an improved location, the Roads Planning Service would still likely object due to the principle of sporadic development between Old Belses and New Belses without the proper road infrastructure to support it.</p> <p>It should be noted that whilst the submission shows the access as being moved, it does not propose to stop-up the existing access at new Belses and instead, only looks to restrict access which would be unenforceable.</p> <p>Notwithstanding the above, the current application would still create additional development in an area where there is insufficient infrastructure for pedestrians,</p>	

	<p>and the proposed access arrangement may encourage further development in the land surrounding the site.</p> <p>In summary, I must object to this application, as it would contribute towards sporadic development in the Belses community without the appropriate road infrastructure being in place to justify it. Furthermore, it is good practice to restrict the number of accesses onto A and B class roads outside settlements. The existing access to New Belses is proposed for restricted use rather than closure so that there would be an additional access overall.</p> <p><b>It should be noted due to the restrictions on travel as a result of the Covid-19 pandemic at the time of writing, no site visit has been undertaken and the comments made above are based purely on the information submitted with this application and local knowledge.</b></p>			
<b>Recommendation</b>	<input checked="" type="checkbox"/> <b>Object</b>	<input type="checkbox"/> Do not object	<input type="checkbox"/> Do not object, subject to conditions	<input type="checkbox"/> Further information required
<b>Reason for Refusal</b>	<p>I object to this proposal as it does not comply with the Council's Local Development Plan Policy PMD2 which ensures that a development has no adverse impact on road safety, including but not limited to the site access.</p>			

AJS

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## Comments for Planning Application 21/00992/PPP

### Application Summary

Application Number: 21/00992/PPP

Address: Plot 1 Land North Of Belses Cottage Jedburgh Scottish Borders

Proposal: Erection of dwellinghouse

Case Officer: Brett Taylor

### Customer Details

Name: Mr GORDON STEWART

Address: Belses Smithy Cottage, Belses, Jedburgh, Scottish Borders TD8 6UR

### Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Inadequate access
- Increased traffic
- Road safety

Comment: I object to the proposed two building plots (application numbers 20/00411/PPP and 20/00412/PPP).

The applicant states that the sites are part of an existing building cluster. This is not the case - the proposed building sites are not next to existing dwellings and they are separated from the nearest existing dwellings by the main road; B6400.

The previous application for this development was withdrawn following concerns over the access onto the B6400 road.

These two new applications attempt to justify the creation of a new access onto the B6400 by claiming that 'the existing farm access will be restricted to light vehicles only'. The 'existing farm access', nearby serves New Belses Farm Cottages and Farmhouse. A separate 'farm' access already exists to New Belses Farm, further along the B6400 road and was the subject of a separate planning application in 1994 (application number: 94/00018/FUL).

I note that the applicants intend placing shepherd huts as part of a leisure diversification, in the field adjacent to the site of the current application. Far from reducing vehicular traffic on this stretch of road, the current application, combined with any future, leisure diversification would increase traffic onto this section of the B6400.

# Comments for Planning Application 21/00992/PPP

## Application Summary

Application Number: 21/00992/PPP

Address: Plot 1 Land North Of Belses Cottage Jedburgh Scottish Borders

Proposal: Erection of dwellinghouse

Case Officer: Brett Taylor

## Customer Details

Name: Mr Mark Crighton

Address: Belses Cottage, Belses, Jedburgh, Scottish Borders TD8 6UR

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Inadequate access
- Increased traffic
- Overlooking
- Privacy of neighbouring properties affected
- Road safety
- Trees/landscape affected

Comment: We object to the proposed two building plots (application numbers 21/00992/PPP and 21/00993/PPP). The applicant states that this is an unproductive and isolated plot of land however this area has been engineered to be "unproductive and isolated" when the tree belt was planted by the applicant several years ago. Also the field access that they are proposing to "stop up" is not currently used as an access point. The proposed sites would not form part of an existing building group as they are separated from the nearest existing dwellings by the busy B6400. Belses (not New Belses or Old Belses) only consists of 3 visible properties all of which are on the South East side of the B6400, one being approx. 100m away. This, depending upon the definition of group boundaries, will in our opinion not form part of an existing group due to the extensive locations and the division created by the B6400. The 'over all build group' of 16 properties, circled in the Design, Access & Planning Statement, is covering a distance between the furthest two of over half a mile. We would also add that the inaccuracy of the Design, Access & Planning Statement may mislead unless the area is known in person. The blue circle surrounding a dwelling that states planning granted - this house has been there since at least the 1970's and the yellow circle that states Two - this is in fact a single dwelling. This is a diverse group. We feel that it doesn't fall within the Policy HD2 Housing in the Countryside and that it will have a high level of visual impact due to its remote and elevated position.

We endorse the comments made by Gordon Stewart regarding the farm access; any additional

access point would be a safety concern on this stretch of road.

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**Local Review Reference:** 22/00025/RREF

**Planning Application Reference:** 21/00992/PPP

**Development Proposal:** Erection of dwellinghouse

**Location:** Plot 1 Land North of Belses Cottage, Jedburgh

**Applicant:** Phen Farms

## **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 wider environment and to meet open space requirements. In some cases agreements will be

required to ensure that landscape works are undertaken at an early stage of development and that appropriate arrangements are put in place for long term landscape/open space maintenance,

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

#### Placemaking & Design

h) It creates developments with a sense of place, based on a clear understanding of the context, designed in sympathy with Scottish Borders architectural styles; this need not exclude appropriate contemporary and/or innovative design,

i) it is of a scale, massing, height and density appropriate to its surroundings and, where an extension or alteration, appropriate to the existing building,

j) it is finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality and, where an extension or alteration, the existing building,

k) it is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form,

l) it can be satisfactorily accommodated within the site,

m) it provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings,

n) it incorporates, where appropriate, adequate safety and security measures, in accordance with current guidance on 'designing out crime'.

#### Accessibility

o) Street layouts must be designed to properly connect and integrate with existing street patterns and be able to be easily extended in the future where appropriate in order to minimise the need for turning heads and isolated footpaths,

p) it incorporates, where required, access for those with mobility difficulties,

q) it ensures there is no adverse impact on road safety, including but not limited to the site access,

r) it provides for linkages with adjoining built up areas including public transport connections and provision for buses, and new paths and cycleways, linking where possible to the existing path network; Travel Plans will be encouraged to support more sustainable travel patterns,

s) it incorporates adequate access and turning space for vehicles including those used for waste collection purposes.

#### Greenspace, Open Space & Biodiversity

t) It provides meaningful open space that wherever possible, links to existing open spaces and that is in accordance with current Council standards pending preparation of an up-to-date open space strategy and local standards. In some cases a developer contribution to wider neighbourhood or settlement provision may be appropriate, supported by appropriate arrangements for maintenance,

u) it retains physical or natural features or habitats which are important to the amenity or biodiversity of the area or makes provision for adequate mitigation or replacements.

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

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

The Council wishes to promote appropriate rural housing development:

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

- b) associated with existing building groups where this does not adversely affect their character or that of the surrounding area, and
- c) in dispersed communities in the Southern Borders housing market area.

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

#### (A) BUILDING GROUPS

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

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

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

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

#### (B) DISPERSED BUILDINGS GROUPS

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

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

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

### (C) CONVERSIONS OF BUILDINGS TO A HOUSE

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

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

### (D) RESTORATION OF HOUSES

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

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

### (E) REPLACEMENT DWELLINGS

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

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

### (F) ECONOMIC REQUIREMENT

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

- a) the housing development is a direct operational requirement of an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and it is for a worker predominantly employed in the enterprise and the presence of that worker on-site is essential to the efficient operation of the enterprise. Such development could include businesses that would cause disturbance or loss of amenity if located within an existing settlement, or
- b) it is for use of a person last employed in an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and also employed on the unit that is the subject of the application, and the development will release another house for continued

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

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

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

### **POLICY 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.

### **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 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;
- d) leisure, sport, recreation, play areas and community facilities, either on-site or off-site;
- e) landscape, open space, allotment provision, trees and woodlands, including costs of future management and maintenance;
- f) protection, enhancement and promotion of environmental assets either on-site or off-site, having regard to the Local Biodiversity Action Plan and the Council's Supplementary Planning Guidance on Biodiversity, including compensation for any losses and/or alternative provision;
- g) provision of other facilities and equipment for the satisfactory completion of the development that may include: measures to minimise the risk of crime; provision for the storage, collection and recycling of waste, including communal facilities; provision of street furniture and digital connectivity with associated infrastructure.

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

#### **POLICY IS7: PARKING PROVISION AND STANDARDS**

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

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

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

#### **POLICY IS9: WASTE WATER TREATMENT STANDARDS AND SUSTAINABLE URBAN DRAINAGE**

##### **WASTE WATER TREATMENT STANDARDS**

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

- a) direct connection to the public sewerage system, including pumping if necessary, or failing that:
- b) negotiating developer contributions with Scottish Water to upgrade the existing sewerage network and/or increasing capacity at the waste water treatment works, or failing that:

- c) agreement with Scottish Water and SEPA where required to provide permanent or temporary alternatives to sewer connection including the possibility of stand alone treatment plants until sewer capacity becomes available, or, failing that:
- d) for development in the countryside i.e. not within or immediately adjacent to publicly 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 Housing in the Countryside 2008
- SBC Supplementary Planning Guidance on Developer Contributions 2021
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006
- SBC Supplementary Planning Guidance on Placemaking and Design 2010
- SBC Supplementary Planning Guidance on Waste Management 2015
- SBC Supplementary Planning Guidance on Affordable Housing 2015
- SBC Supplementary Planning Guidance on Trees and Development 2008
- SBC Supplementary Planning Guidance on Landscape and Development 2008
- SPP 2014
- Draft NPF4





Newtown St Boswells Melrose TD6 0SA Tel: Payments/General Enquiries 01835 825586 Email: regadmin@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 100583195-001

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: *	Lucy	Building Name:	
Last Name: *	Moroney	Building Number:	54
Telephone Number: *	01896 668 744	Address 1 (Street): *	Island Street
Extension Number:		Address 2:	Galasheils
Mobile Number:		Town/City: *	Scottish Borders
Fax Number:		Country: *	Scotland
		Postcode: *	TD1 1NU
Email Address: *	lucy@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="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="c/o Agent"/>
First Name: *	<input type="text" value="Christopher"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Wilson"/>	Address 1 (Street): *	<input type="text" value="c/o Agent"/>
Company/Organisation	<input type="text" value="Phen Farms"/>	Address 2:	<input type="text" value="c/o Agent"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="c/o Agent"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="c/o Agent"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="c/o agent"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="lucy@fergusonplanning.com"/>		

## 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

<input type="text" value="Land North of Belses Cottage, Jedburgh, TD86UR"/>
---

Northing	<input type="text" value="625060"/>	Easting	<input type="text" value="357130"/>
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## Description of Proposal

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

Erection of a detached dwelling

## 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 supporting 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 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)

Core Documents Appeal Statement Transport Technical Note

## Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

21/00993/PPP

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

14/06/2021

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

14/04/2022

## 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: Miss Lucy Moroney

Declaration Date: 13/07/2022

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## Proposal Details

Proposal Name	100583195
Proposal Description	Residential Development at Plots 2 at Land North of Belses Cottage, Jedburgh, TD8 6UR
Address	
Local Authority	Scottish Borders Council
Application Online Reference	100583195-001

## Application Status

Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete

## Attachment Details

Notice of Review	System	A4
Core Document 1	Attached	A0
Core Document 1 Part 2	Attached	A0
Core Document 2	Attached	A0
Core Document 3	Attached	A0
Core Document 3 Part 2	Attached	A0
Core Document 4	Attached	A0
Core Document 5	Attached	A0
Appeal Statement	Attached	A0
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-001.xml	Attached	A0

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F E R G U S O N  
P L A N N I N G

Plots 1 and 2 at Land North of Belses Cottage, Jedburgh, TD8 6UR

Phen Farms

July 2022

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Plots 1 and 2 at Land North of Belses Cottage, Jedburgh, TD8 6UR

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## INTRODUCTION

## INTRODUCTION

- Page 540
- 1.1 This Appeal Statement is submitted on behalf of Phen Farms ('the appellant') and sets out the grounds of appeal against the decision of Scottish Borders Council (SBC) to refuse planning applications LPA ref: 21/00993/PPP and 21/00992/PPP by delegated decision on 15<sup>th</sup> April 2022.
- 1.2 The applicant, Phen Farms are a family farming partnership, operating an arable farm which adjoins the proposed sites at New Belses Farm to the north. The proposed development represents a form of rural diversification which is becoming increasingly important within the current economic climate.
- 1.3 The Planning Permission in Principle Application sought consent for Residential Dwellings at Plots 1 and 2 at Land North of Belses Cottage, Jedburgh, TD8 6UR.
- 1.4 The two reasons for the refusal of the application as 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 because it would constitute housing in the countryside that would be unrelated to a building group and would lead to an unjustified sporadic expansion of development into a previously undeveloped field. Furthermore, there is no overriding economic justification to support the development. The resulting visual impact of the development would be adverse and, therefore, also conflict with policy PMD2.
  - The development is contrary to policy PMD2 of the Local Development Plan 2016 in that the means of access onto a public road out with a settlement boundary would adversely affect the road safety of this road, including but not limited to the site access without providing any overriding economic and or road safety improvements.

1.5 The table below provides a summary of the technical consultee responses:

Consultee	Comment
Scottish Water	<b>No Objection</b>
Community Council	<b>No Objection</b>
Archaeology Officer	<b>No Objection</b>
Ecology Officer	<b>No Objection</b>
Flood and Coastal Management	<b>No Objection</b>
Roads Planning	<b>Highways concerns. Requests additional information which we have provided within this statement and associated Core Documents</b>

1.5 The remaining sections in this appeal statement comprise:

- A description of the appeal site and surrounding context (Section 2)
- A summary of the appeal proposals (Section 3)
- Ground of Appeal (Section 4)
- Summary of the appellant's case and conclusion (Section 5).

### Supporting Documents

1.6 This appeal statement should be read in conjunction with all the supporting documents and drawings submitted as part of the original planning application.

### Application Process

1.7 This appeal is made to the Local Review Body on the basis they are local applications, and which were determined under delegated powers. For the reasons outlined in this statement, we conclude that the development is in accordance with relevant development plan policies and supported by significant material considerations.

Plot 1 and 2 at land North of Belses Cottage, Jedburgh, TD8 6UR

## APPLICATION SITE AND CONTEXT

## APPLICATION SITE AND CONTEXT

- 2.1 The site is currently rough pasture bordered to the north by a tree belt, adjoining the working arable farm with the New Belses Farmhouse, Cottages and Farmyard beyond. The B6400 adjoins the site to the south and east, with residential properties to the south, creating a Building Group of three properties with a wider disperse building group of 16 dwellings on either side of the adopted road. A site Location Plan is shown within Figures 1 and 2 below.
- 2.2 There are a number of newbuild properties in the wider building group, all of which would have been on similar rough pastureland historically.
- 2.3 In terms of topography, the site itself is relatively flat, with the topography falling slightly beyond the site boundary to the northwest.
- 2.4 The proposed dwellings are shown indicatively on the plots with the new access off the B6400, illustrated within 'The Proposal' section of this report below. The proposed internal track, heading east from the new access point is provided as an alternative access arrangement to serve the new plots if considered a more favorable option. Such arrangements can be agreed at the detailed planning application stage via a suitably worded condition. In addition to the above, the applicant has agreed to stop-up a field access to the south of the site as illustrated within Core Document 3, removing a junction from the B6400.
- 2.5 Careful consideration has been taken in the positioning the dwellings with the intention being that the proposal relates well to the established building group in which it surrounds, not extending into the open countryside, contained by existing and proposed new planting.
- 2.6 With regards to the Local Development Plan adopted proposals map, the site holds no specific allocations or designations. In terms of Heritage, there are no listed buildings on or within close proximity to the Site.
- 2.7 The Scottish Environmental Protection Agency (SEPA) is the statutory body for flood management in Scotland and maintains flood risk maps for public and development purposes. The site is not at risk of surface or water flooding.

