

Public Document Pack



LOCAL REVIEW BODY MONDAY, 23 OCTOBER 2023

A MEETING of the LOCAL REVIEW BODY will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS on MONDAY, 23 OCTOBER 2023 at 10.00 am.

This will be a blended meeting.

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,

13 October 2023

BUSINESS	
1.	Apologies for Absence.
2.	Order of Business.
3.	Declarations of Interest.
4.	Continuation of review of refusal in respect of the Erection of dwellinghouse with detached garage on Land South of Headshaw Farmhouse, Ashkirk, Selkirk - 23/00023/RREF
	(a) Submission by Officer on New Information (Pages 5 - 6)
	(b) Notice of Review (Pages 7 - 104) Including:- Decision Notice Officer's Report
	(c) Papers referred to in the Officers Report (Pages 105 - 112)

	(d) Additional Information (Pages 113 - 148)
	(e) Consultation Replies (Pages 149 - 156)
	(f) List of Policies (Pages 157 - 168)
5.	Consider request to review refusal in respect of proposed change of use for Units 8-2 and 8-3 to mixed use to include classes 1 and 10 at U-Stor Business Units, Spylaw Road, Kelso - 23/00034/RREF
	(a) Notice of Review (Pages 169 - 226) Including:- Decision Notice Officer's Report
	(b) Papers Referred to in the Officers Report (Pages 227 - 230)
	(c) Additional Information (Pages 231 - 244)
	(d) Consultation Replies (Pages 245 - 254)
	(e) Support Comments (Pages 255 - 398)
	(f) Objections (Pages 399 - 408)
	(g) Further Representations (Pages 409 - 410)
	(h) List of Policies (Pages 411 - 412)
6.	Consider request to review refusal in respect of the Erection of dwellinghouse on Land South of 1 Netherwells, Jedburgh - 23/00036/RREF
	(a) Notice of Review (Pages 413 - 480) Including:- Decision Notice Officer's Report
	(b) Consultation Replies (Pages 481 - 486)

	(c) Objections (Pages 487 - 490)
	(d) List of Policies (Pages 491 - 492)
7.	Consider request to review refusal in respect of the Erection of dwellinghouse on Plot C, Land West of Hedgehope Cottage, Winfield, Berwick-Upon-Tweed - 23/00037/RREF
	(a) Notice of Review (Pages 493 - 556) Including:- Decision Notice Officer's Report
	(b) List of Policies (Pages 557 - 558)
8.	Consider request to review refusal in respect of the Erection of dwellinghouse on Land East of Dunedin Lodge, Crossrig, Berwick-Upon-Tweed - 23/00038/RREF
	(a) Notice of Review (Pages 559 - 614) Including:- Decision Notice Officer's Report
	(b) List of Policies (Pages 615 - 616)
9.	Consider request to review refusal of the Erection of dwellinghouse on Land North East of Alba Cottage, Fishwick, Berwick-Upon-Tweed - 23/00039/RREF
	(a) Notice of Review (Pages 617 - 670) Including:- Decision Notice Officer's Report
	(b) Additional Information (Pages 671 - 686)
	(c) List of Policies (Pages 687 - 688)
10.	Any Other Items Previously Circulated
11.	Any Other Items which the Chairman Decides are Urgent

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.

Membership of Committee:- Councillors S. Mountford (Chair), J. Cox, M. Douglas, D. Moffat, A. Orr, N. Richards, S. Scott, E. Small, V. Thomson.

Please direct any enquiries to Fiona Henderson 01835 826502
email fhenderson@scotborders.gov.uk

From: Hassan, Alla
Sent: 01 September 2023 13:28
To: Henderson, Fiona
Subject: RE: Land South Of Headshaw Farmhouse Ashkirk Selkirk -
22/01947/FUL and
23/00023/RREF

Dear Fiona

I have considered the additional information provided and confirm that it does not lead me to reach a different conclusion or recommendation.

Kind regards

Alla Hassan
Planning Officer
Development Management
Planning Housing and Related Services
Scottish Borders Council

From: Henderson, Fiona <FHenderson@scotborders.gov.uk>
Sent: 18 August 2023 10:20
To: Hassan, Alla <Alla.Hassan@scotborders.gov.uk>
Subject: Land South Of Headshaw Farmhouse Ashkirk Selkirk - 22/01947/FUL and
23/00023/RREF
Importance: High

Good Morning

Further to the Local Review Body held on 14 August 2023, the Review Body have requested that the Planning Officer, and anyone he may wish to consult with, comment on the information listed below which was submitted with the Review but was not before the appointed officer at the time of determination.

* Aerial Photographs of proposed site

Please send any comments to the above email address by Friday, 1 September 2023 at the latest.

Thanks Fiona

Fiona Henderson
Democratic Services Officer
Democratic Services
Resources
Council Headquarters

NEWTOWN ST BOSWELLS TD6 0SA
? DDI : 01835 826502
? fhenderson@scotborders.gov.uk



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 100625673-001

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 Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Sam	Building Name:	37 ONE
Last Name: *	Edwards	Building Number:	37
Telephone Number: *	07854009657	Address 1 (Street): *	George Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	Midlothian
		Postcode: *	EH2 2HN
Email Address: *	sam@edwards-planning.com		

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="Mrs"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Headshaw Farm"/>
First Name: *	<input type="text" value="Nancy Margaret"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Hunter"/>	Address 1 (Street): *	<input type="text" value="Ashkirk"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Selkirk"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="TD7 4NT"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="c/o sam@fergusonplanning.co.uk"/>		

Site Address Details

Planning Authority:

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

Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="623068"/>	Easting	<input type="text" value="346662"/>
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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 with detached garage

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 refer to the supporting appeal statement and appendix enclosed.

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)

Appendix 1 - Additional Site Photographs and Diagrams. These have been provided to respond to the matters raised by the officer in their report of handling, which accompanies the refusal notice.

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)

For the Appeal: Appeal Statement and Appendix 1 - Site Photographs and Diagrams From the Previous Application: CD1 - SBC Decision Notice and Officer's Report; CD2 - Architectural Drawing Package; CD3 - 3D Visuals; CD4 - Sequential Site Assessment; CD5 - Design Statement; CD6 - Planning Statement.

Application Details

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

22/01947/FUL

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

15/12/2022

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

24/03/2023

Review Procedure

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

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

Yes No

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

Please select a further procedure *

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

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

As the reason for refusal is focused on how 'well related' the site is to the building group, we believe this can only be determined via a site visit.

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: Mrs Sam Edwards

Declaration Date: 16/05/2023

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Proposal Details

Proposal Name	100625673
Proposal Description	Erection of a residential dwelling and additional outbuilding.
Address	
Local Authority	Scottish Borders Council
Application Online Reference	100625673-001

Application Status

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

Attachment Details

Notice of Review	System	A4
CD1 - SBC Decision Notice and Officers Report	Attached	A0
CD2 - Architect Drawing Package	Attached	A0
CD3 - 3D Visuals	Attached	A0
CD4 - Sequential Site Assessment	Attached	A0
CD5 - Design Statement	Attached	A0
CD6 - Planning Statement	Attached	A0
Appeal Statement and Appendix 1	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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APPEAL STATEMENT

ERECTION OF DWELLINGHOUSE WITH DETACHED GARAGE LAND SOUTH OF HEADSHAW FARMHOUSE, ASHKIRK, SELKIRK



MAY 2023

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EXECUTIVE SUMMARY

The appellant proposes the “*Erection of dwellinghouse with detached garage*” on land in their ownership within the agricultural unit of Headshaw Farm, Ashkirk, Selkirk.

It is agreed between the Council and the appellant that there is an existing building group comprising five existing dwellings. Disagreement centres on whether the appeal site is ‘well related’ to the existing building group, and this is the key reason for the Council’s refusal of the original planning application.

The appellant’s family have farmed at Headshaw Farm for four generations, demonstrating long-term commitment to providing a high-quality sheep and cattle enterprise and horse livery, contributing to the rural economy with the Borders. The labour requirement for all the land farmed amount to a significant scale of enterprise and the need for the principal personnel to be living on site is considered imperative for the farms continued success for generations to come.