- 2.8 In terms of accessibility, the site is approximately 3.5 miles east of Lilliesleaf (17-minutes cycle or 7-minute drive) which has a Church, Pub and Primary School. The Village of Ancrum is within 3.3 miles to the east of the site (again, a 17- minutes cycle or 7- minute drive) which offers a village shop, post office, pub, primary school and church, along with bus services to and from Jedburgh and Galashiels.
- 2.9 Referring to the Scottish Borders Planning Application Portal, there have been no historic planning applications to date on the site prior to the previously withdrawn applications (20/00411/PPP and 20/0041/PPP) in which this application follows and seeks to address the highways concerns as mentioned above. There has been a recent neighbouring application for residential development within the Belses Building Group, which, has similar characteristics to the proposed site in terms of the location and positioning. The neighbouring applications are referenced in the table below:

Table 1: Neighbouring Planning History

LPA Ref/ Address	Proposal	Status
20/00486/FUL Land Northwest Of Strathmyre Old Belses Jedburgh Scottish Borders	Erection of dwellinghouse with detached garage	Approved at LRB 2 <sup>nd</sup> December 2020. Members confirmed there was capacity within the building group and the proposal is in keeping with the local character and sense of place. Members also accepted the proposed manmade landscape boundary to form an element of containment, agreeing the proposal will not break into an open field.
07/00578/REM Stables At Old Belses Jedburgh Scottish Borders TD6 8UR	Erection of dwellinghouse	Approved 13 <sup>th</sup> May 2010 and built out
06/00453/REM Paddock Southwest Of Belses Station Ancrum Scottish	Erection of dwellinghouse (amendment to previous consent 05/01661/REM)	Approved 8 <sup>th</sup> June 2006 and built out

Figure 1: Proposed Location Plan- Plot 1

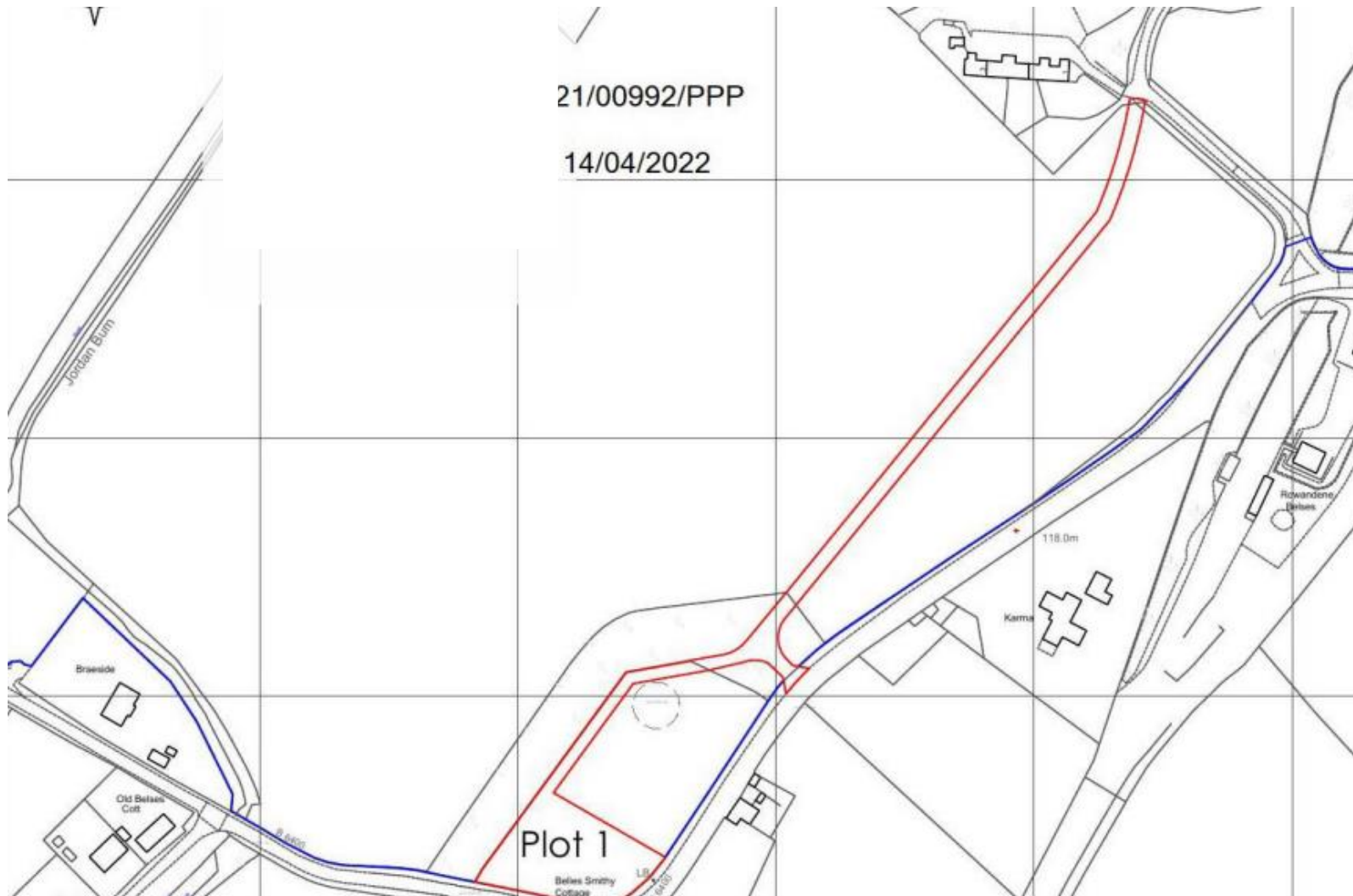
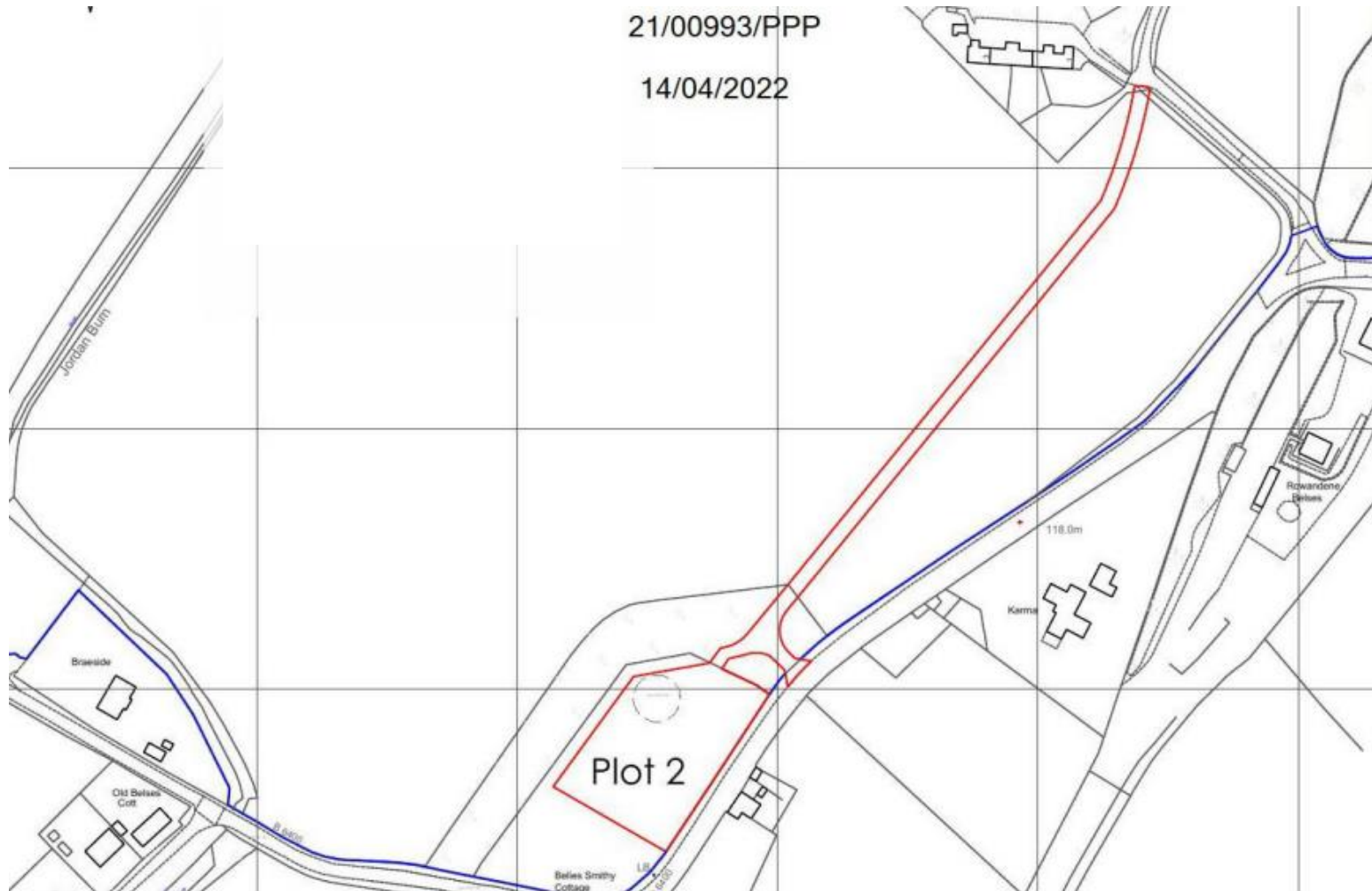


Figure 2: Proposed Location Plan- Plot 2





Plot 1 and 2 at Land North of Belses Cottage, Jedburgh, TD8 6UR

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## THE PROPOSAL

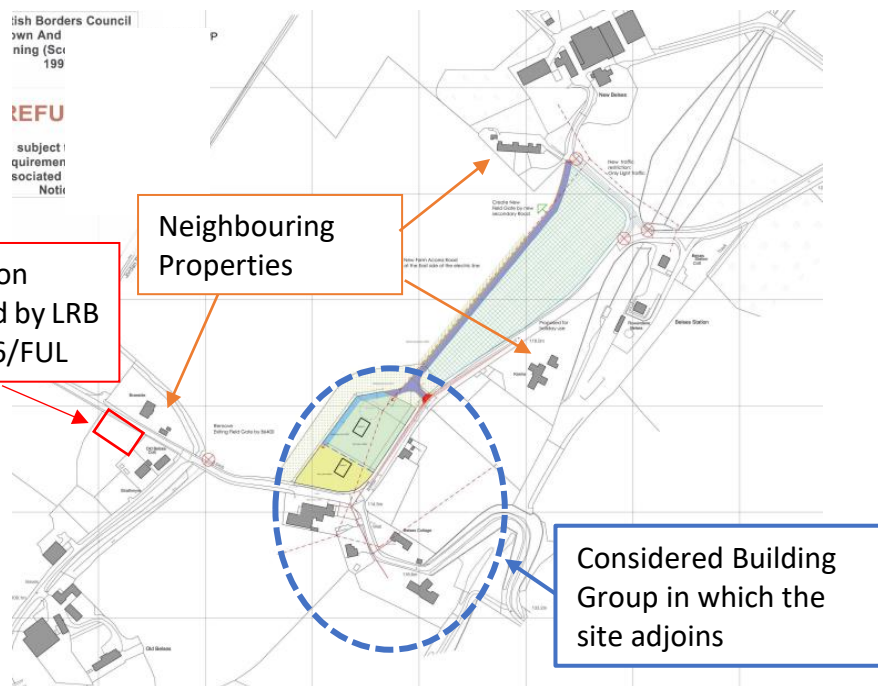
## THE PROPOSAL

3.1 This section set out the details of the proposal. The description of which is as follows:

***“Planning Application in Principle for Residential Dwellings with associated Amenity, Parking, Infrastructure and Access at the Plots 1 and 2 at Land North of Belses Cottage, Jedburgh, TD8 6UR”.***

3.2 The proposed development involves the provision of two detached residential dwellings with associated infrastructure within two Plots to the North of Belses Cottage, situated between the villages of Ancrum and Lilliesleaf. The site Location Plans for the two applications are within Figures 1 and 2 above, with the proposed Layout Plan in Figure 3 below:

Figure 3: Proposed Layout Plan



3.3 In terms of the layout, it is proposed to provide a new site access point in response to Scottish Borders Council’s Roads Department, closing off an existing field access to the west of the site as illustrated in Figure 3. In addition, the proposal outlines an alternative access solution that would utilise the existing access point to the farmhouse and farm cottages off the B6400 with a road branch that could be put in place to serve the Plots, as shown in Figure 3 and on the ‘Road Layout Plan’ document that formed part of the original application.

3.4 Careful consideration has been taken in the positioning of the proposed dwellings within the site ensuring they are well related to the existing built form within the building group, adjoining the properties to the south, beyond the B6400.

3.5 The proposal has also ensured there are reasonable separation distances between the two proposed dwellings, and the existing dwellings adjoining the southern borders, safeguarding the daylight and sunlight provision and privacy of residents.

3.6 The site has been chosen as a suitable location for the proposed development as it is considered to be well contained within the landscape, bounded by existing trees and vegetation, not extending into the open countryside.

3.7 The proposed built form does not extend beyond the building line of the built form to the south and west, whilst ensuring they are set back from the adjoining road and do not impinge upon the streetscape of the area within its Countryside Setting. This is further supported by the indicative height of the proposals, which are envisaged to replicate the character of dwellings within the building group, not extending beyond the neighbouring building heights.

3.8 The proposal seeks to be of the highest architectural standard, with sufficient renewable technologies such as PV panels and Air Source Heat Pumps and represents appropriate rural housing development within the Scottish Borders.

3.9 In terms of the chosen materiality, as this appeal relates to an application for Planning Permission in Principle, the requirement to submit detailed drawings to secure the outstanding elements of the design would be for the next stage of the Planning process is acknowledged. The applicant would however seek to use high-quality materials such as natural stone and timber on the façade of the property which are sympathetic to its rural location.

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3.10 The private outdoor amenity provision for the proposed dwelling would complement the natural rural environment in which it surrounds. As previously discussed, the site benefits from being bordered by existing trees and vegetation which will be retained and enhanced where possible. It is proposed that an extensive hedge and landscaping would contain the site as shown on the drawings supporting this appeal statement.

F E R G U S O N  
P L A N N I N G

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Plots 1 and 2 at Land North of Belses Cottage, Jedburgh, TD8 6UR

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Grounds of Appeal

## Grounds of Appeal

- 4.1 The Local Authority's decision to refuse the application is challenged on the basis of the two reasons for refusal. It is asserted that the Proposal accords with the relevant policies and intentions of the Local Development Plan and Supplementary Planning Guidance and why we consider the application should be approved.
- 4.2 The Appellant sets out the following four Grounds of Appeal (GOA).
- **GOA 1:** The development is not contrary to policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 because it would constitute housing in the countryside that would relate well to a building group, within a contained site not breaking into an open field.
  - **GOA 2:** The resulting visual impact of the development would not be adverse and, would not conflict with policy PMD2.
  - **GOA 3:** The development is not contrary to policy PMD2 of the Local Development Plan 2016 in that the means of access onto a public road would not adversely affect the road safety of this road.
  - **GOA 4:** There are no other material considerations which warrant refusal of the application. The material considerations have not fully been taken into account. The SPP and NPF4 both support and promote further rural housing and investment in the communities.

- 4.5 **GOA 1:** The development is not contrary to policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 because it would constitute housing in the countryside that would relate well to a building group, within a contained site not breaking into an open field.
- 4.6 Policy HD2: Housing in the Countryside: Section A of Policy HD2 is key to this proposal and has been replicated below:

*(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 a conversion has been implemented,*
- b) the cumulative impact of new development on the character of the building group, and of 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.*

**Appellant’s Case**

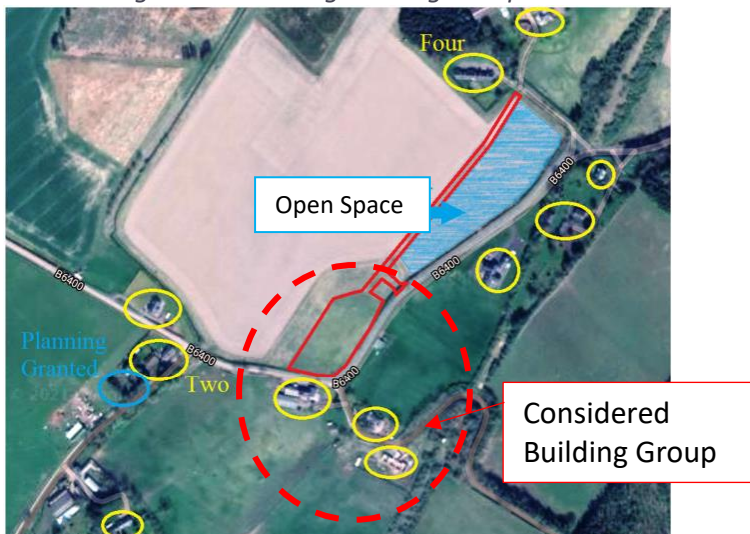
4.7 We have set out below the circumstances for why this development should proceed in line with policy. We first demonstrate that the site relates well to the existing building group, in line with Part A of this policy.

4.8 We then provide justification for the proposed development of the site being in keeping with the surrounding area whilst being within a building group which has capacity for a further dwelling, in accordance with Part B and C of this policy.

4.9 **Policy HD2 A Part a) *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.***

10 The site in question is positioned within and adjacent to the setting of the existing Building Group at Belses. The Building Group comprises 16 dwellings, immediately to the south of the site, with further dwellings to the west, east and north as illustrated on Figure 4 below.

Figure 4: Setting out the existing Building Group at Belses



4.11 A review of the Council’s online planning records has indicated that no new dwellings have been approved within the immediate Building Group with the Local Development Plan period.

4.12 It is however apparent that the wider Building Group has one new dwelling has been approved referenced in Table 1 (LPA Ref: 20/00486/FUL) and illustrated within Figure 3 above. Members of the Local Review Body concluded within this recent approval that there was a building group present within the vicinity, despite being on both sides of the B6400 and the proposal is in keeping with the local character whilst contributing to the sense of place. Members also accepted the proposed manmade landscape boundary to form an element of containment, agreeing the proposal will not break into an open field and countryside. It is therefore considered this approval sets a precedent for the acceptance of the proposed development this application relates to. It is important to emphasize that this building group includes a house on the same side of the road as the subject sites.

4.13 Taking Policy HD2 into account, there is scope for two further dwellings within Belses. There are no vacant properties or buildings that are capable of conversion within the building group, within the applicant’s ownership.

4.14 It is considered the proposal complements the character of the building group with the dwellings positioned on both sides of the adopted road serving the properties with built form surrounding the site, situated within the heart of the grouping. As such the chosen location is therefore deemed the most appropriate location for the properties. The proposal is therefore considered to satisfy criteria a) of Section (A) of Policy HD2.

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**Policy HD2 A Part b) *The cumulative impact of new development on the character of the building group, and of 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.***

4.15 The existing and proposed enhancement to the landscaped boundary bordering the site further ensures the proposal does not impinge upon the local character of the area, sitting well within the setting of the building group, whilst reducing the visual impact of the dwellings and safeguarding the amenity of residents from the adjoining properties to the south.

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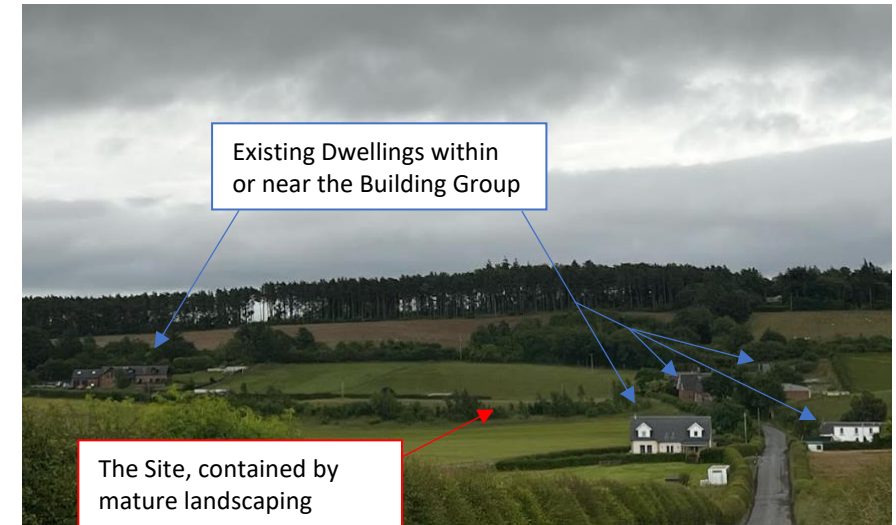
4.16 The proposed built form does not extend beyond the building line of the neighboring properties to the south and west, ensuring they do not impinge upon the open landscape. This is further supported by the contained landscape in which the site lies and the indicative height of the proposal, anticipated to be 1.5 storey dwellings, not exceeding beyond the height of neighboring dwellings that extend up to two storeys in height.