This appeal will enable the existing farmhouse to be released for occupation by the next generation, allowing the appellant’s daughter to return and to assist in the day-to-day management of the farm. She also runs a graphic/design company and is seeking to expand this enterprise in the Scottish Borders and beyond. This clearly has the long-term benefit of allowing the current owners of the rural business, the appellant, to transition towards retirement but remain at Headshaw for the rest of their lives. It also supports ‘rural revitalisation’ which is strongly encouraged by the recently adopted NPF4 and enables delivery of a high quality, self-build home that that is highly energy efficient using Passivehaus detailing and responds to climate change with the provision of solar panels.

In contrast to the officer’s assessment, 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. It is the position of the appellant that the appeal site shares a strong relationship with all the existing dwellings and farmhouse, orientated around the private access road from the A7. A new tree boundary is proposed on the eastern and northern boundary of the site to further enhance the existing natural boundaries of the site and provide a distinct landscape feature, enclosing the building group along its east edge and precluding further development.

The Local Review Body is respectfully asked to undertake a site visit and following a review of the detail contained within the planning and appeal submissions, respectfully requested to allow the appeal and grant planning permission.



1. INTRODUCTION

1.1 This Statement is submitted on behalf of Mrs. N. Hunter (the appellant) and sets out the grounds of appeal against the decision by Scottish Borders Council (the Council) to refuse planning application reference 22/01947/FUL by delegated decision on 24 March 2023. The detailed application sought permission for the '*Erection of dwellinghouse with detached garage*' on Land South of Headshaw Farmhouse, Ashkirk, Selkirk.

1.2 The Council refused the application for a single reason:

1. The development is contrary to Policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008, and Policies 9 and 17 of the National Planning Framework 4 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. This conflict with the development plan is not overridden by any other material considerations.

1.3 It is important to note that there were no statutory or public objections to the proposal as shown below.

Ecology Officer –No Objection

Roads Officer –No Objection

Scottish Water –No Objection

Scottish Water –No Objection

1.4 It should also be noted by Members that *Lilliesleaf Ashkirk and Midlem Community Council* had no objection, and stated the following in support of the application:

Clearly the development has been very carefully considered in terms of its accommodation and style.

Its site is sympathetic to the lay of the land and does not adversely affect other dwellings.

The landscaping and planting scheme is, similarly, carefully, and sympathetically considered.



Its purpose is to provide housing for family that will, in due course, enable the current owner to retire on site.

The design and materials aim to be energy efficient and green as far as possible.

Services will be provided on site.

- 1.5 The appeal statement should be read in the context of all supporting evidence documents submitted as appendices to this appeal statement, and all those from the previous planning application which are listed below:

No	Appendix to Appeal	
1	Site Photographs and Diagrams	
	Core Document from Original Planning Application	Author
CD1	SBC Decision Notice and Officers Report	SBC
CD2	Drawings Package <ul style="list-style-type: none"> - Location Plan - Proposed Site Plan - Proposed Floor Plans - Proposed Elevations - Garage Drawings 	Keith Renton Architect
CD3	3D Visuals	Keith Renton Architect
CD4	Sequential Site Assessment	Keith Renton Architect
CD5	Design Statement	Keith Renton Architect
CD6	Planning Statement	Ferguson Planning Ltd

- 1.6 The remaining sections in this appeal statement comprise:

A description of the appeal site and surrounding context (Section 2)

A description of the proposed development (Section 3)

The appellant's grounds for appeal (Section 4)

Material considerations in support of the appeal (Section 5)

Summary of the appellant's case (Section 6)

- 1.7 This appeal is made to the Local Review Body on the basis it was a local application, which was determined by 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 material considerations. On that basis, we respectfully request that this appeal is allowed.

2. SITE LOCATION AND PLANNING CONTEXT

- 2.1 The site is situated within the countryside, outwith the settlement boundary, but adjacent to an existing building group at Headshaw Farm, located approximately one mile to the northwest of the village of Ashkirk off the A7.
- 2.2 The farm includes the main farmhouse at Headshaw, three cottages, and a bungalow creating an existing 'building group' of five dwellings. All the dwellings, except for the farmhouse within which the appellant currently lives, are within the appellant's ownership and are let out to long-term tenants who wish to remain in their properties for years to come. Letting out the properties provides a valuable income source for the farm as a form of diversification.
- 2.3 The site is accessed off an existing private road, from the A7, that is shared with the other properties in the building group.
- 2.4 The site is currently laid to rough pasture. The site location and building group are shown in Figure 1, 2 and 3. The site is located towards the western edge of a contained field, and is already well-defined with existing trees, a dry-stone dyke and fence line bordering the site, as shown in Figure 4.

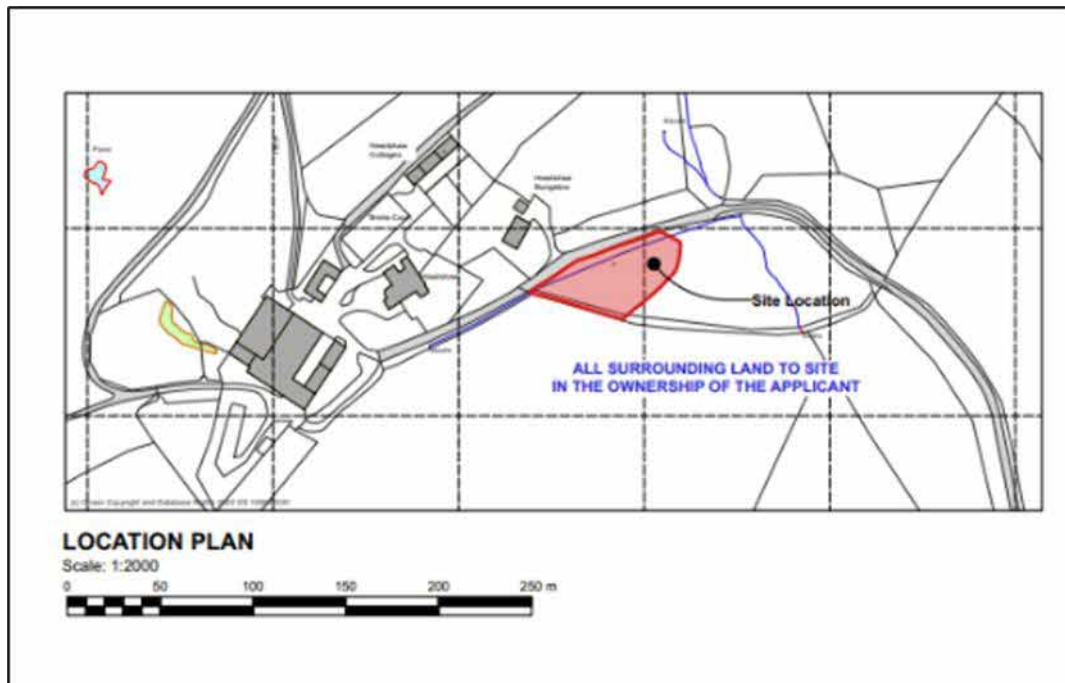


Figure 1: Location map of the proposed development (Source: Keith Renton Architecture)