4.17 The proposal will largely be unnoticed in landscape impact terms and from public receptor points (i.e., public roads and footpaths) as illustrated in Figure 5 below. The existing hedgerow adjoining the public road to the south of the site is sought to be retained and enhanced, acting as a natural shield, restricting the view from passers-by.

4.18 The proposed landscaping from the east will further soften the approach from afar, complying with the New Housing in the Countryside SPG where man-made boundaries are considered acceptable. Again, the new access will contain the plots in question.

4.19 Overall, it is considered the site proposal is compliant with Policy HD2 A Part b).

Figure 5 Image taken from the west looking down onto the Building Group, highlighting the sites landscape containment.



**Policy HD2 A Part 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.***

4.20 Having reviewed the online planning portal, there have been no new plots within the Building Group within the current Local Development Plan period, as outlined above. We, therefore, consider there is scope for an additional two dwellings within the plan period in accordance with section (A) of Policy HD2 Part c.

4.21 As such, we consider the site to be a logical location and a sustainable form of development relating well to the existing building group which has capacity for further dwellings.

4.22 **GOA 2:** The resulting visual impact of the development would not be adverse and, would not conflict with policy PMD2.

**Appellant’s Case**

4.23 We set out below why this development should proceed in line with Policy PMD2, demonstrating the proposal will not result in having an adverse visual impact upon the character of the local area.

4.24 Policy PMD2 Quality Standards sets out a range of sustainability, placemaking and design, accessibility and open space/ biodiversity requirements whereby the proposals must:

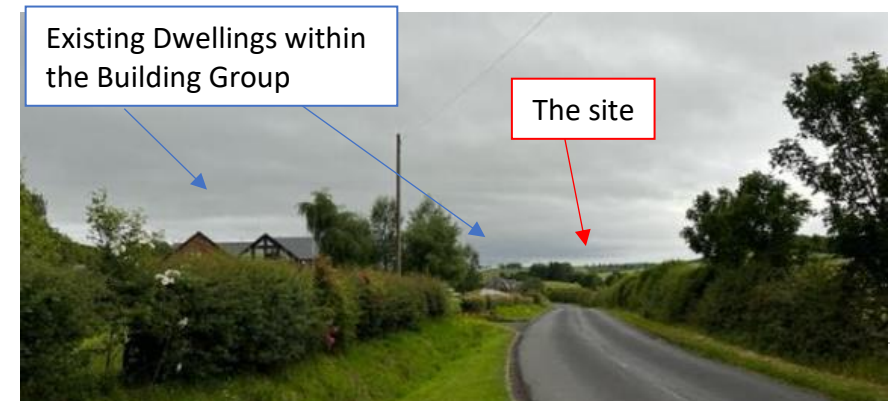
- Take appropriate measures to maximise the efficient use of energy and resources, in terms of layout, orientation, construction and energy supply;
- Make provision for sustainable drainage;
- Incorporate appropriate measures for separate storage of waste and recycling;
- Incorporate appropriate landscaping to help integration with the surroundings;
- Create a sense of place, based on a clear understanding of context;
- Be of a scale, massing and height appropriate to the surroundings;
- Be finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality;
- Be compatible with, and respect, the character of the surrounding area, neighbouring uses and neighbouring built form;
- Be able to be satisfactorily accommodated within the site;
- Provide for appropriate boundary treatments to ensure attractive edges, and to help integration with the surroundings;
- Incorporate access for those with mobility difficulties;
- Not have an adverse impact on road safety in terms of the site access;
- Incorporate adequate access and turning space for vehicles including those used for waste collection purposes; and
- Retain physical or natural features which are important to the amenity or biodiversity of the area.

4.25 The site is situated within a rolling hill landscape with the proposed dwellings sitting within the low-lying topography, not breaching upon the skylines, largely concealed behind an existing property within the building group as illustrated within Figure 5 above, minimizing the landscape impact.

4.26 As previously discussed, the existing and proposed enhancement to the landscape boundary bordering the site further ensures the proposal does not impinge upon the local character of the area, sitting well within the setting of the building group whilst further reducing the visual impact of the dwellings and safeguarding the amenity of the adjoining properties.

4.27 Although the detail of the design is reserved for a later stage, the applicant seeks to use natural materials, complimenting the rural environment in which it lies. There are minimal visual impacts from public receptor points from the road to the south with the retention of the existing landscape buffer adjoining the site and the set-back positioning of the dwellings within the plot. Overall, it is considered the proposal will not have an adverse impact on the landscape due to not impinging upon the skyline, sitting below the existing build-form within the Building Group, complying with Policy PMD2.

*Figure 6: Image taken from the east, looking west towards to the site and the Building Group, noting the mature hedgerow bordering the site*





**GOA 3:** The development is not contrary to policy PMD2 of the Local Development Plan 2016 in that the means of access onto a public road would not adversely affect the road safety of this road.

**Appellants Case**

4.28 We set out below why this development should proceed in line with Policy PMD2, demonstrating the proposal will not adversely affect the road safety of the adjoining public road.

4.29 A mentioned above, Policy PMD2 Quality Standards sets out a range of accessibility requirements whereby the proposals must:

- Not have an adverse impact on road safety in terms of the site access; and
- Incorporate adequate access and turning space for vehicles including those used for waste collection purposes.

4.30 SWECO have provided a Transport Technical Note which forms part of the submission package for this appeal and can be found within Core Document 5. The note provides clarity, rationale and justification for the proposals in response to the above reason for refusal and the Roads Officers concerns raised in relation to the access onto the public road and the pedestrian movement within the locality.

4.31 SWECO have concluded the development proposals will improve the safety of the surrounding road network by removing the farm access to the west and limiting traffic through the access currently serving both the dwellings and the farm. The proposed junction will deliver visibility requirements to Councils standards and is suitable in form given its proposed use.

4.32 The rural nature of the location and the lack of public facilities means there are no missing pedestrian links and it is considered that any additional pedestrian infrastructure would be very infrequently used due to both the population size and the lack of obvious destination.

4.33 Overall, it is considered the proposal is compliant with Policy PMD2 in that it has been demonstrated the proposal will have no adverse impact on road safety in terms of site access.

**GOA 4:** There are no other material considerations which warrant refusal of the application. The material considerations have not fully been taken into account. The SPP and NPF4 both support and promote further rural housing and investment in the communities.

**Appellants Case**

4.34 Reason for Refusal Ground 4: There are no other material considerations which warrant refusal of the application. The material considerations have not fully been taken into account. The SPP and NPF4 both support and promote further rural housing and investment in the communities.

4.35 Whilst it is a modest development site, analysis shows that that a significant proportion of houses built in the Scottish Borders range between 1-4 units and that many are non-allocated / windfall sites. The importance of smaller sites in delivering housing in the Scottish Borders should therefore not be overlooked and this site in question can help meet the housing land targets. This was recognized by the Local Review Body in the granting of the nearby residential plot (LPA ref: 20/00486/FUL).

4.36 Our clients' aspirations are for this site to provide two new properties, representing an opportunity to invest in the rural community to help address the current housing shortfall. The proposal also represents a form of rural diversification associated with the adjoining New Belses Farm, preparing for a time of change within the partnership and improvements to the farm business. Any financial return will be reinvested into the farm partnership.

4.37 The proposed development supports the ethos of the Draft NPF4 through the provision of rural housing. The draft NPF4 seeks to encourage rural investment, encouraging development to contribute to the viability, sustainability and diversity of rural economies and communities.

4.38SPP advises that the planning system should support economically, environmentally, and socially sustainable places by enabling development that balances the cost and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place it is not to allow development at any cost. This means that policies and decisions should be guided by the following principles in Paragraph 29 which we address in turn:

Policy Principle	How the Proposal Complies
Giving due weight to net economic benefit;	The proposal will deliver much needed investment and delivery of family housing within the rural area within close proximity to the rural villages of Lilliesleaf and Ancrum, whilst being only 7 miles outside of Jedburgh. The applicant will also seek to appoint local tradesmen during the construction process, contributing to the local economy.
Responding to economic issues, challenges and opportunities, as outlined in local economic strategies;	The proposal supports the growth of the rural community, ensuring there is a generous supply of housing land to cater for the increase in people and families living in the Scottish Borders.
Supporting good design and the six qualities of successful places;	The proposal will deliver two high quality new family homes, utilising sustainable technologies such as PV panels and air source heat pumps.
Making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;	The proposal will capitalise on the existing investment made in Jedburgh and the rural villages of Ancrum and Lilliesleaf. The additional residents the proposed dwelling will bring to the building group will contribute to local services and facilities through having a higher footfall in the local area.
Supporting delivery of accessible housing, business, retailing and leisure development.	The proposal will deliver a much-needed family sized dwellings. The applicant also Farms at the adjoining Farm with the proposal acting as a form of rural diversification, assisting in enabling the longevity of the farm operations in this increasingly difficult economic environment.
Supporting delivery of infrastructure, for example transport, education, energy, digital and water.	The proposal will make a financial contribution through a s.69 or s.75 agreement, as deemed necessary by SBC, and will also sustain the local rural primary schools at Lilliesleaf and Ancrum.
Supporting climate change mitigation and adaptation including taking account of flood risk.	The future proofing of homes for climate change will be agreed during the detailed planning application stage and will include renewable technologies.

SPP Table Continued...

Policy Principle	How the Proposal Complies
Improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation.	The proposed gardens within the site offers an opportunity for an array of activities as well as nearby walks and cycle routes. The site is also well located for the existing amenities provided by Ancrum, Lilliesleaf and Jedburgh.
Having regard to the principles for sustainable land use set out in the Land Use Strategy;	The proposed site is in a sustainable rural location, within cycling distance to Ancrum and Lilliesleaf, offering sustainable access to a school, shops, services and leisure facilities.
Protecting, enhancing and promoting access to cultural heritage, including the historic environment.	The sensitive approach to the design seeks to safeguard the character of dwellings within the building group.
Protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment.	The safeguarding of the existing landscaping as well as the proposed additional landscaping will provide a level of beneficial effects, such as enhanced biodiversity and additional screening through the introduction of locally appropriate hedgerow and trees within the proposed development.
Reducing waste, facilitating its management and promoting resource recovery; and	Suitable provision for waste collection can be demonstrated.
Avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.	The low-density scale of development is considered appropriate for a site of this nature.

Plots 1 and 2 at Land North of Belses Cottage, Jedburgh, TD8 6UR

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## CONCLUSION

## CONCLUSION

5.1 The submitted appeal, supported by this statement, seeks to overturn the Council's decision to refuse planning permission for the Planning Permission in Principle Application relating to the residential dwellings at the Plots 1 and 2 at Land North of Belses Cottage, Jedburgh, TD8 6UR.

5.2 In summary:

- The proposal represents a logical extension of the Building Group adjoining the existing built-up area, which has the capacity to accommodate two additional dwellings within this local plan period, in accordance with Policy HD2.
- Members of the LRB has previously approved similar proposals within the Building Group as demonstrated within Table 1 above.
- The proposal is sympathetic to the character of the building group, positioned in a logical location and will have no detrimental impact upon the amenity of neighbouring residents, ensuring there are adequate separation distances between the existing properties resulting in no overlooking or loss of daylight/sunlight.
- The site is primarily visible from the adopted road to the south of the site upon approach from the west, noting the visibility will be restricted due to the low-lying topography in which the site lies and the existing neighbouring dwelling shielding the plot. In addition, the existing and proposed landscaping along the eastern and southern boundaries, further enhancing the aesthetics, screening views from the south. Overall, the visual impact of the proposal on the local area is considered to be minimal.
- The proposal will provide a high-quality family-sized dwelling within this desirable and sustainable location, within cycling distance to Lilliesleaf and Ancrum which benefits from schools, shops, post office, pub, and other local services, supported by the Draft NPF.

- We have acknowledged the safety concerns from the Roads Officer and have provided a supporting technical note to address these concerns.
- The proposal will utilise sustainable renewable technologies.
- The proposal will assist in meeting the strong demand for rural homes in the Scottish Borders.

5.3 As we have demonstrated through this statement, we consider that the proposal complies with the development plan, and LDP Policies HD2 and PMD2 against which the original applications were refused.

5.4 There is a presumption in favour of applications that accord with the development plan unless there are significant material considerations that indicate the development plan should not be followed.

5.5 In addition to the above, the proposal will deliver local investment in trade employment, whilst expanding purchasing power in the local economy and supporting existing rural services.

5.6 The proposal is considered with the guiding principles of the SPP, and we do not consider that there are any impacts which are significant and demonstrably outweigh the presumption in favour of development. We therefore respectfully request that the appeal be allowed.

### APPENDICIES: Core Documents

Core Doc 1: Decision Notice and Officer Report

Core Doc 2: Location Plan

Core Doc 3: Proposed and Existing Plan

Core Doc 4: Planning Statement

Core Doc 5: Transport Note prepared by SWECO

# F E R G U S O N P L A N N I N G

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**Design, Access & Planning Statement**  
**Proposal for Two Dwellings**  
**Plots at New Belses, Ancrum, Jedburgh, TD8 6UR**  
**June 2021**

**Introduction**

The applicant, Phen Farms – a family farming partnership based at New Belses Farm – seeks to erect two dwellings on an unproductive corner of land opposite Belses Smithy. The farm, which is almost all arable, is small by modern standards and the proposed development represents rural diversification in preparation for a time of change within the partnership and improvements to the farm business.

The site is an awkward corner of pasture isolated from the arable land by a tree belt. It fronts the B6400 and has options for access including an excellent safe spot at its eastern side. It is within a rural building group and will provide an excellent opportunity for the erection of two dwellings.

The applicant has decided to submit a pair of similar applications, each in respect of a single dwelling. This pair of applications follows withdrawal of 20/00411/PPP and 20/00412/PPP, a pair submitted last year for this same scheme – later withdrawn to allow time to resolve a query raised by Scottish Borders Council's Roads Department. That query related to the density of access points on the B6400. The applicant has now agreed to stop-up a field access and to restrict the existing farm access to light traffic only, in lieu of creating one new and safe access for the farm and these plots.

The time elapsed since submission of the original pair of applications, blighted as it was by the Coronavirus pandemic, has reinforced the need for diversification at this farm. The applicants recently made pre-application enquiries about placing shepherd huts on part of the old railway as a leisure diversification, which have been rejected as incompatible with Planning Policy IS4, so they propose to site this activity in the small field south of the railway next to the B6400, sharing the proposed new access. Although this will be the subject of a separate application, it is relevant to note it now because it reinforces the need for a new safe access at the north-east corner of the plots. The access further north, adjacent to the old railway bridge, is used as-of-right by occupants of the New Belses Cottages so it cannot be stopped-up at present. It may become a candidate for stopping-up and diversion to the new proposed access (once constructed) if the railway is reinstated to Hawick. In the meantime, it will be restricted to light traffic only; tractors, lorries and other heavy vehicles will be prohibited and will use the proposed new access.

**1. Design & Access**

Taking the headings from CABE guidance – *Design & Access Statements, How to Read, Write and Use Them*, we promote the scheme as follows:

**Use**

The use is currently a small pasture paddock within an arable farm.

### **Amount**

The proposal is to erect two detached dwellings, each the subject of a separate planning application for Planning Permission in Principle.

### **Layout**

The proposal is to erect two detached dwellings, each the subject of a separate planning application for Planning Permission in Principle. Indicative footprints are shown in the block plan accompanying the applications; the precise layout is to be confirmed in a later application for either full planning or approval of matters specified in conditions.

### **Scale**

The aggregated area of the two plots is around half a hectare.

### **Landscaping**

The proposal is to erect two detached dwellings, each the subject of a separate planning application for Planning Permission in Principle. The plots are bounded to the west and north by a belt providing a natural screen and a sense of containment; this shelter belt is immature and will thicken over time. The roadside hedge on the east side also provides elements of screening and containment. The plot has open views to the south, facing other dwellings. Further landscaping details will be confirmed in a later application for either full planning or approval of matters specified in conditions. It is anticipated that these details will complement the proposed dwellings and extend the domesticated landscape of the building group fully into the site.

### **Appearance**

The proposal is to erect two detached dwellings, each the subject of a separate planning application for Planning Permission in Principle. Details of the appearance will be confirmed in a later application for either full planning or approval of matters specified in conditions.

### **Access**

#### **(i) Vehicular and Transport Links**

The plots have excellent vehicular and transport links being adjacent to the B6400 (Nisbet to Lilliesleaf), about 6km west of Ancrum and 4km east of Lilliesleaf. The nearest A-class roads are the A68 (St Boswells and Ancrum, each about 6km) and the A699 (St Boswells about 6km, Bowden about 5km). A new access is required from the B6400 into the plots. Visibility splays 2.5m by 100m are comfortably achieved at the proposed entrance. In lieu of the new access onto the B6400 the existing farm access will be restricted to light vehicles only, and the existing southern access to the adjoining field will be permanently stopped-up. These road improvements are shown on Road Layout Plan 20210609\_BPHE01-08.