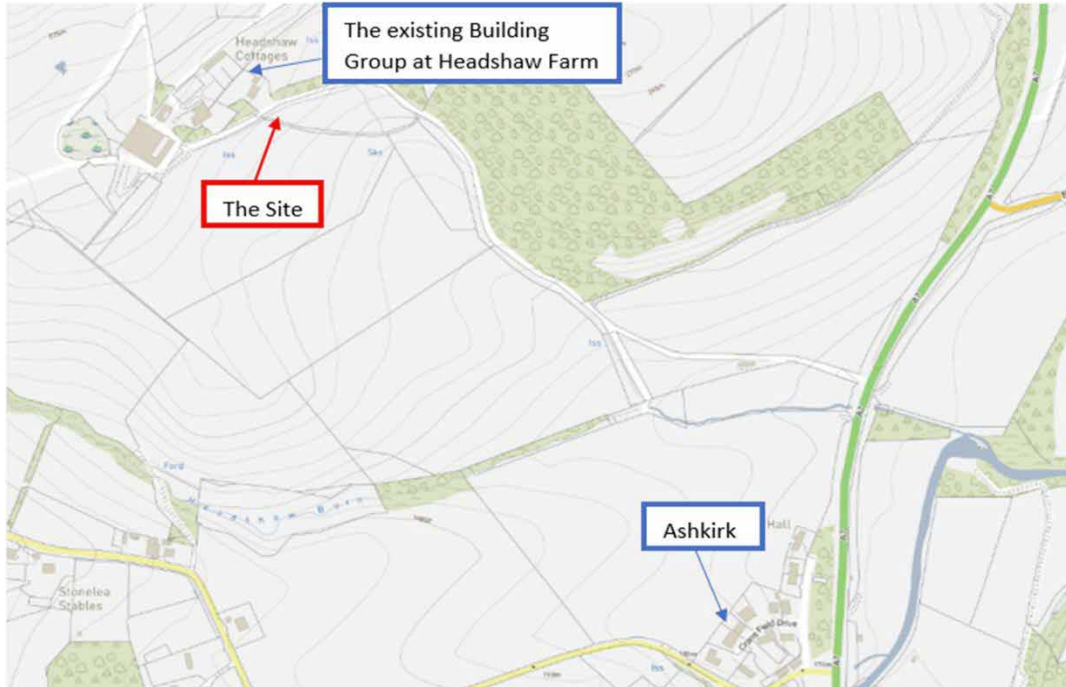


Figure 2: Site Location Plan and Wider Context

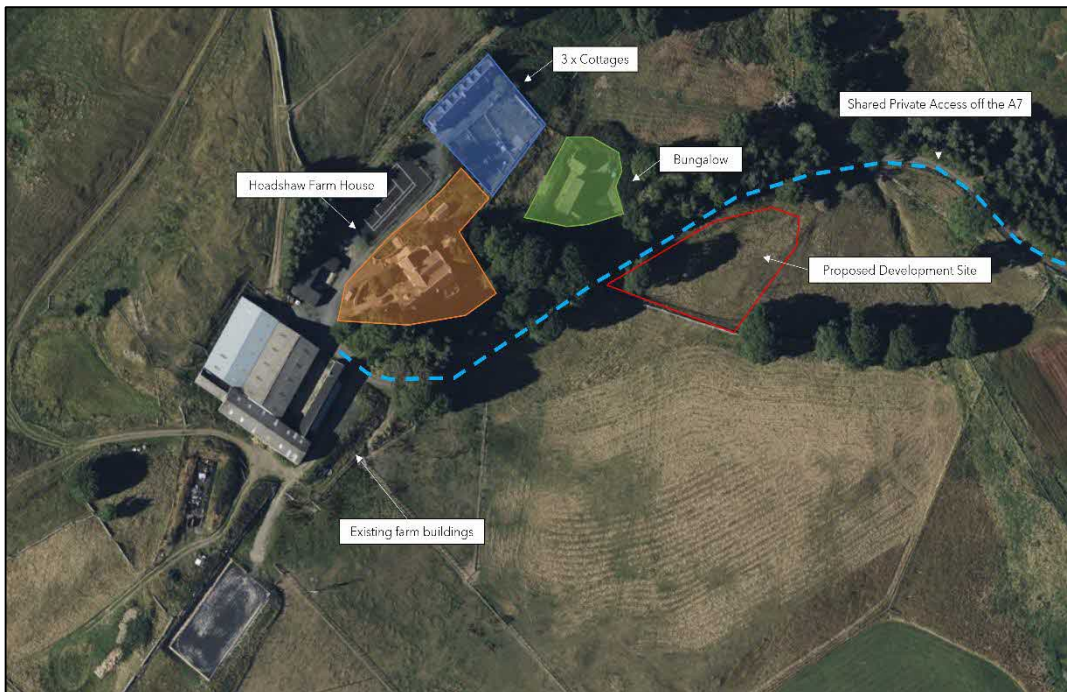


Figure 3: Relationship of Proposed Site to Building Group (also at Appendix 1 at larger scale)



Figure 4: Photograph of the site taken from the north west corner looking south east

Need for Development

- 2.5 The appellant's family have farmed at Headshaw Farm for four generations, demonstrating long-term commitment to providing a high-quality sheep and cattle enterprise and horse livery, contributing to the rural economy with the Borders. This application will enable the existing farmhouse to be released for occupation by the next generation.
- 2.6 The labour requirement for all the land farmed amount to a significant scale of enterprise and the need for the principal personnel to be living on site is considered imperative for the farms continued success for generations to come.
- 2.7 The need for the dwelling is to enable the daughter of the appellant to return and to assist in the day-to-day management of the farm. She also runs a graphic/design company and seeking to expand this enterprise in the Scottish Borders and beyond.

3. PROPOSED DEVELOPMENT

- 3.1 The proposal is for a building that is discretely and sensitively positioned in the landscape, that is simple in plan, construction, and a design that is contemporary in its architectural language whilst sensitive to its rural context.
- 3.2 Careful consideration has been taken in the positioning of the proposed dwelling within the site to ensure there is a reasonable separation distance to the existing dwelling adjoining the northern boundary, safeguarding the daylight and sunlight provision as well as the privacy of residents.
- 3.3 Particular attention has been taken in ensuring the proposal is well related to the built form and does not impinge upon the site's countryside setting through the proposed new landscaping, shielding views upon approach from the east.

Design, Appearance and Materials

- 3.4 The proposed development consists of the erection of a single dwelling on the site, with associated access and works. the layout, floorplans and access arrangement illustrated in the drawings enclosed (CD2 and CD3).



Figure 5: Site Layout Plan (Source: Keith Renton Architects)



- 3.5 The new dwelling is proposed to be positioned in the centre of the site, set back from the adjoining road, whilst retaining proximity with the existing neighbouring dwellings beyond the road to the north. The proposed dwelling is a 'Z- shape', orientated towards the north, with the key habitable rooms and rear garden towards the south, optimizing the daylight/ sunlight provision.
- 3.6 The site is protected from the harsher weather by the natural screening , in line with creating a more sustainable building, benefiting from a south facing aspect for solar gain while being protected by the natural world around.
- 3.7 The design concept is informed by the existing built form within the building group with the proposed dwelling not exceeding 1.5 storeys high, whilst incorporating modern architectural design and technologies, complementing its surrounding rural character as illustrated in the accompanying drawing package and figures.
- 3.8 The proposal seeks to use natural and sustainable materials which reflect their residential and agricultural structures in the building group. The core palette includes natural timber cladding and bordering, standing seam metal wall cladding, stone cladding, and glazing. The contrasting materials on the façade are considered to show sensitivity to the surrounding landscape and seek to largely go unnoticed when taken with the wider build form and topography of the rolling hills.
- 3.9 A double garage is proposed, using the same material palette as the proposed house, as illustrated within the accompanying drawing pack. The garage is proposed to have glazed windows, providing natural light, with roof space that has the future potential to convert into an office or living accommodation.

Sustainability

- 3.10 As described within the Design and Access Statement (CD5), the building will be built to achieve very high levels of insulation to walls, floor and roofs which will exceed the requirements of Part 6 of the Building Regulations.
- 3.11 The use of Passivehaus detailing and principals along with monitoring during construction will ensure the building performs as designed with no “performance gap” often seen in modern buildings.
- 3.12 Except for the ground floor insulation all other insulating material will consist of cellulose (<http://www.warmcel.co.uk>), which is manufactured from recycled paper.
- 3.13 All the above ground structure and framing to be constructed using full timber-based products.