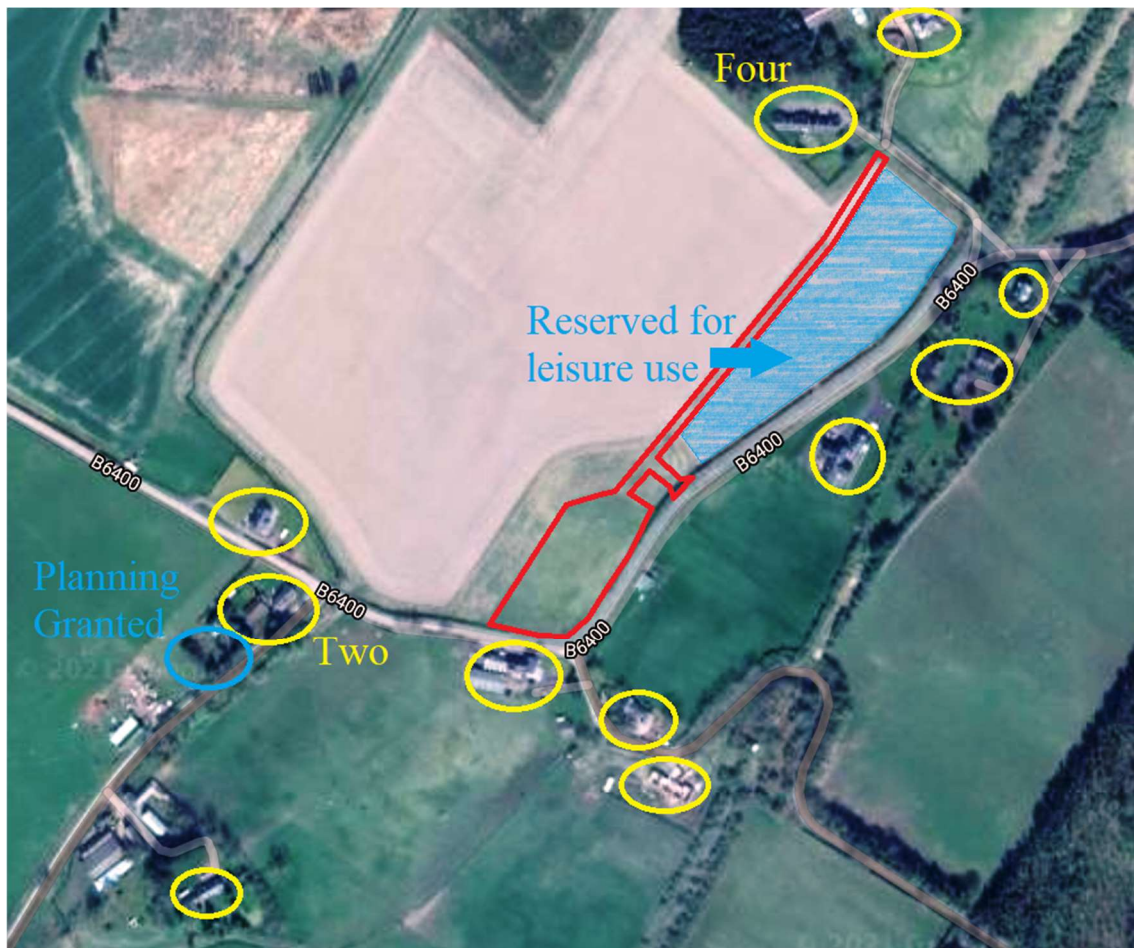
#### **(ii) Inclusive Access**

The proposal is to erect two detached dwellings, each the subject of a separate planning application for Planning Permission in Principle. Details of inclusive access arrangements will be confirmed in a later application for either full planning or approval of matters specified in conditions.



## 2. Planning

The proposal requires planning permission ... which is justified under Policy HD2A of Scottish Borders Council's adopted Local Plan. The applicant is satisfied that there is an existing group of more than three dwellings; the wider group could be defined as sixteen dwellings, as shown below. The group is characterised as fairly dispersed with dwellings on both sides of the road. The proposals complement the group and will have no adverse impact on it, or landscape, or amenity. There is headroom for development because only one new dwelling has been proposed here in recent years – application reference 20/00486/FUL. The proposals will have no adverse impact on wildlife, protected species or biodiversity. There is no flood risk. Overhead power lines running through the site have minimal impact on the scheme and may, in any case, be moved to the roadside by moving only one pole. The proposed access is through a young plantation, but it follows the electricity line, with no trees planted beneath, so the impact on trees is minimal and any losses will be made up severalfold in landscaping the plots.



## Summary

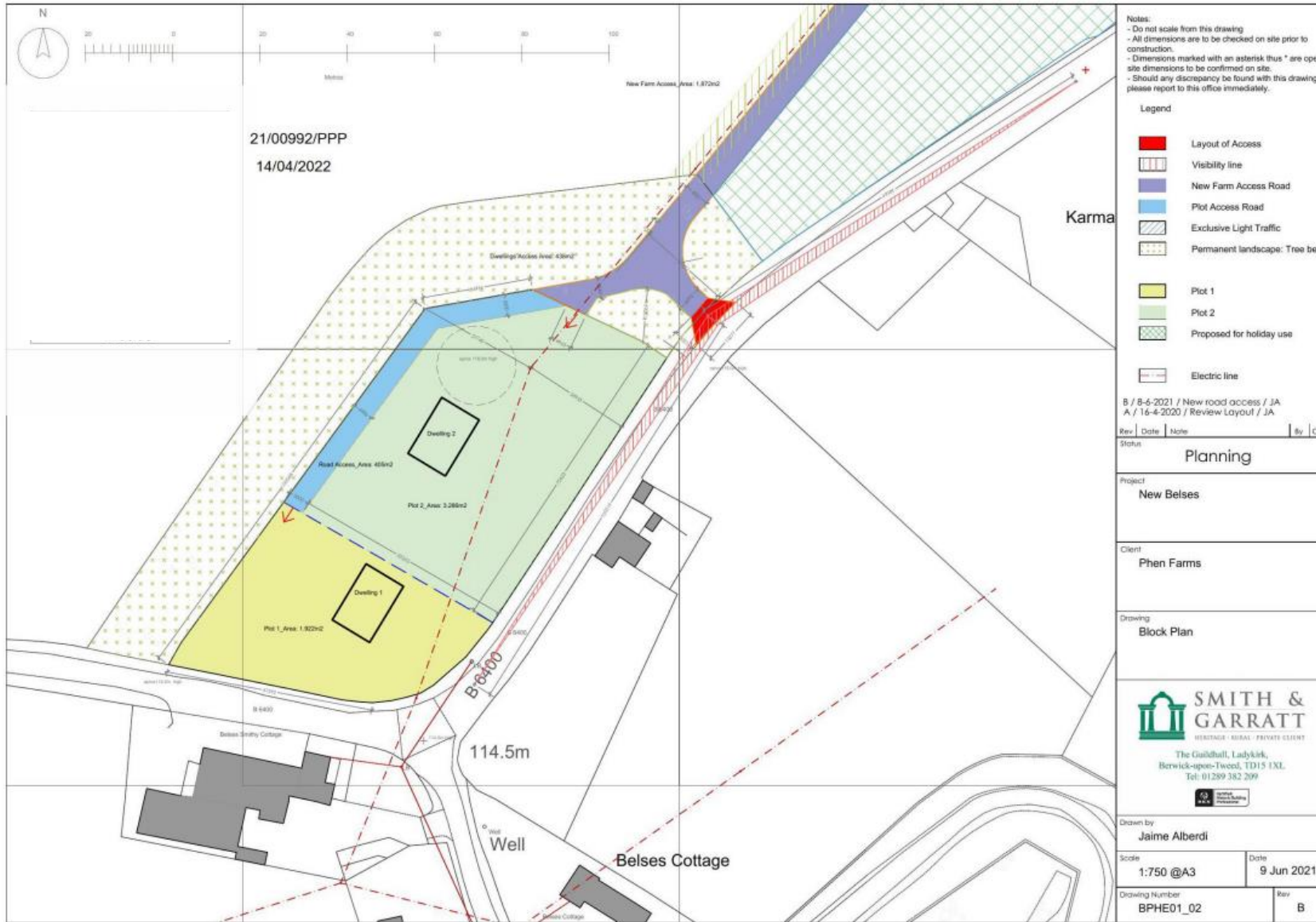
We are satisfied that these two proposals, each for the erection of a single dwelling, merit support. The proposed development represents necessary diversification in an existing local farm business at a time of

change. It is in line with current Scottish Borders local plan policies for development in the countryside, will help satisfy a local need for family housing and will provide choices to the west of Ancrum, where there has been little development in recent years.

-----  
**Prepared by:**  
**A H Garratt LL.B FRICS**



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Newtown St Boswells Melrose TD6 0SA Tel: Payments 01835 825586 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 100425346-001

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 a detached dwelling.

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:	Smith & Garratt		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Hugh	Building Name:	The Guildhall
Last Name: *	Garratt	Building Number:	
Telephone Number: *	01289382209	Address 1 (Street): *	Ladykirk
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Berwick-upon-Tweed
Fax Number:		Country: *	United Kingdom
		Postcode: *	TD15 1XL
Email Address: *	ahg@smithandgarratt.com		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:		You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	New Belses Farm
First Name: *		Building Number:	
Last Name: *		Address 1 (Street): *	Ancrum
Company/Organisation	Phen Farms	Address 2:	Ancrum
Telephone Number: *		Town/City: *	Jedburgh
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	TD8 6UR
Fax Number:			
Email Address: *	info@smithandgarratt.com		

## 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

New Belses Farm Ancrum Jedburgh TD8 6UR

Northing

625089

Easting

357150

## Pre-Application Discussion

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

Yes  No

## Pre-Application Discussion Details Cont.

In what format was the feedback given? \*

Meeting  Telephone  Letter  Email

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

This is a re-application of an application withdrawn in December 2020 (20/00412/PPP).

Title:

Mr

Other title:

First Name:

Brett

Last Name:

Taylor

Correspondence Reference Number:

Date (dd/mm/yyyy):

In what format was the feedback given? \*

Meeting  Telephone  Letter  Email

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

It may be possible to get a junction in the vicinity shown blue below which meets the visibility requirements, although its location would be very specific. However, the provision of an access at this location would require the closure of the existing access to New Belses and a route from any new access to serve the existing dwellings, shown below. An access at this location would also have a detrimental impact on the existing tree belt that is present.

Title:

Mr

Other title:

First Name:

Alan

Last Name:

Scott

Correspondence Reference Number:

Land North of Belses Cottage

Date (dd/mm/yyyy):

11/11/2020

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

## Site Area

Please state the site area:

3286.00

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)

Paddock.



## 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 PPP is for one of a pair of dwellings proposed at the Belses site. It is envisaged that they will share a new septic tank. The drainage field (soakaway) will be designed after carrying out a porosity test in the expectation that details will be submitted with an application for approval of matters specified in conditions. Adequate adjoining land for a drainage field is within the control of the applicant.

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

Yes  No

Note:-

Please include details of SUDS arrangements on your plans

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

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

- Yes  
 No, using a private water supply  
 No connection required

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

## Assessment of Flood Risk

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

Yes  No  Don't Know

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

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

Yes  No  Don't Know

## Trees

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

Yes  No

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

## All Types of Non Housing Development – Proposed New Floorspace

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

Yes  No

## Schedule 3 Development

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

Yes  No  Don't Know

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

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

## Planning Service Employee/Elected Member Interest

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

Yes  No

## Certificates and Notices

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

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

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

Yes  No

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

Yes  No

## Certificate Required

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

Certificate A

# Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Hugh Garratt

On behalf of: Phen Farms

Date: 11/06/2021

Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

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

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

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

Provide copies of the following documents if applicable:

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

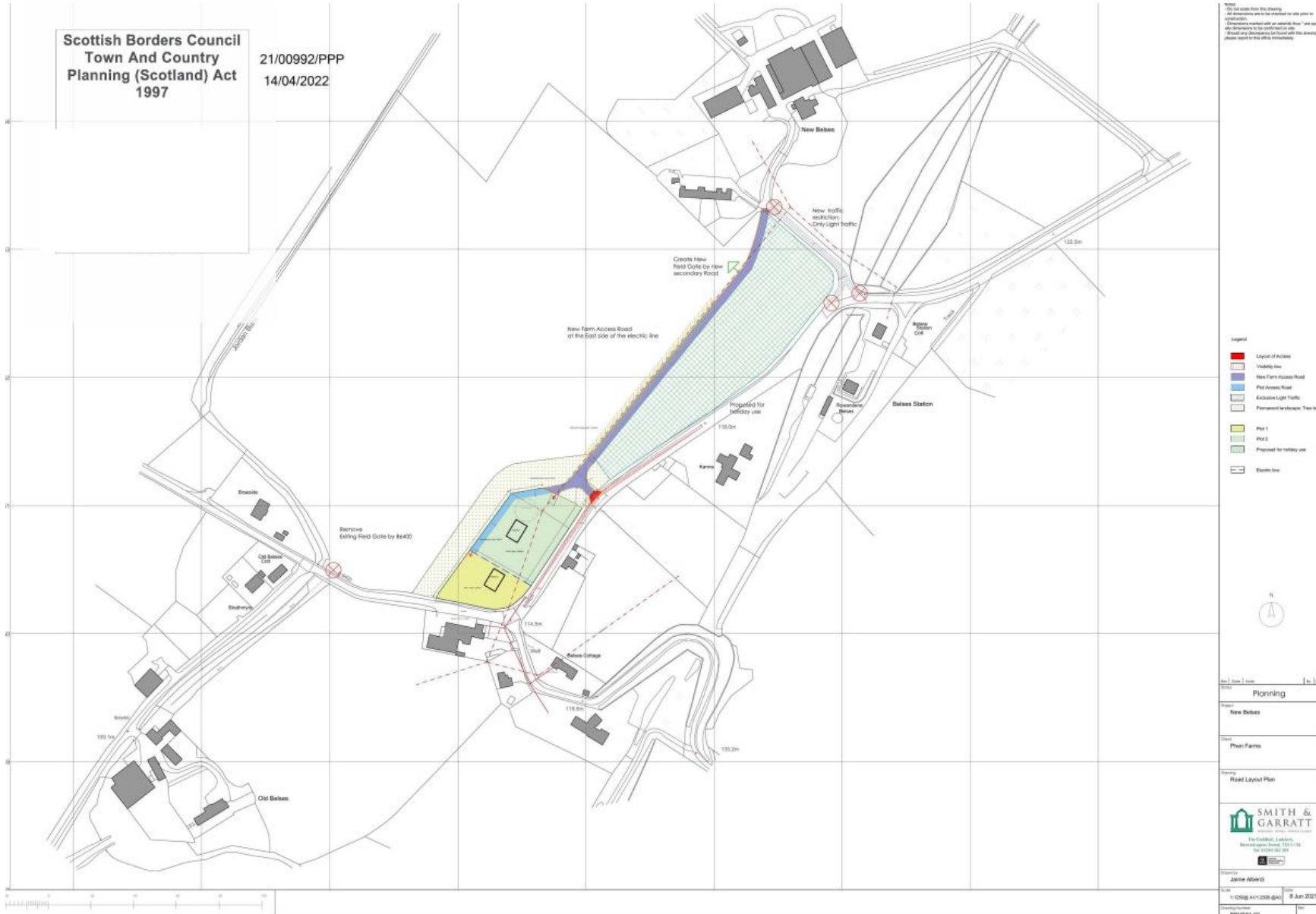
Other Statements (please specify). (Max 500 characters)

## 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: Mr Hugh Garratt

Declaration Date: 11/06/2021



NOTE:  
Do not scale from this drawing.  
All dimensions are to be checked on site prior to construction.  
Dimensions marked with an asterisk (\*) are open to discussion if the site is not built.  
Dimensions are to be checked on site.  
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- Legend
- Layout of Access
  - Visibility line
  - New Farm Access Road
  - Plot Access Road
  - Exclusion Light Traffic
  - Permanent landmarks, Tree belt
  - Plot 1
  - Plot 2
  - Proposed for holiday use
  - Easement line



Scale 1:1000  
A3 (297 x 420 mm)  
Planning

Site Name  
New Deben

Site No  
Phon Farms

Site No  
Road Layout Plan



Author  
Aimee Alford  
Date  
11/06/2021 11:29:06 AM  
Drawing No  
21/00992/PPP

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# New Belses, 21/00992/PPP

Transport Input to Planning Appeal

Author Bonnie Edgar-Nevill

Project Number 65207205

Project Name New Belses

Client Chris Wilson

Project Manager Bonnie Edgar-Nevill

Approved by

Graeme Kelly

## 1 Introduction

This note was prepared in reply to the Roads Planning consultation response to the above planning application, for the erection of two dwellings within the hamlet of Belses, and forms part of the appeal submission. In relation to transport and roads, the key issues stated within the objection from Roads Planning were:

- Access onto public road; and
- Pedestrian movement within locality.

This note provides some clarity, rationale, and justification for the proposals, and a response to the two issues raised by the Council on transport. It is recommended that further discussions can be held with the Council to agree a way forward as the applicant is willing to make changes to the proposals to find an agreeable solution.

## 2 New Access

Roads Planning objected to the application in relation to the vehicular access arrangements.

The previous 2020 planning application for the site utilised the existing access northeast of the site (2) which is currently the access for five dwellings and the farm. The Council rejected this proposal and suggested a new location further south (3) which would meet visibility splay requirements. The current application proposes the access to the site as suggested by the Council and is promoted as being the safer option. **Figure 1** highlights the location of the accesses to provide context to the accompanying text.

Currently, the existing farm at New Belses can use both the northern farm access (1) and the southern access (2) which is predominantly used to access dwellings south of the farm. As part of the development proposals the farm machinery would be restricted to only the northern access (1) and the southern access (2) would only serve the five dwellings and therefore have a very light amount of traffic, this will help to address safety concerns regarding the existing access and the new development will not use this access.

On review of CrashMap data for all years available (23 years), no accidents have been recorded at either access or on the B6400 at any point through Belses and the surrounding settlements. There does not appear to be a safety issue at the existing dwelling and farm access (2) and the light traffic generated by the existing dwellings will not be an issue. The applicant is willing to remove foliage at the junction to ensure good visibility and to engage in discussions with the Council around any changes to the junction and its usage.

Additionally, the applicant has agreed to close the existing field access (4) to the west of the site, removing a junction on the B6400. The proposed junction (3) will provide adequate separation from other junctions on the network and has been designed to meet visibility requirements set out but the Council.



**Figure 1.** Access locations

### 3 Pedestrian infrastructure

A key issue within the objection is “Pedestrian movement within the locality” with reference to the lack of a footway. The location of the development is rural with surrounding buildings being residential or farming. There are no surrounding facilities or points of interest. There is therefore no obvious missing pedestrian links and no clear desire lines where pedestrian infrastructure would be necessary. Additionally, there is a very low population and therefore formal pedestrian infrastructure would have minimal usage. **Figure 2** highlights the 20-minute walking catchment from the proposed dwellings, which is set out within planning policy as a reasonable walking journey time to amenities.





**Figure 2.** 20-minute walking.

As shown in **Figure 2**, there are no amenities within a 20-minute walking catchment and therefore formal pedestrian infrastructure is considered unnecessary.

A review of other similar planning applications with New Belses highlights that pedestrian infrastructure has not been required previously. A 2020 application for the erection of a dwelling and garage (20/00486/FUL) which received planning permission on appeal was originally refused with no mention or requirement for pedestrian infrastructure. It is not envisioned that the current proposals will create a substantially higher level of footfall than the previously consented application elsewhere within Belses.

If pedestrian improvements are an absolute requirement, can the Council confirm where they would want to see this delivered?

## 4 Conclusions

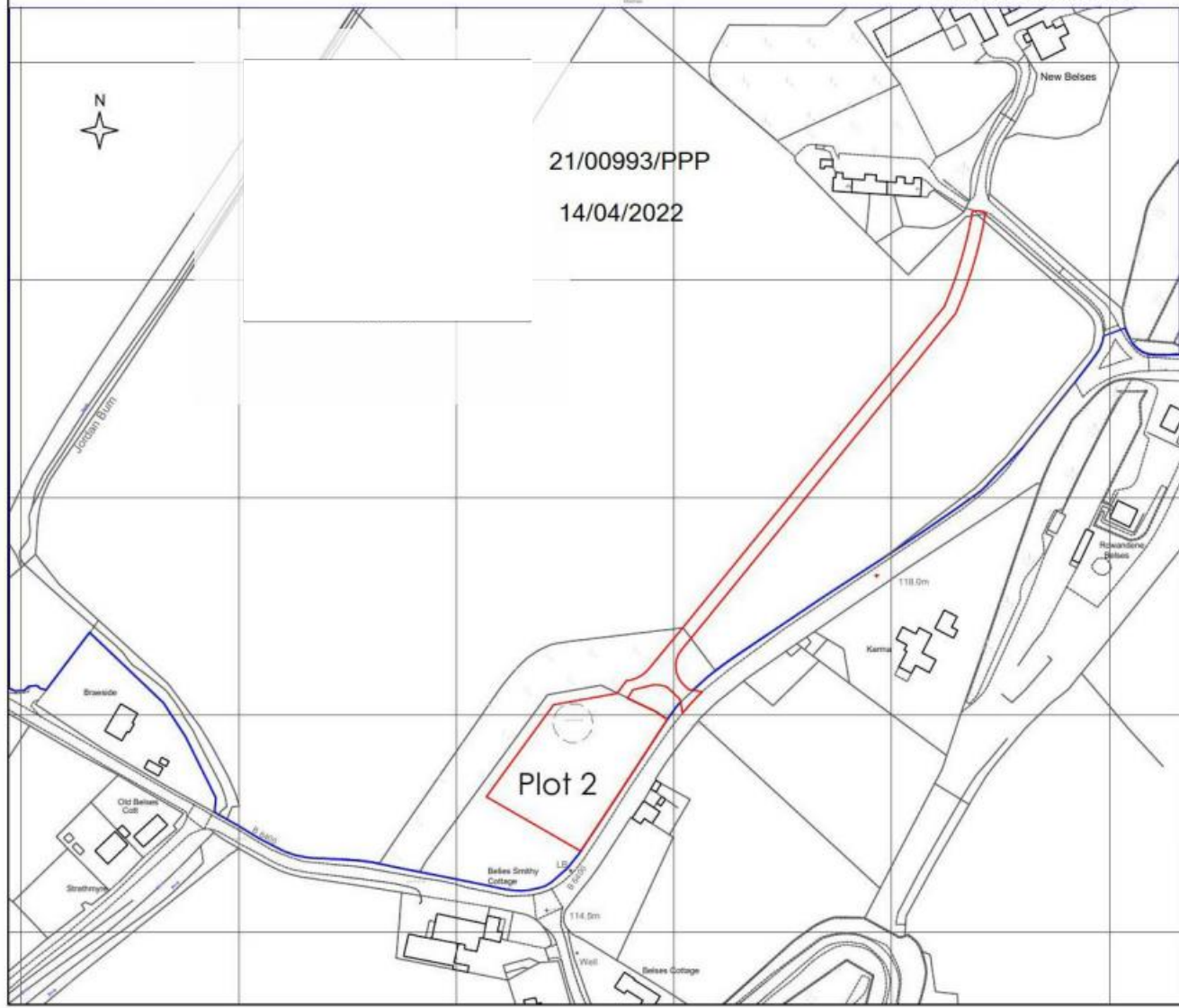
Overall, the development proposals will improve the safety of the surrounding road network by removing the farm access to the west and limiting traffic through the access currently serving both the dwellings and the farm. The proposed junction will deliver visibility requirements to Council standards and is suitable in form given its proposed use.

The rural nature of the location and the lack of public facilities means there is no missing pedestrian links and that any additional pedestrian infrastructure would be very infrequently used due to both the population size and the lack of obvious destination.

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# New Belses - Phen Farms

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- Notes:**
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  - Dimensions marked with an asterisk thus \* are open site dimensions to be confirmed on site.
  - Should any discrepancy be found with this drawing please report to this office immediately.

Plot 1 Area is 3,286m<sup>2</sup> or thereby.  
 New Road Area is 1,872m<sup>2</sup> or thereby.  
 Total Area is 5,106m<sup>2</sup> or thereby.

Rev	Date	Note	By	Chk

Status **Title Plan**

Project **New Belses**

Client **Phen Farms**

Drawing **Title Plan  
Plot 2**

**SMITH & GARRATT**  
 HERITAGE - RURAL - PRIVATE CLIENT

The Guildhall, Ladykirk,  
 Berwick-upon-Tweed, TD15 1XL  
 Tel: 01289 382 209


Drawn by **Jaime Alberdi**

Scale **1:1250 @A4** Date **9 Jun 2021**

Drawing Number **BPHE01-07** Rev

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Phen Farms  
per Smith & Garratt  
The Guildhall  
Ladykirk  
Berwick-upon-Tweed  
TD15 1XL

**Please ask  
for:**  


Brett Taylor  
X6628

**Our Ref:**  
**Your Ref:**

21/00993/PPP

**E-Mail:**

brett.taylor@scotborders.gov.uk

**Date:**

15th April 2022

Dear Sir/Madam

**PLANNING APPLICATION AT Plot 2 Land North Of Belses Cottage Jedburgh Scottish Borders**

**PROPOSED DEVELOPMENT:**        **Erection of dwellinghouse**

**APPLICANT:**                        **Phen Farms**

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

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

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

Yours faithfully

John Hayward

Planning & Development Standards Manager

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

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

**Application for Planning Permission**

**Reference: 21/00993/PPP**

**To: Phen Farms per Smith & Garratt The Guildhall Ladykirk Berwick-upon-Tweed TD15 1XL**

With reference to your application validated on **16th June 2021** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

**Proposal: Erection of dwellinghouse**

**At: Plot 2 Land North Of Belses Cottage Jedburgh Scottish Borders**

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

**Dated 14th April 2022  
Regulatory Services  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**John Hayward  
Planning & Development Standards Manager**

**APPLICATION REFERENCE: 21/00993/PPP**

**Schedule of Plans and Drawings Refused:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
BPHE01_07	Location Plan	Refused
BPHE01_02 Rev B	Proposed Block Plan	Refused
BPHE01_03	Proposed Plans	Refused

**REASON FOR REFUSAL**

- 1 The development is contrary to policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 because it would constitute housing in the countryside that would be unrelated to a building group and would lead to an unjustified sporadic expansion of development into a previously undeveloped field. Furthermore, there is no overriding economic justification to support the development. The resulting visual impact of the development would be adverse and, therefore, also conflict with policy PMD2
- 2 The development is contrary to policy PMD2 of the Local Development Plan 2016 in that the means of access onto a public road out with a settlement boundary would adversely affect the road safety of this road, including but not limited to the site access without providing any overriding economic and or road safety improvements.

**FOR THE INFORMATION OF THE APPLICANT**

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

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

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**SCOTTISH BORDERS COUNCIL**

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

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

**REF:** 21/00993/PPP  
**APPLICANT:** Phen Farms  
**AGENT:** Smith & Garratt  
**DEVELOPMENT:** Erection of dwellinghouse  
**LOCATION:** Plot 2  
Land North Of Belses Cottage  
Jedburgh  
Scottish Borders

**TYPE:** PPP Application

---

**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
BPHE01_07	Location Plan	Refused
BPHE01_02 Rev B	Proposed Block Plan	Refused
BPHE01_03	Proposed Plans	Refused

**NUMBER OF REPRESENTATIONS: 2**

**SUMMARY OF REPRESENTATIONS:**

Two representations were received in respect of the application. The main points raised include: access, road safety, contrary to Local Plan, impact on the rural character, privacy/overlooking and impact on the environment.

**Consultations**

Ancrum Community Council: Have not responded at the time of writing this report.

Environmental Health: Have not responded at the time of writing this report.

Education & Lifelong Learning: Have not responded at the time of writing this report.

Landscape Architect: Objects to the application on the grounds of the adverse visual impact on the surrounding landscape.

Roads Officer: Objects to the application as it would contribute towards sporadic development in the Belses community without the appropriate road infrastructure being in place to justify it. Furthermore, it is good practice to restrict the number of accesses onto A and B class roads outside settlements. The existing access to New Belses is proposed for restricted use rather than closure so that there would be an additional access overall.

Scottish Water: No objection to the application.

**PLANNING CONSIDERATIONS AND POLICIES:**

Local Development Plan - Adopted Scottish Borders Local Development Plan (2016)

PMD2 - Quality Standards

HD2 - Housing in the Countryside

HD3- Protection of Residential Amenity

EP1: International Nature Conservation and Protected Species

EP2: National Nature Conservation Sites and Protected Species

EP3 - Local Biodiversity

EP13 - Trees, Woodlands and Hedgerows

IS2 - Developer Contributions

IS7 - Parking Provision and Standards

IS9 - Waste Water and Treatment Standards and Sustainable Urban Drainage

Supplementary Planning Guidance

Developer Contributions 2021

Affordable Housing 2015

Householder Development (Privacy and Sunlight) 2006

Landscape and Development 2008

New Housing in the Borders Countryside 2008

Placemaking and Design 2010

Trees and Development 2008

Waste Management 2015

Scottish Planning Policy 2014

**Recommendation by** - Brett Taylor (Planning Officer) on 14th April 2022

Site and Proposal

This application proposes planning permission in principle for a new house at Plot 2. The site is a relatively level undeveloped field located to the north Belses Smithy Cottage. The village of Ancrum is approximately 6km to the east. The current boundary treatments consist of hedging and post and wire fencing. The site would be served by an existing road the B6400 which forms the eastern boundary of the site. The submitted location plan shows an entrance taken from B6400 to the east with a further access taken directly from New Belses Farm to the north.

An adjacent application for Plot 1 forms part of a separate application.

I note the submitted plans indicate an area to the north-east is shown as 'holiday use'. No further information has been provided and they have not assessed as part of this application.

Planning History

16 June 2021 - Planning application in Principle pending consideration for the erection of a dwellinghouse (21/00992/PPP).

21 December 2020 - Planning application withdrawn for the erection of a dwellinghouse - (20/00411/PPP).

Key Planning Policies

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).

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.

In terms of the above, the only possible criterion against which the proposals could be assessed is A, building group, to which there are three further tests. Those are: a) the application site must relate well to an existing group of three houses; 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 and; c) any consents should not exceed two dwellings or a 30% increase to the group during the Plan period.

There are two dwellings (Belses Smithy Cottage and Belses Cottage) in close proximity, however, I do not consider these meet the requirements of a building group as stated by policy HD2. The B6400 forms a logical boundary and I also do not consider that these two houses form a group with other houses in the surrounding area. Even if a building group did exist, the proposed house would break into an undeveloped field and would encourage sporadic development along this section of the B6400. This is discouraged by our policy guidance, siting a house here would not comprise a sympathetic, organic addition to the area, and there is no justification for it here.

I note that no supporting and economic case was submitted by the applicant to justify that the house is required in this location that would override the conflict with policy.

#### Placemaking and design

It would be feasible to design a house and site layout to comply with PMD2 as regards visual impact, and account for our SPG on Placemaking and Design. However, houses in this undeveloped field served by a significant access road, would be poorly related to the existing settlement pattern and, as a result, would fail to comply with PMD2 or HD2. This visual isolation reinforces the concern above regarding general policy conflict. Providing a tree belt, as proposed, would take many years to establish and is not reason to justify such an intrusive impact on this undeveloped field.

#### Neighbouring amenity

Policy HD3 aims to protect the amenity of neighbouring residential properties against inappropriate development that would result in the loss of amenity and privacy. It would be possible for a dwelling to be constructed on this site in compliance with the relevant standards in the SPG. The nearest other dwellings are sufficiently distant from the site that I am satisfied the proposal would not affect the residential amenities of occupants of these properties. There are no other properties in the surrounding area that would be affected by the proposal. I am satisfied that the proposed development of a dwelling on this site could comply with policy HD3 of the Local Development Plan.

#### Parking and Road Safety

Policy PMD2 requires that a development incorporates adequate access and turning space and for vehicles and ensures that there is no adverse impact on road safety. Policy IS7 requires that car parking should be provided in accordance with the Council's adopted standards.

The site is capable of providing two spaces to support a new house, thus complying with Policy IS7. In terms of the access, the site is proposed to be accessed via a new access (in conjunction with Plot 2) with the existing farm access being restricted to light vehicles only. The Council's Road Planning Officer objects due

to the principle of sporadic development between Old Belses and New Belses without the proper road infrastructure to support both vehicular and pedestrian movements. In addition, the submitted plans show the access being moved, it does not propose to stop-up the existing access at new Belses and instead, only looks to restrict access to 'Light Traffic Only', which would be unenforceable in planning terms.

Overall, the proposal would fail to ensure there is no adverse impact on road safety and as such, does not comply with Policy PMD2.

#### Ecology

With respect to ecology, given the site is not subject to any natural heritage designations nor nearby any, no buildings would be lost, mature trees removed, or substantial amounts of hedging needing removed, it is, therefore, considered that the proposal will have a negligible impact on ecology and biodiversity of the surrounding area.

#### Trees, Woodlands and Hedgerows

Existing trees, woodland, and hedgerows are protected by policy EP13 of the LDP on Trees, Woodlands and Hedgerows. The Council has also adopted Supplementary Planning Guidance on Landscape and Development, and on Trees and Development, which are both relevant to these proposals. There is an established road side hedge along the eastern boundary. It is apparent that part of this hedge would require to be removed to facilitate the new access with the required visibility splays, however, this would have a minor landscape impact. No trees would not be affected by the proposals. Should the application be approved I consider the proposed development can be considered to comply with the requirements of policy EP13 (Trees, Woodlands and Hedgerows) of the Local Development Plan, and the adopted SPG on Trees and Development.

#### Water and Drainage

Policy IS9 states that the preferred method of dealing with waste water associated with new developments would be the direct connection to the public sewerage system and for development in the countryside the use of private sewerage may be acceptable provided that it can be provided without negative impacts to public health, the environment, watercourses or ground water. A SUDS is required for surface water drainage.

The proposed dwellinghouse would connect to a private water supply and foul drainage would be to a new sewage treatment plant with SUDS for dealing with surface water. The exact details would be agreed by condition and through the Building Warrant process.

#### Development Contributions

No schools contributions are required. However, this is one of two plots on the same site by the same developer. Therefore, in the event consent were to be granted for both, one of the two will require a legal agreement for an affordable housing contribution.

#### Letters of representation

I note the objections raised by third parties and would agree with their concerns that a house would be inappropriate in this location.

#### Reason for Decision

It is recommended that the application is refused for the reasons given above.

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

The development is contrary to Policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 because it would constitute housing in the countryside that would be

unrelated to a building group and would lead to an unjustified sporadic expansion of development into a previously undeveloped field. Furthermore, it would be visually adverse as a result of its lack of cohesion with existing development, contrary to HD2 and PMD2, and the proposed means of access would be unsatisfactory since the development would potentially increase the road safety risk along the B 6400.