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- 3.14 Engineered 'I' joist for external wall framing and roof structure. Glu-Laminated timber beams for large spans/openings and ridge beams. NO concrete or steel beams to be used.
- 3.15 The insulated slab system listed above minimises excavation of the ground and materials used (reduced use of concrete and no blockwork required). This significantly reduces the embodied energy of the construction.
- 3.16 A photovoltaic array of panels will be installed along with a system to divert excess energy to be used for hot water, car charging or battery storage.

Access

- 3.17 Access is proposed from the adjoining road along the northern boundary of the site which already serves the rest of the building group. The site also benefits from being situated next to existing utilities such as electricity, mains water and telecommunications.

Landscaping

- 3.18 Private outdoor amenity provision for the proposed property would be substantial, complimenting the natural rural environment in which it surrounds. The site benefits from being situated within a contained site, bordered by existing trees and vegetation to the south which is sought to be retained and enhanced where possible.
- 3.19 Additional tree planting is proposed within the body of the site, and along the immediate northern and eastern boundaries, further adding to the site's landscape containment, minimising the visual impact on the surroundings. No existing trees will be affected by the development.

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4. GROUNDS OF APPEAL

SBC's Reason for Refusal

- 4.1 SBC refused the application for one reason, as outlined in Section 1 and re-stated below. To aid LRB Members clarity in our response to the issues raised in the reason for refusal, we have split it into three parts, as noted in bold below.
- 4.2 *The development is contrary to policy HD2 of the Local Development Plan 2016 [Part 1-A]. and New Housing in the Borders Countryside Guidance 2008 [Part 1-B] and Policies 9 and 17 of the National Planning Framework 4 [Part 1-C] 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.*
- 4.3 *Furthermore, there is no overriding economic justification to support the development [Part 2].*
- 4.4 *The resulting visual impact of the development would be adverse and, therefore, also conflict with policy PMD2. This conflict with the development plan is not overridden by any other material considerations [Part 3].*

APPELLANT'S RESPONSE –PART 1

A - Compliance with Policy HD2

- 4.5 The proposed development is entirely justified under Part A of Policy HD2 and no other parts of Policy HD2 therefore require to be considered.
- 4.6 Policy HD2 Part A allows new housing in the countryside if it complies with three tests, which we address in turn below:
- a) *"The application 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.*
 - 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 considered; and*
 - c) *Any consents should not exceed two dwellings or a 30% increase to the group during the Plan period".*



- 4.7 *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”.*
- 4.8 Criteria (a) It is common ground between the appellant and the Council that a building group exists at Headshaw. The officer states in their report (CD1), that *“the site is situated within an existing building group which consists of the main farmhouse, three cottages and a bungalow”.* These buildings all sit opposite the proposed development site.
- 4.9 The disagreement is therefore whether the proposed site is *‘well related’* to that building group. The officer is of the opinion that, *“the existing mature hedging and planting forms a defined natural boundary and a dwelling in this location would clearly disrupt this, and break into an undeveloped field. This is reinforced by the intervening road. It would therefore be detached and not sympathetically integrated within the established building group”.*
- 4.10 It is acknowledged that the planning officer has concerns about the site lying beyond the mature planting located to the north of the site, but this fails to acknowledge that the other properties are still clearly visible from the site, as shown in Figure 6.
- 4.11 The appellant’s position is that the site location was chosen to fully integrate the proposal into this existing building group.
- 4.12 The proposed dwelling lies together with the other existing dwellings arranged around the existing private access, which runs between the site and the existing building group to the north. It will sit directly opposite the bungalow and its own driveway of the private access to the north.
- 4.13 The proposed development will be positioned within a naturally contained site with already clearly defined boundaries. The existing natural boundary features are laid in a semi-circular arrangement to the southeast of the plot include trees and drystone wall, which represent a distinct landscape feature enclosing the site, as shown in Figure 7 below.



Figure 6: Site photograph showing relationship to existing dwellings.

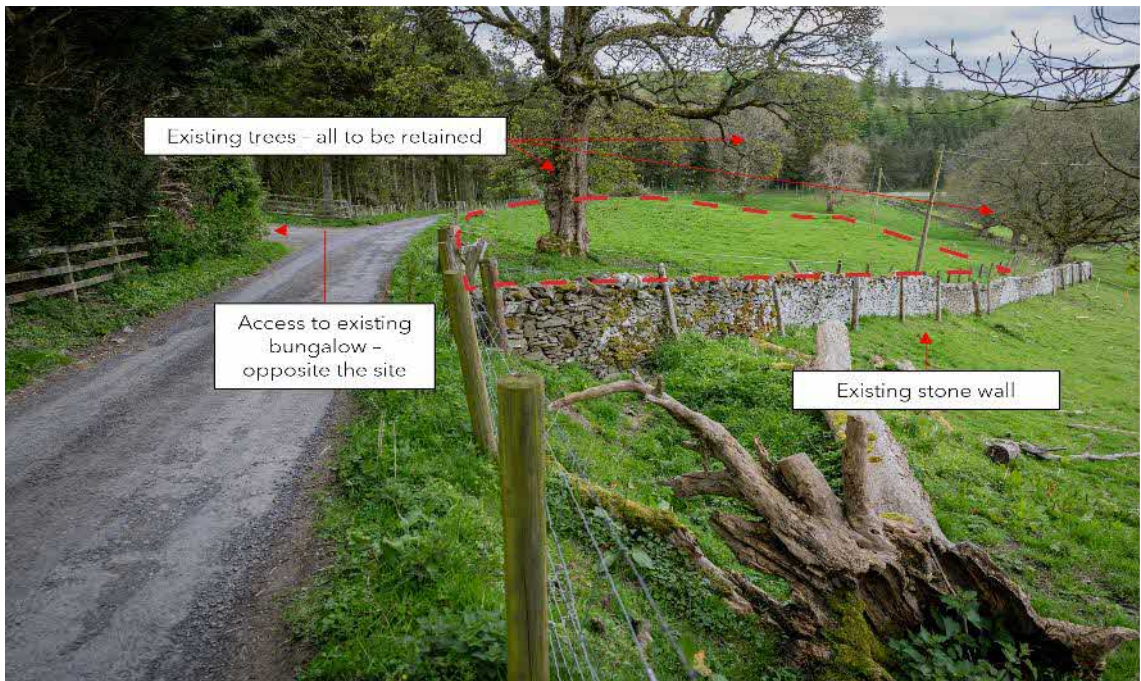


Figure 7: Existing natural boundaries of the site

- 4.14 These existing boundaries will be supplemented by additional tree planting to the east and north, and shrub, plants, and wildflower planting, as shown on the Site Layout Plan at Figure 5. This will provide an opportunity to further enhance the natural and logical edge to the eastern extent of the building group. The proposed planting is considered to strengthen the relationship between the proposed site and the existing building group, by delineating the sense of place within the existing building group from the large arable fields to the south and further east. It will also serve to screen the new development from the road and the existing dwellings to the north for privacy.
- 4.15 In terms of the chosen location, as illustrated within the supporting Sequential Site Assessment (Figure 8 and CD4) there are no other appropriate existing buildings that are vacant or suitable for conversion, or pockets of land available for development.



Figure 8: Extract of Sequential Site Assessment document only. Please refer to document in full for a larger scale which has been re-submitted with this appeal.

- 4.16 It is the position of the appellant that the appointed planning officer has failed to properly consider this assessment within their report. The sequential process undertaken by the appellant has not been satisfactorily responded to in our opinion and thus fails to fully and properly substantiate the reason to refuse the application.