**Recommendation:** Refused

- 1 The development is contrary to policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 because it would constitute housing in the countryside that would be unrelated to a building group and would lead to an unjustified sporadic expansion of development into a previously undeveloped field. Furthermore, there is no overriding economic justification to support the development. The resulting visual impact of the development would be adverse and, therefore, also conflict with policy PMD2
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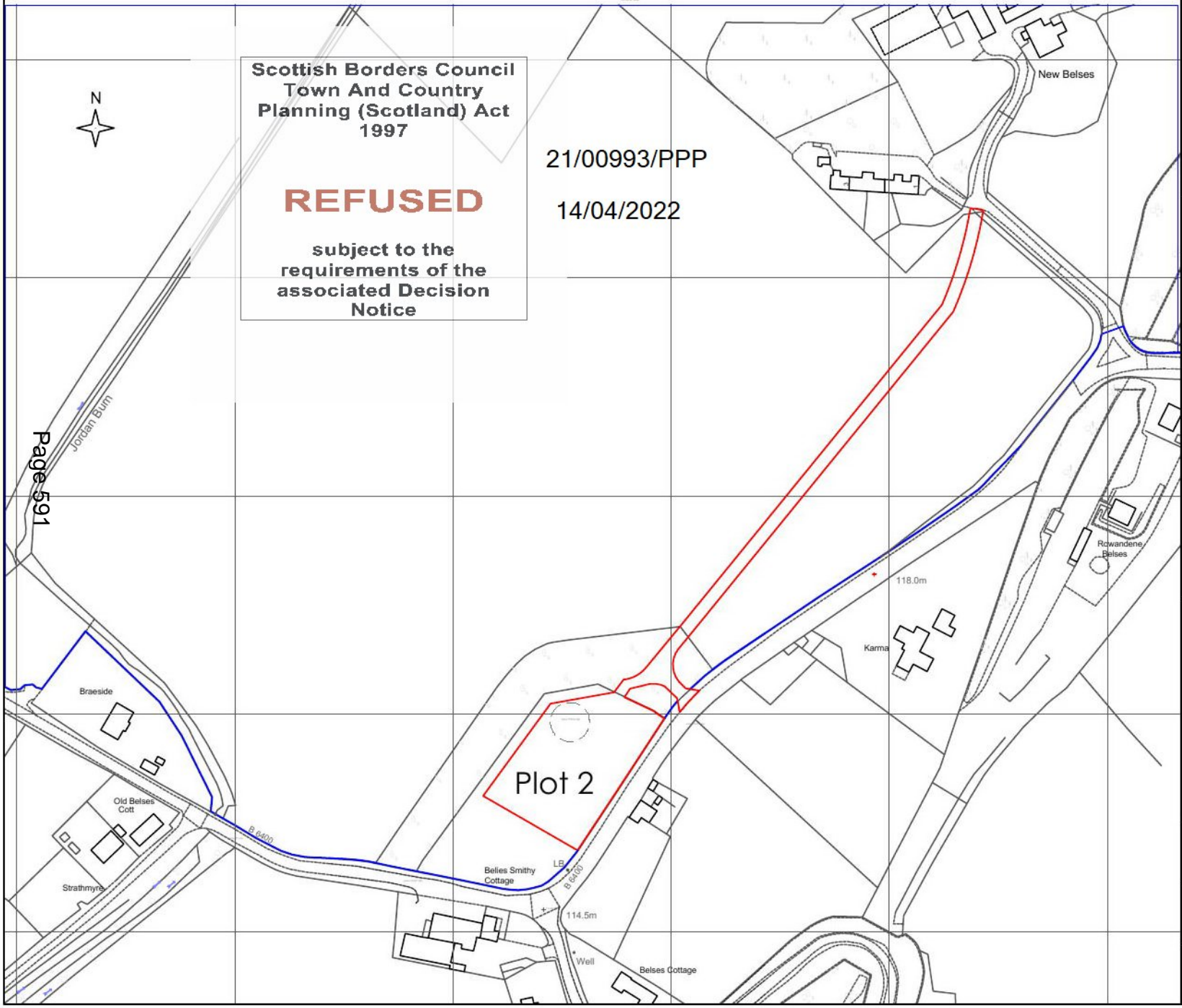
**“Photographs taken in connection with the determination of the application and any other associated documentation form part of the Report of Handling”.**

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# New Belses - Phen Farms



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

**REFUSED**

subject to the  
 requirements of the  
 associated Decision  
 Notice

21/00993/PPP  
 14/04/2022

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 New Road Area is 1,872m<sup>2</sup> or thereby.  
 Total Area is 5,106m<sup>2</sup> or thereby.

Rev	Date	Note	By	Chk

Status **Title Plan**

Project **New Belses**

Client **Phen Farms**

Drawing **Title Plan  
 Plot 2**

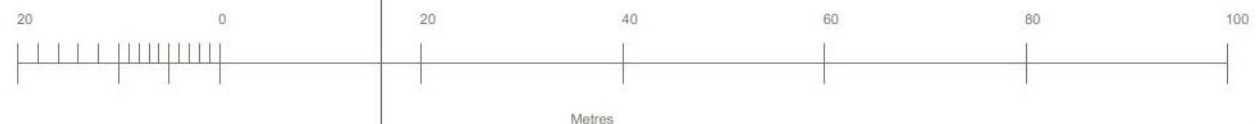
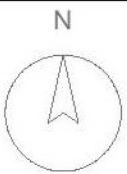
Drawn by **Jaime Alberdi**

Scale **1:1250 @A4** Date **9 Jun 2021**

Drawing Number **BPHE01-07** Rev

Page 591

Agenda Item 9b



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

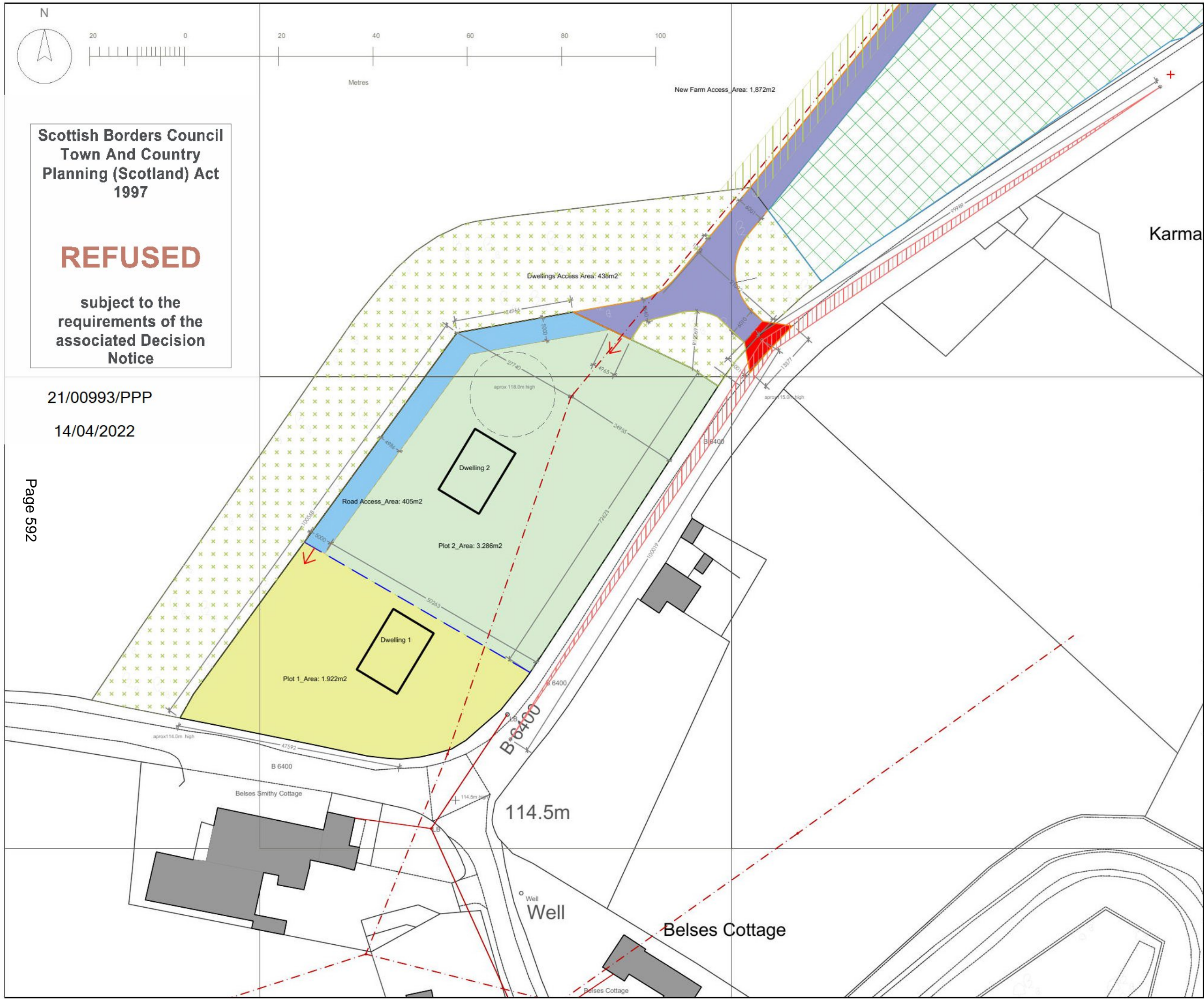
**REFUSED**

subject to the  
requirements of the  
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21/00993/PPP

14/04/2022

Page 592



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  - New Farm Access Road
  - Plot Access Road
  - Exclusive Light Traffic
  - Permanent landscape: Tree belt
  - Plot 1
  - Plot 2
  - Proposed for holiday use
  - Electric line

B / 8-6-2021 / New road access / JA  
A / 16-4-2020 / Review Layout / JA

Rev	Date	Note	By	Chk

Status  
**Planning**

Project  
**New Belses**

Client  
**Phen Farms**

Drawing  
**Block Plan**



The Guildhall, Ladykirk,  
Berwick-upon-Tweed, TD15 1XL  
Tel: 01289 382 209



Drawn by  
**Jaime Alberdi**

Scale  
**1:750 @A3**

Date  
**9 Jun 2021**

Drawing Number  
**BPHE01\_02**

Rev  
**B**

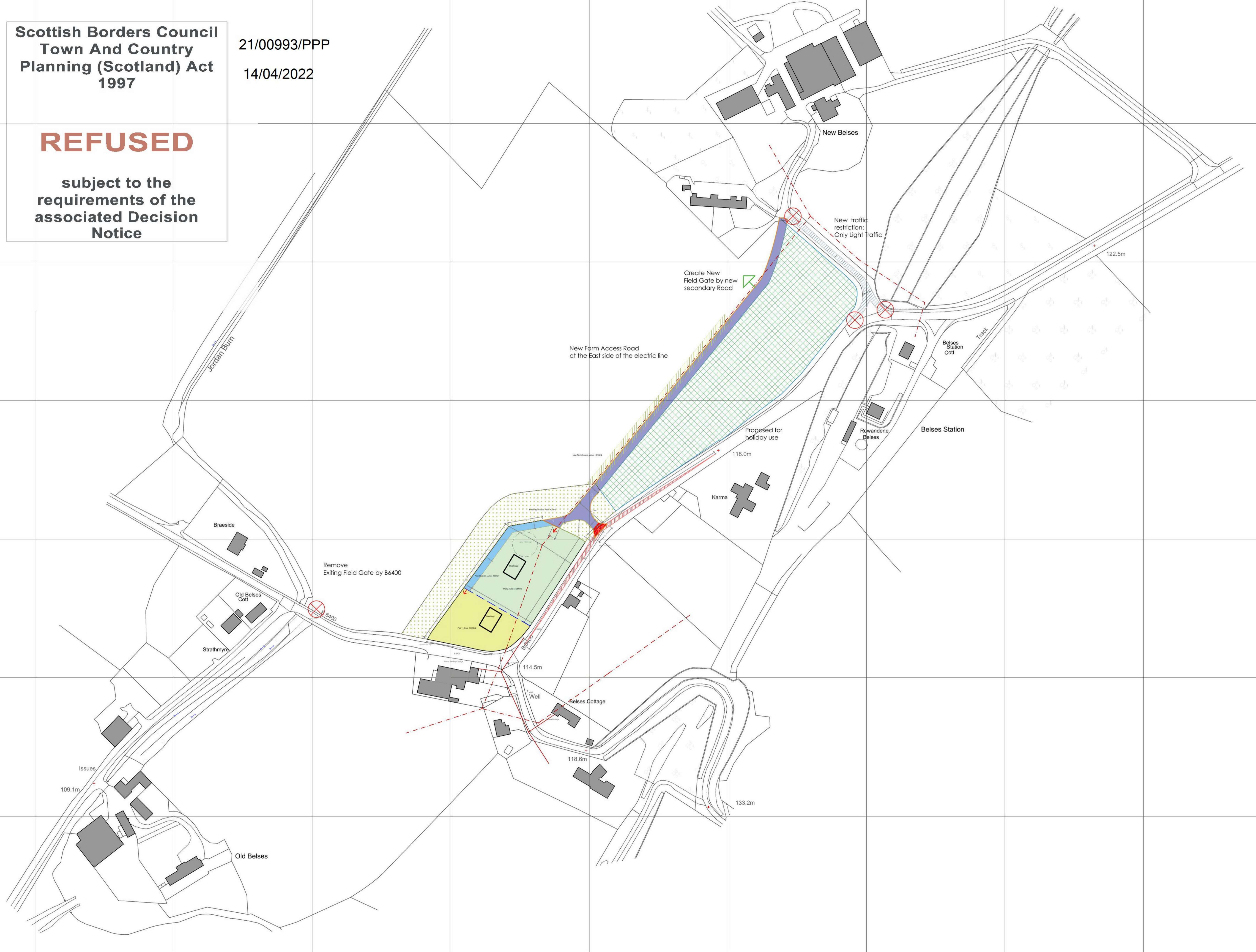


**REFUSED**

subject to the  
requirements of the  
associated Decision  
Notice

Notes:  
- Do not scale from this drawing  
- All dimensions are to be checked on site prior to construction.  
- Dimensions marked with an asterisk \* are open site dimensions to be confirmed on site.  
- Should any discrepancy be found with this drawing please report to this office immediately.

Page 593



Legend

- Layout of Access
- Visibility line
- New Farm Access Road
- Plot Access Road
- Exclusive Light Traffic
- Permanent landscape: Tree belt
- Plot 1
- Plot 2
- Proposed for holiday use
- Electric line



Rev	Date	Note	By	Chk

Status: **Planning**

Project: **New Belses**

Client: **Phen Farms**

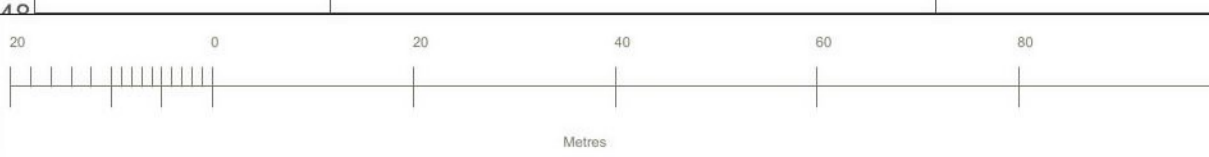
Drawing: **Road Layout Plan**



Drawn by: **Jaime Alberdi**

Scale: 1:1250@ A1/1:2500 @A3 Date: **8 Jun 2021**

Drawing Number: **BPHE01-03**



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TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Town and Country Planning (General Development Procedure) (Scotland) Order 1992

Application for Approval of Reserved Matters

Reference: 05/01661/REM

To : Mr And Mrs K Short per Aitken Turnbull 22 Buccleuch Street Hawick Scottish Borders TD9 0HW

With reference to your application validated on **2nd September 2005** for approval under the Town and Country Planning (Scotland) Act 1997 for reserved matters relating to outline planning permission for the following development:-

Proposal : Erection of dwellinghouse and double garage

at : Paddock West Of Belses Station Ancrum Scottish Borders

The Scottish Borders Council hereby **approve** the application in accordance with the approved plan(s) and the particulars given in the application, and in accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 **subject to the following standard condition:-**

that the development to which this approval relates must be begun not later than whichever is the later of the following dates:-

- (i) the expiration of five years from the date of the original outline planning permission
- (ii) the expiration of two years from the date of this approval.

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

Dated 15th December 2005  
Planning and Economic Development  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 OSA

Signed

A handwritten signature in black ink, appearing to be "PP".

Head of Planning & Building Standards

Application reference : 05/01661/REM

### SCHEDULE OF CONDITIONS

- 1 The access to be formed as per the approved plans before the dwellinghouse is occupied.  
Reason: In the interests of road safety.
- 2 A tree/shrub planting scheme to be submitted before the development commences for approval by the Planning Authority, incorporating the retention and realignment of the roadside hedge. Once approved, the planting to be carried out concurrently with the development or during the next planting season thereto and to be maintained thereafter.  
Reason: To maintain and enhance the visual amenities of the area.
- 3 All external materials to be agreed with the Planning Authority, including the submission of samples of the natural stone to be used.  
Reason: To safeguard the visual amenity of the 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.

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  
East of Scotland Water (Borders Division), West Grove, Waverley Road, Melrose, TD6 9SJ  
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 the applicant is aggrieved by the decision of the Planning Authority, an appeal may be made to the Scottish Ministers under section 47 of the Town and Country Planning (Scotland) Act 1997, within six months from the date of this notice. The appeal should be addressed to the Chief Reporter, Scottish Executive Inquiry Reporter's Unit, 4 The Courtyard, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR.

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 V of the Town and Country Planning (Scotland) Act, 1997.

**SCOTTISH BORDERS COUNCIL**

**DEVELOPMENT AND BUILDING CONTROL COMMITTEE**

**APPLICATION FOR PLANNING PERMISSION – PART II REPORT**

REF : 05/01661/REM

APPLICANT : Mr And Mrs K Short

AGENT : Aitken Turnbull

DEVELOPMENT : Erection of dwellinghouse and double garage

LOCATION : Paddock West Of Belses Station  
Ancrum  
Scottish Borders

TYPE : Approval of Reserved Matters

**Observations by Development Control Officer - Mr Craig Miller**

This application was approved as part of a dispersed building group stretching between Belses Station and the houses and farm buildings at Old Belses. It was felt that the opportunities for infill were limited to this field, sandwiched between the public road and the former railway line and embankment. Approval was granted subject to there only being one house within this site, a slate roof, single storey design and a badgers survey.

After discussion both before and during the application, the design is now considered to be an appropriate way of treating a large overall floor area without over-dominance on the environment or landscape. The "Z" plan and relatively low height (for a 1½ storey design) combined with the use of slate and natural stone, have combined to produce a design which can be accepted despite it not complying with the initial wish for a single storey design. The arched glazed screens pick up on the form of agricultural buildings in the area and the glazed gable to the roadside echoes the glazing pattern at the nearby Station and signal box.

Some adjustments have been made to the ventilator spacings and window depths to improve the rural relationship, although the greatest change has been to the siting of the house and garage. I felt that the house was too far up the site towards the railway embankment, resulting in a higher floor level and more prominence, especially when approaching from the east. A modest movement of five metres to the west has resulted in it being nearer to the road and having a lower floor level of 500mm. Furthermore, SNH have now accepted that as the nearest part of the building would be 15 metres from the beginning of the railway embankment, this is ample room for them to remove their requirement for a badger survey, the setts being outwith the site and the likelihood of tunnels being more than 15 metres into the field being remote.

I am afraid that I view the objections from the nearby neighbour and Community Council to be invalid on a Reserved Matters application as they challenge the very basis of approving a house on the site in the first instance. These concerns were heard from them at the appropriate outline stage and considered.

The application is recommended for approval subject to the following conditions:

**Recommendation**

It is recommended that the application be approved subject to the following condition(s) :-

1. The access to be formed as per the approved plans before the dwellinghouse is occupied.  
Reason: In the interests of road safety.

2. A tree/shrub planting scheme to be submitted before the development commences for approval by the Planning Authority, incorporating the retention and realignment of the roadside hedge. Once approved, the planting to be carried out concurrently with the development or during the next planting season thereto and to be maintained thereafter.  
Reason: To maintain and enhance the visual amenities of the area.
  
3. All external materials to be agreed with the Planning Authority, including the submission of samples of the natural stone to be used.  
Reason: To safeguard the visual amenity of the area.