- 4.17 The officer says in their report of handling that, *“whilst it is acknowledged that a sequential plan justifying the location of the dwelling has been provided, this does not overcome conflict with the aforementioned policies and therefore any proposal will need to be located within the farmyard building group in accordance with Policy HD2 Part A”*.
- 4.18 In contrast, it is the appellant’s view, that the Sequential Site Assessment is critical to the review of this case, as it clearly demonstrates why the proposal cannot be located closer to the farmyard itself.
- 4.19 The topography of the land around the building group is steep in areas and there are limited suitable flat sites which do not have an important agricultural use and that are not essential to the running of the horse livery and farm businesses. The sequential plan illustrates that these areas include a stack yard, silage pit (currently used for storage of scrap metal), muck heap, access routes for all the comings and goings of the farm vehicles as well as livery clients, vehicles, and their horses.
- 4.20 Other parcels of land within the farm holding are also further away from the mains water supply and other infrastructure requirements. They would require new roads to be built right through the horse livery, which isn’t possible as it would impact on the livery, the livery car park, and the area for parking horse boxes.
- 4.21 The appointed officer questioned whether consideration had been made for the siting of the development to the west of the steading. This was not possible as this area is vital for the operation of the farm. It would involve development in an exposed position and into a previously undeveloped field. Moreover, it would be far more visible from the south (see Figure 9) and would be more removed from the existing residential building group.
- 4.22 The applicant also previously undertook a pre-application enquiry prior to submitting the original application for a preferred site in the adjacent field to the southeast. They have since taken cognisance of the planner’s response in selecting the alternative application site proposed as part of the original application, adjoining the existing built form.
- 4.23 The site in question is now considered to be the most logical location for development. It’s a naturally flat area of ground on what is a hilly farm and adjoins the existing built form of the building group, is accessed via the same private road, and does not interrupt the current farm operations.
- 4.24 Our opinion is that the proposed development relates well to the existing building group present at Headshaw Farm. It has been demonstrated in some detail that



there are no vacant buildings on the farm, all other existing cottages are let and that the immediate lands around the farm are required for the farm business.

- 4.25 Criteria (b) In their report, the planning officer maintains that the proposed development would be *“detached and not sympathetically integrated within the established building group”* and therefore conflicts with criteria a and b.
- 4.26 We have provided our justification for why we disagree with the officer’s assertion that the proposed site is detached from the established building group. We also believe that the dwelling is sympathetic in design and the new development will have no adverse impact on the character of the building group as is required by criteria (b).
- 4.27 There is no one house style in the existing building group. Therefore, the proposed materials, design and layout have been chosen to be of its time and sit well within its rural context. The density of development proposed is broadly representative of the existing pattern of development within the building group. The layout of the site and relationship with the rest of the building group would ‘round off’ the eastern portion and preclude further residential development.
- 4.28 The officer is supportive of the actual design and says the *“dwelling itself is acceptable in terms of size, form, and overall design. Whilst it is noted that it would be preferable to have a slate roof than the proposed standing seam metal roof; due to the proposal’s modest height and proportions, it would not appear as an incongruous additional to an extent that it would warrant its refusal”*.
- 4.29 The proposal will also have no impact on the existing working farm or amenity of the existing dwellings. The officer confirms this by saying, *“the proposed would be sited on an ample plot whereby it is feasible for a dwelling to be situated without harming adjoining residential amenities”*.
- 4.30 In terms of landscape impacts, views of the site from the south will be screened by the established trees which are on site, and it is arguably less intrusive visually than the existing residential properties sitting lower on the hillside as shown in Figure 9 below.
- 4.31 Views of the site from the east would all be screened by the new tree planting. This would represent a landscape as well as ecological improvement. The tree planting would also screen long views of the site on the approach up the private access road from the A7 by providing a wooded backdrop to agricultural fields.

4.32 The proposed development also seeks to integrate within the natural forms located at the site. The selection of the proposed site ensures no trees need to be cut down and that the current farm operations are not disrupted. This is accepted by the officer in their report of handling, who states that *“there is considered to be a sufficient developable area to accommodate the proposal without harming any trees”*.

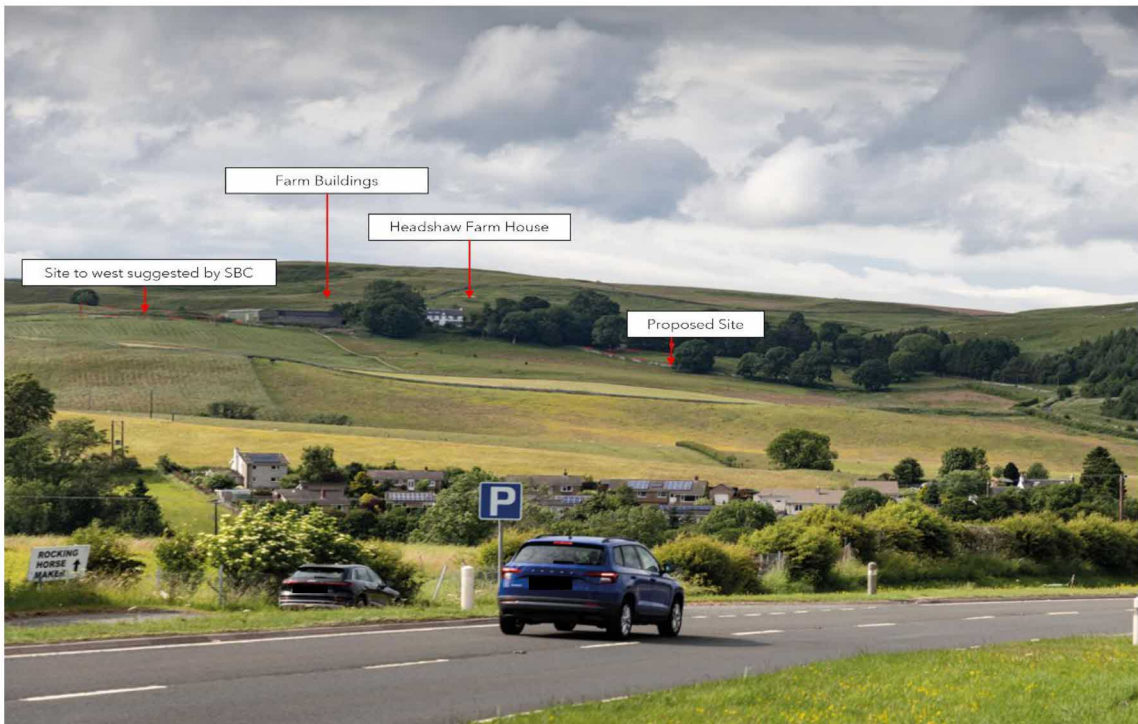


Figure 9: Views of the site in relation to the wider building group from the A7

4.33 It is considered that the proposed development will not have an adverse impact upon the landscape and amenity of the surrounding area. The scale and siting of the proposed development reflects and respects the character and amenity of the existing building group. The proposed development has no adverse material effect, cumulative or otherwise, on the amenity of the local residences. Given this, it is considered that the proposal fully accords with criteria (b) of Part A.

4.34 **Criteria (c)** of Policy HD2 of the local plan states that existing building groups will be permitted to expand by a of up to a total of two additional dwellings, or a 30% increase in the number of residences, whichever is higher. The addition of a single extra dwelling falls well within this limit. The officer has also confirmed that, *“With respect to criteria c, dwellings have been permitted in the locality however not within the Plan period and therefore there is no conflict with this this criterion”*.



B – Compliance with ‘New Housing in the Borders Countryside Guidance 2008’

4.35 The Council’s Supplementary Guidance ‘New Housing in the Borders Countryside’ states that “*all applications for new houses at existing building groups will be tested against an analysis of:*

*the presence or, otherwise of a group; and
the suitability of that group to absorb new development”.*

4.36 Part 2.b.1 of the above guidance, defines a building group. It states that, “the existence of a 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”.*

4.37 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.*

4.38 As we have outlined under our response to Policy HD2 Part A, above, we consider that the proposed development site forms a logical extension to the existing building group, located off the shared access, and near the existing dwellings within that group. Particularly the bungalow, which sits directly opposite. The site also benefits from its own existing natural boundaries, which the appellant is proposing to enhance through additional tree and shrub planting.

4.39 The principle of creating new man-made boundaries to enhance a sense of enclosure, is fully supported by the guidance above, as well as a recent decision at Leader House, Oxtou (LPA Ref: 18/01712/PPP). In this case, the planning officer acknowledged and accepted the creation of a man-made boundary which



contained the site. Additional containment landscaping could be provided if deemed necessary by LRB members and applied by a suitable worded condition.

C – Compliance with Policies 9 and 17 of the National Planning Framework 4

- 4.40 Policy 9 of NPF4, criteria (b) states that, *“proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal site is explicitly supported by policies in the LDP”*. As we have outlined above, the proposals are compliant with LDP Policy HD2 Part A, and therefore it follows that the proposals are compliant with Policy 9 and there is no conflict.
- 4.41 We also do not consider that a refusal on the grounds of NPF4 Policy 17 is justified in this case. The officer considers that the proposal may be considered under Policy 17 (criteria v) which accepts the principle of rural dwellings in connection with a viable rural business. It states that, *“Development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area and the development... (v) is demonstrated to be necessary to support the sustainable management of a viable rural business... and there is an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work”*.
- 4.42 However, the officer states that because a business plan has not been provided, the proposal cannot be supported on those grounds.
- 4.43 As described in Section 3.0, the need for the proposal is driven by a requirement to provide additional accommodation within the existing farm, to allow the daughter of the appellant to permanently return to the farm, to support her parents to manage and maintain a successful existing farm and livery business as they age. This clearly has the long-term benefit of allowing the current owners of the rural business, the appellant, to transition towards retirement.
- 4.44 However, planning permission is not sought specifically under these terms in this case, and a business plan has not been provided, because we see no reason for the occupancy of the new house to be tied to the land, given the above compliance with Policy HD2 Part A, and building group guidance.
- 4.45 We also consider that the proposals are compliant with NPF4 Policy 16 (part c) instead. Therefore, we do not consider that there is necessarily a requirement to provide further justification in line with the criteria of Policy 17 in the form of a business plan. Policy 16 (part c) states that, *“development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse*



needs, and which address identified gaps in provision, will be supported. This could include: (i) self-provided homes”.

4.46 It is considered that there is no prospect of the proposed dwelling being delivered by a housebuilder or other corporate developer. Development of the new dwelling would be delivered on self-build basis –by the appellant. Therefore, the proposed dwellings are considered to satisfy item (i). of criterion c) as it represents a ‘self-provided home’.

4.47 We therefore do not consider Policy 17 is justified grounds for refusal due to the lack of an economic case, as the proposal satisfies other housing policies of NPF4. It is not a requirement for proposals to meet all policies of NPF4 to be acceptable where they overlap in this way, or where proposals comply with the LDP.

4.48 Notwithstanding, we do consider that the proposals are fully compliant with the stated policy intent of Policy 17 which is, *“to encourage, promote and facilitate the delivery of more high quality affordable and sustainable rural homes in the right locations”.*

4.49 Furthermore the ‘policy outcomes’ of Policy 17 are defined as:

“Improved choice of homes across tenures so that identified local needs of people and communities in rural and island areas are met.

Homes are provided that support sustainable rural communities and are linked with service provision.

The distinctive character, sense of place and natural and cultural assets of rural areas are safeguarded and enhanced”.

4.50 We consider the proposals satisfy both the ‘policy intent’ and will deliver the ‘policy outcomes’ of Policy 17 for the reasons already stated in this appeal statement and in our previous planning submission.

APPELLANT’S RESPONSE –PART 2

4.51 The second part of the reason for refusal denotes that no overriding economic justification has been provided in line with Part F of Policy HD2. This statement should not form part of the reasoning to refuse as it is not applicable to Policy HD 2 Part A, to which this application relates.

4.52 Part F of Policy HD2 addresses and is relevant only to *“housing with a location essential for business needs”.* Although the appellant is a proprietor of Headshaw Farm, the proposed dwelling is not intended as an agricultural tied dwelling.



4.53 Part F therefore is not considered to have relevance to this application, and an overriding economic justification, supported by a business plan, is not applicable when the application and appeal is based on the application of LDP Policy HD 2 Part A. This reason for refusal should therefore be set aside.

APPELLANT'S RESPONSE –PART 3

4.54 Policy PMD2 requires that, *“all 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”*.

4.55 The officer contends that, *“The proposed dwelling would be sited on an undeveloped field and is considered to be poorly related to the existing built area and therefore harmful to the rural character and appearance of the locality, conflicting with PMD2”*.

4.56 The stated reason for the impact on visual amenity appears to stem purely from the exclusion of the development from the existing building group, which we have demonstrated is not the case. There has been limited evidence provided by the Council, however, to justify comments made regarding landscape impacts and the proposals harm to the rural character and appearance of the locality.

4.57 The appellant however contends that the dwelling is 1.5 storeys and sits at a lower lying topography to the bungalow opposite and indeed the farmhouse and cottages to the north. In prominent views from the A7, the development will be read as part of the existing building group alongside the existing farm house and farm buildings, as shown in Figure 9.

4.58 The existing tree belt, together with the proposed landscaping, will also provide screening for the new dwelling on all sides, integrating it within the wider landscape and reducing the visual impact on the existing building group, and wider views to an extent that it will be arguably negligible.

4.59 Furthermore, as outlined in Section 3, the applicant is committed to create a sustainable form of development, through renewables such as solar panels, air source heat pumps and electrical charging points, along with the use of Passivehaus detailing. This is above and beyond the requirements set out within Policy PMD2 and is supported by the green agenda within the NPF4 Policy 1 and 2, which require that when considering all development proposals, *“significant weight be given to the global climate and nature crises”* and that *“development that minimises emissions and adapts to the current and future impacts of climate change”* be encouraged. Given the above, we therefore consider the proposals fully compliant with PMD2.



5. MATERIAL CONSIDERATIONS

Compliance with other NPF4 Strategy for Rural Locations

- 5.1 The proposals are supported by NPF4 which supports “*rural revitalisation*”. The latter is defined in NPF4 as “*sustainable development in rural areas, recognising the need to grow and support urban and rural communities together*”.
- 5.2 NPF4 seeks to “*support development that helps to retain and increase the population of rural areas of Scotland*”.
- 5.3 As described in Section 2, the need for the proposed development, is the appellant’s wish to retire, and their daughter’s permanent relocation to the family farm to take over the day-to-day management of the existing business. The site offers the opportunity to deliver a landscape-led design solution for a bespoke dwelling, which complements, rather than competes with the existing landscape character and allows the appellant to remain on their farm long term.
- 5.4 The provision of a new home on the farm, undoubtedly fulfils the NPF4’s vision for appropriate rural revitalisation as it will allow for the continued successful operation of the current family business.

Similar Applications

Application 18/01712/PPP–Land North of Leader House, Oxton

- 5.5 This application was approved by the Planning Committee for the erection of two houses on part of an agricultural field situated to the north of the Carfraemill Hotel, to the north of Lauder.
- 5.6 This application is of relevance as the officer considered that, “*It is accepted that the approved SPG on new housing in the countryside states that sites should not normally break into undeveloped fields particularly where there exists a definable natural boundary between the building group and the field. The use of the words ‘not normally’ is particularly relevant in this case as this suggests that there may be situations where it is acceptable for sites to break into previously undeveloped fields, as is the case here. There is a minor road to the east of the application site which helps define the western edge of the group however this is a man-made boundary, and the guidance makes specific reference to natural boundaries taking precedence over man-made boundaries when defining the extent of a building group. The application site and land to the west rises from the road to a ridge beyond the application site boundary, helping to contain the site within an identifiable sense of place. Proposed indicative planting as shown on the site plan would further assist in*



assimilating the development into the group. The precise details of structure planting can be covered by condition in the event of an approval. Furthermore, the proposed units would be located within a reasonable distance of the existing properties within the group and would be consistent with the spacing between these properties, consistent with supplementary guidance”.

- 5.7 As described in the appeal statement above, additional boundary planting is proposed in this case, helping to enhance the natural boundaries that already exist and helping to contain the site and it is clear from this example, that this approach has already been accepted elsewhere. The appellant would be happy to accept a condition that required details of structure planting to be submitted, like in this instance.