25/11/05

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**DELEGATED PROCEDURE**

It is considered that this application can be determined in accordance with the procedure for delegation to the Chairman, the Local Member and the Head of Planning & Building Standards.

\_\_\_\_\_ (Local Member) 2/12/05 (Date)  
\_\_\_\_\_ (Chairman) 29/12/05 (Date)  
14

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Town and Country Planning (General Development Procedure) (Scotland) Order 1992

Application for Approval of Reserved Matters

Reference: 06/00453/REM

To : Mr & Mrs K Short per Aitken Turnbull 22 Buccleuch Street Hawick TD9 0HW

With reference to your application validated on **7th March 2006** for approval under the Town and Country Planning (Scotland) Act 1997 for reserved matters relating to outline planning permission for the following development:-

Proposal : **Erection of dwellinghouse (amendment to previous consent 05/01661/REM)**

at : **Paddock West Of Belses Station Ancrum Scottish Borders**

The Scottish Borders Council hereby **approve** the application in accordance with the approved plan(s) and the particulars given in the application, and in accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 **subject to the following standard condition:-**

that the development to which this approval relates must be begun not later than whichever is the later of the following dates:-

- (i) the expiration of five years from the date of the original outline planning permission
- (ii) the expiration of two years from the date of this approval.

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

**Dated 8th June 2006  
Planning and Economic Development  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 OSA**

Signed



.....  
Standards

Application reference : 06/00453/REM

**SCHEDULE OF CONDITIONS**

- 1 The access to be formed as per the approved plans before the dwellinghouse is occupied.  
Reason: In the interests of road safety.
- 2 A tree/shrub planting scheme to be submitted before the development commences for approval by the Planning Authority, incorporating the retention and realignment of the roadside hedge. Once approved, the planting to be carried out concurrently with the development or during the next planting season thereto and to be maintained thereafter.  
Reason: To maintain and enhance the visual amenities of the area.
- 3 All external materials to be agreed with the Planning Authority, including the submission of samples of the natural stone to be used.  
Reason: To safeguard the visual amenity of the 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.

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 the applicant is aggrieved by the decision of the Planning Authority, an appeal may be made to the Scottish Ministers under section 47 of the Town and Country Planning (Scotland) Act 1997, within six months from the date of this notice. The appeal should be addressed to the Chief Reporter, Scottish Executive Inquiry Reporter's Unit, 4 The Courtyard, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR.

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 V of the Town and Country Planning (Scotland) Act, 1997.



SCOTTISH BORDERS COUNCIL

DEVELOPMENT AND BUILDING CONTROL COMMITTEE

APPLICATION FOR PLANNING PERMISSION – PART II REPORT

REF : 06/00453/REM  
APPLICANT : Mr & Mrs K Short  
AGENT : Aitken Turnbull  
DEVELOPMENT : Erection of dwellinghouse (amendment to previous consent  
05/01661/REM)  
LOCATION : Paddock West Of Belses Station  
Ancrum  
Scottish Borders  
TYPE : Approval of Reserved Matters

Observations by Development Control Officer - Mr Craig Miller

Took this application mainly because of the additional dormer to the rear although some other minor variations were noticed to the access position, house height, oil tank etc. These are all contained on this revised application and do not cause any form of problem, the overlooking issue being raised by the objector not considered to be valid at the distance/elevations involved. His concerns over the access really goes back to the actual principle of approval, given that the access has only moved 2.5 m from where it was approved. DTS cannot continue to oppose this although they had objected to the principle of the original application. Finally, the oil tank is a little closer to the badger sett than the garage but SNH have been contacted and they have no worries.

Recommendation

The application is recommended for APPROVAL subject to the original conditions attached to 05/01661/REM, namely.

1. The access to be formed as per the approved plans before the dwellinghouse is occupied.  
Reason: In the interests of road safety.
2. A tree/shrub planting scheme to be submitted before the development commences for approval by the Planning Authority, incorporating the retention and realignment of the roadside hedge. Once approved, the planting to be carried out concurrently with the development or during the next planting season thereto and to be maintained thereafter.  
Reason: To maintain and enhance the visual amenities of the area.
3. All external materials to be agreed with the Planning Authority, including the submission of samples of the natural stone to be used.  
Reason: To safeguard the visual amenity of the area.

DELEGATED PROCEDURE

It is considered that this application can be determined in accordance with the procedure for delegation to the Chairman, the Local Member and the Head of Planning & Building Standards.

\_\_\_\_\_ (Local Member) 1 June 06 (Date)  
\_\_\_\_\_ (Chairman) 8/6/06 (Date)

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

**Town and Country Planning (General Development Procedure) (Scotland) Order 1992**

**Application for Approval of Reserved Matters**

**Reference: 07/00578/REM**

**To : Mr And Mrs D Jack per John R Harris & Partners Paima Place Melrose Scottish Borders TD6 9PR**

With reference to your application validated on **23rd March 2007** for approval under the Town and Country Planning (Scotland) Act 1997 for reserved matters relating to outline planning permission for the following development:-

**Proposal : Erection of dwellinghouse**

**at : Stables At Old Belses Jedburgh Scottish Borders TD6 8UR**

The Scottish Borders Council hereby **approve** the application in accordance with the approved plan(s) and the particulars given in the application, and in accordance with Section 59 of the Town and Country Planning (Scotland Act 1997 **subject to the following standard condition:-**

that the development to which this approval relates must be begun not later than whichever is the later of the following dates:-

- (i) the expiration of five years from the date of the original outline planning permission
- (ii) the expiration of two years from the date of this approval

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

**Dated 13th May 2008  
Planning and Economic Development  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 OSA**

Signed  .....  
**Head of Planning & Building Standards**

**Application reference : 07/00578/REM**

**SCHEDULE OF CONDITIONS**

- 1 No landraising should occur on site below the 99.39m AOD contour.  
Reason: In the interests of flood risk.
- 2 The precise location of the access to be agreed by the Local Planning Authority before any development is commenced on site.  
Reason: In the interests of road safety.
- 3 The existing vehicular access opposite Old Belses Cottage must be closed off before any works commence on site.  
Reason: In the interests of road safety.
- 4 Any gates erected at the access must open into the site and must be set back a minimum of 6 metres from the edge of the public road.  
Reason: In the interests of road safety.
- 5 The basecourse to be natural stone.  
Reason: To safeguard the character and amenity of the area.
- 6 The colour(s) of the external timbers and walls shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.  
Reason: To safeguard the character of the area.
- 7 No development shall take place except in strict accordance with a scheme of landscaping works, which has first been submitted to and approved in writing by the Local Planning Authority. Details of the scheme shall include details of the species within the 5 metre wide strip of planting along the side of Jordan Burn as indicated on drawing no. 07007 – PL/001. This planting strip must extend along the entire length of the Jordan Burn boundary. A planting strip must also be implemented along the north western boundary of the site and the existing hedge along the B6400 boundary must be replaced.  
Reason: To ensure the satisfactory form, layout and assimilation of the development.
- 8 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and shall be maintained thereafter and replaced as may be necessary for a period of two years from the date of completion of the planting, seeding or turfing.  
Reason: To ensure that the proposed landscaping is carried out as approved.

**FOR THE INFORMATION OF THE APPLICANT**

It should be noted that:

Please find attached consultation responses received from the Scottish Environment Protection Agency (SEPA) for your information.

It should be noted that all work within the existing public road and verge must be carried out by an approved contractor on Scottish Borders Council's approved list who must complete and

return the relevant application form for permission to work in the public road prior to work commencing on site.

Steps must be taken to prevent surface water flowing from the site to the adjacent public road.

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.

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 the applicant is aggrieved by the decision of the Planning Authority, an appeal may be made to the Scottish Ministers under section 47 of the Town and Country Planning (Scotland) Act 1997, within six months from the date of this notice. The appeal should be addressed to the Chief Reporter, Scottish Executive Inquiry Reporter's Unit, 4 The Courtyard, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR.

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 V of the Town and Country Planning (Scotland) Act 1997.

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**SCOTTISH BORDERS COUNCIL**

**APPLICATION FOR PLANNING PERMISSION TO BE DETERMINED UNDER POWERS DELEGATED  
TO THE HEAD OF PLANNING AND BUILDING STANDARDS**

**PART III REPORT**

**REF :** 07/00578/REM

**APPLICANT :** Mr And Mrs D Jack

**AGENT :** John R Harris & Partners

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

**LOCATION:** Stables At Old Belses  
Jedburgh  
Scottish Borders  
TD6 8UR

**TYPE :** REM Application

**Observations by Development Control Officer - Miss Karen Hope**

This application seeks the approval of reserved matters for the erection of a dwellinghouse on land at Old Belses near Jedburgh.

Outline planning consent was granted on 6 February 2006 for the erection of a dwellinghouse on this site, subject to conditions.

Various amendments have been made to the design of the proposed dwellinghouse including a revision to the proposed bathroom extension and an amendment to the roof pitch. The design of the proposed dwellinghouse is now considered to be acceptable. The outline consent for the site required that natural stone is used in the basecourses and features/surrounds. Natural stone is proposed to the vestibule but the drawings indicate the use of 'Anstone' in the basecourse. For the avoidance of doubt, a suitably worded condition should be attached to this consent again requiring that the basecourse is natural stone.

A further condition was attached requiring that a landscape scheme is submitted, including tree, hedge and shrub treatment along the Jordan Burn boundary. This has been indicated on the site plan although further information is required in respect of the proposed species. It is also considered that the planting belt should continue along the north western boundary of the site. Regrettably an existing beech hedge along the southern boundary of the site requires to be removed in order that an acceptable access can be achieved. A condition should be attached to this consent requiring that the hedging is replaced.

The Director of Technical Services (Roads) has raised various issues. These can be dealt with by attaching suitably worded conditions to any consent granted. No neighbour objections have been received and Ancrum Community Council has raised no objections.

The Scottish Environment Protection Agency and the Council's Flood Protection Officer advised that the site is within a 1 in 200 year flood risk area. The submission of a flood risk assessment was therefore required. Unfortunately this issue did not come to light during the process of the outline planning application. The flood risk assessment was subsequently submitted and the proposals are now considered to be acceptable from a flood risk point of view.

Overall, it is now considered that the proposals are acceptable.

**Recommendation:**

It is recommended that the application is approved subject to the following conditions:

1. No landraising should occur on site below the 99.39m AOD contour.  
Reason: In the interests of flood risk.
2. The precise location of the access to be agreed by the Local Planning Authority before any development is commenced on site.  
Reason: In the interests of road safety.
3. The existing vehicular access opposite Old Belses Cottage must be closed off before any works commence on site.  
Reason: In the interests of road safety.
4. Any gates erected at the access must open into the site and must be set back a minimum of 6 metres from the edge of the public road.  
Reason: In the interests of road safety.
5. The basecourse to be natural stone.  
Reason: To safeguard the character and amenity of the area.
6. The colour(s) of the external timbers and walls shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced.  
Reason: To safeguard the character of the area.
7. No development shall take place except in strict accordance with a scheme of landscaping works, which has first been submitted to and approved in writing by the Local Planning Authority. Details of the scheme shall include details of the species within the 5 metre wide strip of planting along the side of Jordan Burn as indicated on drawing no. 07007 – PL/001. This planting strip must extend along the entire length of the Jordan Burn boundary. A planting strip must also be implemented along the north western boundary of the site and the existing hedge along the B6400 boundary must be replaced.  
Reason: To ensure the satisfactory form, layout and assimilation of the development.
8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and shall be maintained thereafter and replaced as may be necessary for a period of two years from the date of completion of the planting, seeding or turfing.  
Reason: To ensure that the proposed landscaping is carried out as approved.

Informative: Please find attached consultation responses received from the Scottish Environment Protection Agency (SEPA) for your information.

It should be noted that all work within the existing public road and verge must be carried out by an approved contractor on Scottish Borders Council's approved list who must complete and return the relevant application form for permission to work in the public road prior to work commencing on site.

Steps must be taken to prevent surface water flowing from the site to the adjacent public road.

Miss Karen Hope  
Senior Planning Officer (East)

Recommended On: 9 May 2008



Mr and Ms Neil / Valerie Fortune / Mauchlen  
per Dan-Wood Concept Plus Ltd  
1 Wilderhaugh  
Galashiels  
Scottish Borders  
TD1 1QJ

**Please ask for:** Brett Taylor  
X6628  
**Our Ref:** 20/00486/FUL  
**Your Ref:**  
**E-Mail:** brett.taylor@scotborders.gov.uk  
**Date:** 31st July 2020

Dear Sir/Madam

**PLANNING APPLICATION AT Land North West Of Strathmyre Old Belses Jedburgh Scottish Borders**

**PROPOSED DEVELOPMENT:** Erection of dwellinghouse with detached garage

**APPLICANT:** Mr and Ms Neil / Valerie Fortune / Mauchlen

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

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

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

Yours faithfully

John Hayward

Planning & Development Standards Manager

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

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

**Application for Planning Permission**

**Reference : 20/00486/FUL**

**To : Mr and Ms Neil / Valerie Fortune / Mauchlen per Dan-Wood Concept Plus Ltd 1 Wilderhaugh Galashiels Scottish Borders TD1 1QJ**

With reference to your application validated on **7th May 2020** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

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

**At : Land North West Of Strathmyre Old Belses Jedburgh Scottish Borders**

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

**Dated 30th July 2020  
Regulatory Services  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**John Hayward  
Planning & Development Standards Manager**

**APPLICATION REFERENCE : 20/00486/FUL**

**Schedule of Plans and Drawings Refused:**

Plan Ref	Plan Type	Plan Status
SP01	Location Plan	Refused
	Proposed Site Plan	Refused
PP01	Proposed Plans & Elevations	Refused

**REASON FOR REFUSAL**

- 1 The development would be contrary to Policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 in that the development would not relate sympathetically to an existing building group and would lead to an unjustified and sporadic expansion of development into a previously undeveloped field. The proposal would therefore not relate sympathetically to the character and sense of place of an existing building group and there is no overriding economic or other justification to support the development.
- 2 The development is contrary to policy PMD2 of the Local Development Plan 2016 in that the means of access onto a B Class Road out with a settlement boundary would unacceptably adversely affect the road safety of the B 6400
- 3 The development is contrary to policies PMD2 and HD2 of the Local Development Plan 2016 and the Supplementary Planning Guidance on Placemaking and Design 2010 and New Housing in the Borders Countryside 2008 in that its form and design would not be sympathetic to the character and appearance of the building group or countryside setting.

**FOR THE INFORMATION OF THE APPLICANT**

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months from the date of this notice.

The notice of review must be submitted on the standard form and addressed 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). The standard form and guidance notes can be found online at [Appeal a Planning Decision](#). Appeals to the Local Review Body can also be made via the Scottish Government Planning and Environmental Appeals Division by clicking on the following link [PEAD](#)

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

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**SCOTTISH BORDERS COUNCIL**

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

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

**REF :** 20/00486/FUL  
**APPLICANT :** Mr and Ms Neil / Valerie Fortune / Mauchlen  
**AGENT :** Dan-Wood Concept Plus Ltd  
**DEVELOPMENT :** Erection of dwellinghouse with detached garage  
**LOCATION:** Land North West Of Strathmyre Old Belses  
Jedburgh  
Scottish Borders

**TYPE :** FUL Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
SP01	Location Plan	Refused
PP01	Proposed Site Plan	Refused
	Proposed Plans & Elevations	Refused

**NUMBER OF REPRESENTATIONS: 1**

**SUMMARY OF REPRESENTATIONS:**

One letter was received from a neighbouring property neither objecting nor supporting the application.

Consultations

Ancrum Community Council: Have not responded at the time of writing this report.

Education and Lifelong learning: Have not responded at the time of writing this report.

Roads Planning Officer: Objects to the application in that the proposal does not comply with Policy PMD2 of the Local Development Plan 2016 in that it would fail to ensure there is no adverse impact on road safety, including but not limited to the site access.

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

**PLANNING CONSIDERATIONS AND POLICIES:**

Local Development Plan 2016

PMD2 - Quality Standards

HD2 - Housing in the Countryside

HD3- Protection of Residential Amenity

EP1: International Nature Conservation and Protected Species

EP2: National Nature Conservation Sites and Protected Species

EP3 - Local Biodiversity  
EP13 - Trees, Woodlands and Hedgerows  
IS2 - Developer Contributions  
IS7 - Parking Provision and Standards  
IS9 - Waste Water and Treatment Standards and Sustainable Urban Drainage

#### Supplementary Planning Guidance

Developer Contributions 2019  
Householder Development (Privacy and Sunlight) 2006  
Landscape and Development 2008  
New Housing in the Borders Countryside 2008  
Placemaking and Design 2010  
Trees and Development 2008  
Waste Management 2015

Scottish Planning Policy 2014

#### **Recommendation by** - Brett Taylor (Planning Officer) on 30th July 2020

##### Site and Proposal

The application site is a relatively level undeveloped field located to the northwest of Old Belses Cottage and opposite the property at Braeside. The village of Ancrum is approximately 6km to the east. The current boundary treatments consist of hedging and post and wire fencing. The site would be served by an existing road the B 6400 which forms the north-eastern boundary of the site. The submitted location plan shows an entrance located on the north-eastern corner of the site.

The applicant is seeking planning permission for a single storey house with a footprint of approximately 171m<sup>2</sup> and a separate garage of approximately 49m<sup>2</sup>. Access would be taken half-way along the north-eastern boundary of the site opposite the existing access to the property at Braeside. The site would have a private access track with an area of hardstanding including vehicle parking and stand-alone garage.

The proposed house would have a pitched roof and be 'L' shaped, it would measure 16.1m x 14.3m at its widest points and will be 5m in height. Four windows and a door are proposed for the southeast elevation, three windows for the northeast elevation, two windows and a door for the northwest elevation. The southwest elevation would have three windows and two gable windows. The materials would comprise of white rendered walls, grey concrete roof tiles, UPVC windows/doors and rainwater goods. The soffits and fascias would be white painted timber.

The separate garage would be situated to the east of the main house and would have a similar design pitched roof. It would measure 8.3m x 6.2m and would be 4.4m in height. The materials would be the same as the main dwellinghouse.

Other proposals shown on the submitted plans include the installation of a septic tank for foul water and a new soakaway for surface water.

##### Site History

There is no planning history associated with this site. No pre-application discussions were undertaken.