Application 21/01421/PPP and LRB Ref 22/00016/RREF - Woodend Farmhouse

- 5.8 This application was approved at LRB and related to the erection of a new dwellinghouse at Land North East of Woodend Farmhouse, Duns.
- 5.9 Members considered the site to be an appropriate addition to the building group in compliance with Clause A of Policy HD2 and the Housing in the Countryside SPG. The Review Body considered that the site mirrored the location of the cottages whilst being necessarily separated from the access and buildings relating to the working farm. The relationship with the building group was enhanced by the reduced curtilage boundary, existing and proposed planting, all of which could be controlled by condition. The appellant in this case, would be happy to accept a similar condition.
- 5.10 Of relevance to this case, is that the Review Body also noted the applicants’ current occupation at Woodend Farm, the intention for a retirement house and the continued operation of the farm by family. However, in terms of Clause F of Policy HD2, Members did not consider it necessary to test the proposal due to their support under Clause A relating to building group addition. As described in the appeal statement above, we consider a similar approach can be adopted by Members in this instance, if they agree that the proposed development is ‘well related’ to the existing building group.



6. CONCLUSION

- 6.1 The submitted appeal, supported by this statement, seeks the Local Review Body's approval for the '*Erection of dwellinghouse with detached garage*' on Land South of Headshaw Farmhouse, Ashkirk, Selkirk (LPA 22/01947/FUL).

The proposed site is fully contained within the natural landforms of the area, sited within the existing building group at Headshaw Farm and respecting the established setting and sense of place.

The proposed dwelling would be enclosed by existing planting and new tree planting, defining the north, south and eastern boundaries of the site. The proposed tree planting also provides a distinctive landscape feature precluding further development beyond the boundary it creates.

The design of the property takes note of the external materials used in the properties within the group, and is of consistent size, scale, and massing.

The development has no adverse impacts on the amenity of the nearby properties or landscape setting.

The proposal will provide a high quality, self-build home that is highly energy efficient using Passivehaus detailing and responds to climate change with the provision of solar panels.

It will allow younger generations of the farm family to return home and support the long-term future of the existing business on site and the wider rural community.

The proposal also speaks to the long-term benefit of allowing the current owners of the rural business, the appellant, to transition towards retirement in the short-term.

The proposal will add to economic activity in the Scottish Borders area during construction and will provide a valuable addition to the housing stock.

- 6.2 In contrast to the officer's report, we consider the proposals are in fact fully compliant with LDP Policies HD2 Part A and PMD2, the New Housing in the Borders Countryside Supplementary Guidance and NPF4 Policies 9 and 17. We respectfully request that this appeal is therefore allowed by the Local Review Body.