##### Key Planning Policies

The key policies against which this application is assessed are PMD2 - quality standards and HD2 - housing in the countryside.

In terms of policy HD2: 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) In dispersed communities in the Southern Borders housing market area.

The New Housing in the Borders Countryside supplementary planning guidance (SPG) reinforces the terms of policy HD2, albeit the SPG predates the introduction of the 30% threshold in the policy.

Of the above, the application falls into the second criterion. Although the site is not within a defined settlement, it is associated with a building group of three houses (Braeside, Old Belses and Strathmyre) which has not been expanded during the local development plan period.

Our SPG cautions against developing beyond established building group boundaries into undeveloped fields - to do so opens up the potential of expanding the group away from the sense of place which justifies a house in the first place. In this case, the proposed site is an exposed undeveloped field and the development would expand the group in an uninterrupted manner along the B 6400. As such, this proposal would encourage ribbon development along this section of the B 6400, out of character with the clustered form of the group. This does not comply with Policy HD2 or our SPG as a result, since it will not sympathetically relate to its character or sense of place. Siting a house here would not comprise a sympathetic, organic addition to the area.

#### Placemaking and design

Policy PMD2 sets out the council's strategy towards design. It states, amongst other things, that: "All new development will be expected to be of high quality in accordance with sustainability principles, designed to fit with...its landscape surroundings". The policy sets out the standards which will apply to all development."

For this application, I consider the design of the proposal would fail to make a positive contribution to the sense of place. The design of both the house and garage are of a suburban character, and whilst I acknowledge the property opposite the proposal (Braeside) is of similar character, this site is more exposed and prominent. The design is of insufficient quality by incorporating a low shallow pitched roof, horizontal form and fenestration. The external materials require amendment, and no details have been provided on landscaping and boundary treatment. These latter matters can be addressed by condition, but the overall form and design of the house requires significant change to relate sympathetically to the group and reflect policy aspirations for good quality design.

Overall, in my interpretation, the resulting house and garage would not be sympathetic to the adjacent group or setting and would therefore be contrary to the terms of policies HD2 and PMD2 and related guidance.

#### Amenity and privacy

Notwithstanding above fundamental matters regarding the principle of development, the site appears to be 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. The submitted design is of little architectural merit and would be an incongruous feature in the countryside. That having been said, the house and garage are sufficiently distance from the neighbouring properties that amenity and privacy would not be adversely affected.

#### Developer contribution

No developer contributions would be required in respect of education provision and affordable housing.

#### Ecology

With respect to ecology, given the site is not subject to any natural heritage designations nor nearby any, no buildings would be lost, mature trees removed, or substantial amounts of hedging needing removed, it is,

therefore, considered that the proposal will have a negligible impact on ecology and biodiversity of the surrounding area.

#### Parking and Road Safety

Policy PMD2 requires that a development incorporates adequate access and turning space and for vehicles and ensures that there is no adverse impact on road safety. Policy IS7 requires that car parking should be provided in accordance with the Council's adopted standards.

The site is capable of providing two spaces to support a new house, thus complying with Policies IS7. The site is proposed to be accessed via a new entrance onto the B 6400. The Council's Road Planning Officer has considered the suitability of the proposed access and objects to the proposal due to road safety concerns. The principle of new accesses on to B class roads is not supported without economic or road safety justification. Whilst a site visit was not possible due to Covid-19 restrictions, it has been advised by the Roads Planning Officer that the primary function of B Class roads out with settlement boundaries is movement of vehicles which could potentially travel up to 60mph. To facilitate safe vehicle movements, the Council would seek to limit the number of new accesses onto B class roads unless a proposed development provides a sufficient economic or road safety benefit. In addition, Roads Planning Officer's opinion is that the proposed access is not an appropriate location due to the nature of the road and the lack of a strong building group. These concerns are not capable of being addressed by planning condition.

Overall, this new access would be an isolated access onto a rural section of road without any justification and as such would be contrary to policy PMD2.

#### 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 including the installation of a septic tank and soakaway.

#### Trees

There are no trees currently on the site. The plan is not sufficiently detailed and, if permission were to be granted, a fully detailed landscaping plan would be required by condition.

#### Waste

The submitted site plan indicates provision for the storage of bins next to the garage away from public view.

#### Conclusion

It is recommended that the application is refused for the reasons given above.

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

The development would be contrary to Policies PMD2 and HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 because it would constitute housing in the countryside that would not be well related to a building group by extending out into an open field alongside the B 6400. It would also be of a design that would not be sympathetic to the character and appearance of the surrounding area, contrary to the above-noted policies and our SPG on Placemaking and Design. Furthermore, the proposed means of access would be unsatisfactory since the development would potentially increase the road safety risk along the B 6400.

#### **Recommendation:** Refused

- 1 The development would be contrary to Policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 in that the development would not relate



sympathetically to an existing building group and would lead to an unjustified and sporadic expansion of development into a previously undeveloped field. The proposal would therefore not relate sympathetically to the character and sense of place of an existing building group and there is no overriding economic or other justification to support the development.

- 2 The development is contrary to policy PMD2 of the Local Development Plan 2016 in that the means of access onto a B Class Road out with a settlement boundary would unacceptably adversely affect the road safety of the B 6400
- 3 The development is contrary to policies PMD2 and HD2 of the Local Development Plan 2016 and the Supplementary Planning Guidance on Placemaking and Design 2010 and New Housing in the Borders Countryside 2008 in that its form and design would not be sympathetic to the character and appearance of the building group or countryside setting.

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

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Friday, 18 June 2021



Local Planner  
Development Management  
Scottish Borders Council  
Newtown St. Boswells  
TD6 0SA

Development Operations  
The Bridge  
Buchanan Gate Business Park  
Cumbernauld Road  
Steps  
Glasgow  
G33 6FB

Development Operations  
Freephone Number - 0800 3890379  
E-Mail - [DevelopmentOperations@scottishwater.co.uk](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)

Dear Sir/Madam

**SITE: Plot 2 Land North Of Belses Cottage, Jedburgh**  
**PLANNING REF: 21/00993/PPP**  
**OUR REF: DSCAS-0042668-M9C**  
**PROPOSAL: Erection of dwellinghouse**

**Please quote our reference in all future correspondence**

### Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

### Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ There is currently sufficient capacity in the Robertson Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

### Waste Water Capacity Assessment

- ▶ Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.



## Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

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## Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

### General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
  - ▶ Site Investigation Services (UK) Ltd
  - ▶ Tel: 0333 123 1223
  - ▶ Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)
  - ▶ [www.sisplan.co.uk](http://www.sisplan.co.uk)
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.



- ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).

## Next Steps:

### ▶ All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

### ▶ Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk)

### ▶ Trade Effluent Discharge from Non Dom Property:

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and laundrettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the



development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com)

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely,

**Angela Allison**

Development Operations Analyst

[developmentoperations@scottishwater.co.uk](mailto:developmentoperations@scottishwater.co.uk)

**Scottish Water Disclaimer:**

*"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."*



**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>	Craig Johnston Roads Planning Technician	<a href="mailto:Craig.johnston@scotborders.gov.uk">Craig.johnston@scotborders.gov.uk</a> 01835 826856
<b>Date of reply</b>	13/07/2021	<b>Consultee reference:</b>
<b>Planning Application Reference</b>	21/00993/PPP	<b>Case Officer:</b> Brett Taylor
<b>Applicant</b>	Phen Farms	
<b>Agent</b>	Smith And Garratt Rural Asset Management	
<b>Proposed Development</b>	Erection of dwellinghouse	
<b>Site Location</b>	Plot 2 Land North Of Belses Cottage Jedburgh Scottish Borders	
<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>		
<b>Background and Site description</b>	<p>The site was the subject of previous application 20/00412/PPP, which raised objections from the Roads Planning Service (RPS) at the time. During consideration of the previous application, discussions took place between the RPS and the agent after the original consultation response and, the current application takes into account some elements of these discussions with an amended site plan and road layout.</p>	
<b>Key Issues (Bullet points)</b>	<ul style="list-style-type: none"> <li>• Access onto public road</li> <li>• Pedestrian movement within locality</li> </ul>	
<b>Assessment</b>	<p>The 2020, application was objected to on the basis that the Roads Planning Service look to avoid the creation of new accesses onto A and B class roads outwith settlements. Furthermore, it was felt that the rural nature and feel of the road would cause a new access to be unexpected to an approaching driver. It was also the opinion previously that the approval of such an application would add to the level of sporadic development within the vicinity without the appropriate road infrastructure, such as a footway and street lighting being in place to support it.</p> <p>During discussions regarding the 2020 application, it was suggested that by moving the access to the position shown in the current submission and closing the existing access to New Belses, a forthcoming application could offer road safety improvements and achieve adequate visibility splays for the new junction. However, it was also intimated that even if the access was moved to an improved location, the Roads Planning Service would still likely object due to the principle of sporadic development between Old Belses and New Belses without the proper road infrastructure to support it.</p> <p>It should be noted that whilst the submission shows the access as being moved, it does not propose to stop-up the existing access at new Belses and instead, only looks to restrict access which would be unenforceable.</p> <p>Notwithstanding the above, the current application would still create additional development in an area where there is insufficient infrastructure for pedestrians,</p>	

	<p>and the proposed access arrangement may encourage further development in the land surrounding the site.</p> <p>In summary, I must object to this application, as it would contribute towards sporadic development in the Belses community without the appropriate road infrastructure being in place to justify it. Furthermore, it is good practice to restrict the number of accesses onto A and B class roads outside settlements. The existing access to New Belses is proposed for restricted use rather than closure so that there would be an additional access overall.</p> <p><b>It should be noted due to the restrictions on travel as a result of the Covid-19 pandemic at the time of writing, no site visit has been undertaken and the comments made above are based purely on the information submitted with this application and local knowledge.</b></p>			
<b>Recommendation</b>	<input checked="" type="checkbox"/> <b>Object</b>	<input type="checkbox"/> Do not object	<input type="checkbox"/> Do not object, subject to conditions	<input type="checkbox"/> Further information required
<b>Reason for Refusal</b>	<p>I object to this proposal as it does not comply with the Council's Local Development Plan Policy PMD2 which ensures that a development has no adverse impact on road safety, including but not limited to the site access.</p>			

AJS



## Comments for Planning Application 21/00993/PPP

### Application Summary

Application Number: 21/00993/PPP

Address: Plot 2 Land North Of Belses Cottage Jedburgh Scottish Borders

Proposal: Erection of dwellinghouse

Case Officer: Brett Taylor

### Customer Details

Name: Mr Mark Crighton

Address: Belses Cottage, Belses, Jedburgh, Scottish Borders TD8 6UR

### Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Inadequate access
- Increased traffic
- Overlooking
- Privacy of neighbouring properties affected
- Road safety
- Trees/landscape affected

Comment: We object to the proposed two building plots (application numbers 21/00992/PPP and 21/00993/PPP). The applicant states that this is an unproductive and isolated plot of land however this area has been engineered to be "unproductive and isolated" when the tree belt was planted by the applicant several years ago. Also the field access that they are proposing to "stop up" is not currently used as an access point. The proposed sites would not form part of an existing building group as they are separated from the nearest existing dwellings by the busy B6400. Belses (not New Belses or Old Belses) only consists of 3 visible properties all of which are on the South East side of the B6400, one being approx. 100m away. This, depending upon the definition of group boundaries, will in our opinion not form part of an existing group due to the extensive locations and the division created by the B6400. The 'over all build group' of 16 properties, circled in the Design, Access & Planning Statement, is covering a distance between the furthest two of over half a mile. We would also add that the inaccuracy of the Design, Access & Planning Statement may mislead unless the area is known in person. The blue circle surrounding a dwelling that states planning granted - this house has been there since at least the 1970's and the yellow circle that states Two - this is in fact a single dwelling. This is a diverse group. We feel that it doesn't fall within the Policy HD2 Housing in the Countryside and that it will have a high level of visual impact due to its remote and elevated position.

We endorse the comments made by Gordon Stewart regarding the farm access; any additional  
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access point would be a safety concern on this stretch of road.

# Comments for Planning Application 21/00993/PPP

## Application Summary

Application Number: 21/00993/PPP

Address: Plot 2 Land North Of Belses Cottage Jedburgh Scottish Borders

Proposal: Erection of dwellinghouse

Case Officer: Brett Taylor

## Customer Details

Name: Mr GORDON STEWART

Address: Belses Smithy Cottage, Belses, Jedburgh, Scottish Borders TD8 6UR

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Inadequate access
- Increased traffic
- Road safety

Comment: I object to the proposed two building plots (application numbers 21/00992/PPP and 21/00993/PPP).

The applicant states that the sites are part of an existing building cluster. This is not the case - the proposed building sites are not next to existing dwellings and they are separated from the nearest existing dwellings by the main road; B6400.

The previous application for this development was withdrawn following concerns over the access onto the B6400 road.

These two new applications attempt to justify the creation of a new access onto the B6400 by claiming that 'the existing farm access will be restricted to light vehicles only'. The 'existing farm access', nearby serves New Belses Farm Cottages and Farmhouse. A separate 'farm' access already exists to New Belses Farm, further along the B6400 road and was the subject of a separate planning application in 1994 (application number: 94/00018/FUL).

I note that the applicants intend placing shepherd huts as part of a leisure diversification, in the field adjacent to the site of the current application. Far from reducing vehicular traffic on this stretch of road, the current application, combined with any future, leisure diversification would increase traffic onto this section of the B6400.

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**Local Review Reference:** 22/00026/RREF

**Planning Application Reference:** 21/00993/PPP

**Development Proposal:** Erection of dwellinghouse

**Location:** Plot 2 Land North of Belses Cottage, Jedburgh

**Applicant:** Phen Farms

## **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 wider environment and to meet open space requirements. In some cases agreements will be required to ensure that landscape works are undertaken at an early stage of development

and that appropriate arrangements are put in place for long term landscape/open space maintenance,

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

#### Placemaking & Design

h) It creates developments with a sense of place, based on a clear understanding of the context, designed in sympathy with Scottish Borders architectural styles; this need not exclude appropriate contemporary and/or innovative design,

i) it is of a scale, massing, height and density appropriate to its surroundings and, where an extension or alteration, appropriate to the existing building,

j) it is finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality and, where an extension or alteration, the existing building,

k) it is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form,

l) it can be satisfactorily accommodated within the site,

m) it provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings,

n) it incorporates, where appropriate, adequate safety and security measures, in accordance with current guidance on 'designing out crime'.

#### Accessibility

o) Street layouts must be designed to properly connect and integrate with existing street patterns and be able to be easily extended in the future where appropriate in order to minimise the need for turning heads and isolated footpaths,

p) it incorporates, where required, access for those with mobility difficulties,

q) it ensures there is no adverse impact on road safety, including but not limited to the site access,

r) it provides for linkages with adjoining built up areas including public transport connections and provision for buses, and new paths and cycleways, linking where possible to the existing path network; Travel Plans will be encouraged to support more sustainable travel patterns,

s) it incorporates adequate access and turning space for vehicles including those used for waste collection purposes.

#### Greenspace, Open Space & Biodiversity

t) It provides meaningful open space that wherever possible, links to existing open spaces and that is in accordance with current Council standards pending preparation of an up-to-date open space strategy and local standards. In some cases a developer contribution to wider neighbourhood or settlement provision may be appropriate, supported by appropriate arrangements for maintenance,

u) it retains physical or natural features or habitats which are important to the amenity or biodiversity of the area or makes provision for adequate mitigation or replacements.

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

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

The Council wishes to promote appropriate rural housing development:

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

b) associated with existing building groups where this does not adversely affect their character or that of the surrounding area, and

- c) in dispersed communities in the Southern Borders housing market area.

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

#### (A) BUILDING GROUPS

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

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

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

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

#### (B) DISPERSED BUILDINGS GROUPS

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

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

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

#### (C) CONVERSIONS OF BUILDINGS TO A HOUSE

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

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

#### (D) RESTORATION OF HOUSES

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

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

#### (E) REPLACEMENT DWELLINGS

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

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

#### (F) ECONOMIC REQUIREMENT

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

- a) the housing development is a direct operational requirement of an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and it is for a worker predominantly employed in the enterprise and the presence of that worker on-site is essential to the efficient operation of the enterprise. Such development could include businesses that would cause disturbance or loss of amenity if located within an existing settlement, or
- b) it is for use of a person last employed in an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and also employed on the unit that is the subject of the application, and the development will release another house for continued use by an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and



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

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

### **POLICY 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.

### **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 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;
- d) leisure, sport, recreation, play areas and community facilities, either on-site or off-site;
- e) landscape, open space, allotment provision, trees and woodlands, including costs of future management and maintenance;
- f) protection, enhancement and promotion of environmental assets either on-site or off-site, having regard to the Local Biodiversity Action Plan and the Council's Supplementary Planning Guidance on Biodiversity, including compensation for any losses and/or alternative provision;
- g) provision of other facilities and equipment for the satisfactory completion of the development that may include: measures to minimise the risk of crime; provision for the storage, collection and recycling of waste, including communal facilities; provision of street furniture and digital connectivity with associated infrastructure.

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

#### **POLICY IS7: PARKING PROVISION AND STANDARDS**

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

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

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

#### **POLICY IS9: WASTE WATER TREATMENT STANDARDS AND SUSTAINABLE URBAN DRAINAGE**

##### **WASTE WATER TREATMENT STANDARDS**

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

- a) direct connection to the public sewerage system, including pumping if necessary, or failing that:
- b) negotiating developer contributions with Scottish Water to upgrade the existing sewerage network and/or increasing capacity at the waste water treatment works, or failing that:

- c) agreement with Scottish Water and SEPA where required to provide permanent or temporary alternatives to sewer connection including the possibility of stand alone treatment plants until sewer capacity becomes available, or, failing that:
- d) for development in the countryside i.e. not within or immediately adjacent to publicly 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 Housing in the Countryside 2008
- SBC Supplementary Planning Guidance on Developer Contributions 2021
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006
- SBC Supplementary Planning Guidance on Placemaking and Design 2010
- SBC Supplementary Planning Guidance on Waste Management 2015
- SBC Supplementary Planning Guidance on Affordable Housing 2015
- SBC Supplementary Planning Guidance on Trees and Development 2008
- SBC Supplementary Planning Guidance on Landscape and Development 2008
- SPP 2014
- Draft NPF4