APPENDIX 1 – SITE PHOTOS AND DIAGRAMMS

GALASHIELS

Shiel House, 54 Island Street
Galashiels TD1 1NU
T: 01896 668 744

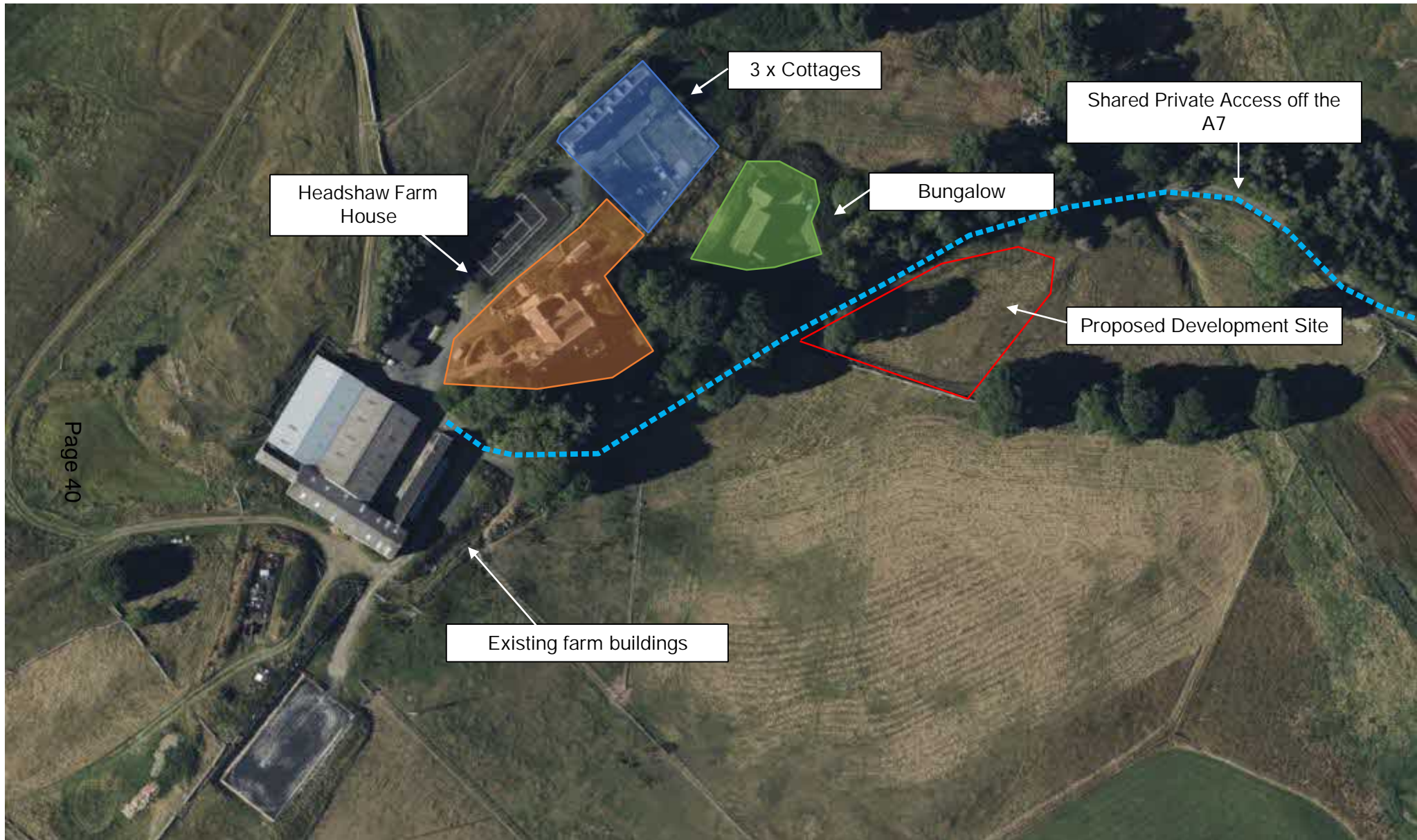
EDINBURGH

37 One George Street
Edinburgh EH2 2HN

NORTHERN IRELAND

61 Moyle Road, Ballycastle, Co. Antrim,
Northern Ireland BT54 6LG
T: 07960 003 358







Existing farm buildings

Existing bungalow

The Proposed Site

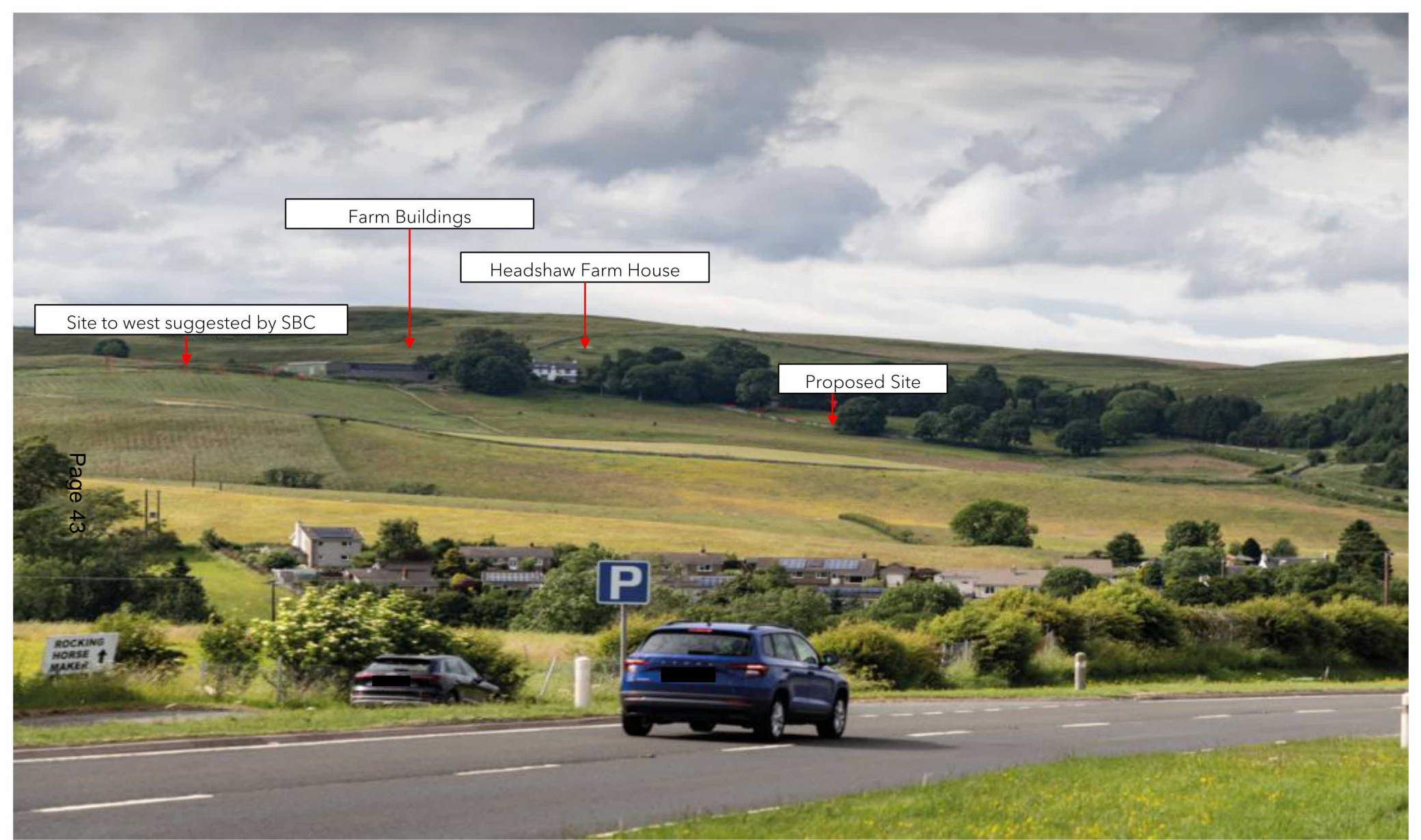
View of proposed site looking north west towards the existing building group

Existing trees –all to be retained

Access to existing bungalow
–opposite the site

Existing stone wall





Farm Buildings

Headshaw Farm House

Site to west suggested by SBC

Proposed Site

Page 43

ROCKING HORSE MAKER ↑

P



View #2 of proposed site looking north west towards the existing building group



View of proposed site looking east illustrating existing landscape containment



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View #3 of proposed site looking east illustrating existing landscape containment



View #4 of proposed site looking east illustrating existing landscape containment

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Mrs Nancy Margaret Hunter
per Ferguson Planning
54 Island Street
Galashiels
Scottish Borders
TD1 1NU

Please ask for: Alla Hassan
☎ 01835 824000 Ext 5931
Our Ref: 22/01947/FUL
Your Ref:
E-Mail: alla.hassan@scotborders.gov.uk
Date: 28th March 2023

Dear Sir/Madam

**PLANNING APPLICATION AT Land South Of Headshaw Farmhouse Ashkirk Selkirk
Scottish Borders**

PROPOSED DEVELOPMENT: Erection of dwellinghouse with detached garage

APPLICANT: Mrs Nancy Margaret Hunter

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 : 22/01947/FUL

To : Mrs Nancy Margaret Hunter per Ferguson Planning 54 Island Street Galashiels Scottish Borders TD1 1NU

With reference to your application validated on **15th December 2022** 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 South Of Headshaw Farmhouse Ashkirk Selkirk Scottish Borders

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

**Dated 24th March 2023
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

**John Hayward
Planning & Development Standards Manager**

APPLICATION REFERENCE : 22/01947/FUL

Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
873P-01	Location Plan	Refused
873P-02	Proposed Site Plan	Refused
873P-03	Proposed Plans	Refused
873P-04	Proposed Elevations	Refused
873P-05	Proposed Elevations	Refused
873P-06	3D View	Refused
873P-07	Proposed Plans & Elevations	Refused
Sequential Plan	Other	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, and Policies 9 and 17 of the National Planning Framework 4 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. This conflict with the development plan is not overridden by any other material considerations.

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. To seek a review of the decision, please complete a [request for local review](#) form and return it to the Clerk of the Local Review Body, Democratic Services, 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).

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 22/01947/FUL

APPLICANT : Mrs Nancy Margaret Hunter

AGENT : Ferguson Planning

DEVELOPMENT : Erection of dwellinghouse with detached garage

LOCATION: Land South Of
Headshaw Farmhouse Ashkirk
Selkirk
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
873P-01	Location Plan	Refused
873P-02	Proposed Site Plan	Refused
873P-03	Proposed Plans	Refused
873P-04	Proposed Elevations	Refused
873P-05	Proposed Elevations	Refused
873P-06	3D View	Refused
873P-07	Proposed Plans & Elevations	Refused
Sequential Plan	Other	Refused

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

Community Council: No objection (full response published online).

Roads Officer: No objection subject to condition (full response published online).

Ecology Officer: No objection subject to condition and informative (full response published online).

Education and Lifelong Learning: No reply at time of writing this report.

Scottish Water: No objections (full response published online).

No representations received.

PLANNING CONSIDERATIONS AND POLICIES:

National Planning Framework (NPF4)
Policy 3 - Biodiversity
Policy 4- Natural places

Policy 6 - Forestry, woodland and trees
Policy 9 - Brownfield, vacant and derelict land and empty buildings
Policy 14 - Design, quality and place
Policy 17 - Rural homes

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
IS3 - Developer Contributions Related to the Border Railway
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
Sustainable Urban Drainage Systems 2020

Recommendation by - Alla Hassan (Assistant Planning Officer) on 23rd March 2023

This application relates to land to the south of Headshaw Farmhouse, in Ashkirk, Selkirk. It seeks permission for the erection of a dwelling and detached garage, which would provide accommodation for the applicant's daughter and partner to reside in the farm, and assist in its day-to-day operations.

The site comprises of an undeveloped agricultural field, located outside of any defined settlement boundary, and therefore for the purposes of planning policy, is considered to be located in the open countryside; where rural restraint policies apply.

Principle

Policy 9 of NPF discourages greenfield development, however, Policy 17(v) accepts the principle of rural dwellings in connection with a viable rural business. Compliance with Policy 17 would override any conflict with Policy 9. This is further reflected by Policy HD2(F) of the Local Development Plan which states that a dwelling essential for a business need would be acceptable provided 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 is for a worker predominately employed in the enterprise and that the presence of that worker on site is essential to the efficient operation of the business. 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 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.

The supporting planning statement states that the site is situated within an existing building group which consists of the main farmhouse, three cottages and a bungalow. Those are within the applicant's ownership, and are let out to long-term tenants so cannot be used to accommodate the applicants' daughter. However, the applicant has not provided a business plan to support the development. As such, an assessment cannot be made as to whether there is an economic and operational case for the development, so the proposal, therefore, is not supported by Policy 17(v) of the NPF4 and HD2(F) of the LDP.

Criteria A of HD2 also allows new housing in the countryside provided that it complies with three further tests: 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 Council's supplementary planning guidance 'Housing in the Countryside' emphasises that new development must integrate well with the existing pattern of development, build upon the established character of the area and contribute positively to a sense of place. Sites should not normally break into undeveloped fields particularly where there exists a definable natural boundary between the building group and field, and the new development shall be limited to the area contained by that sense of place. Furthermore, natural boundaries take precedence over man-made boundaries when defining the extent of a building group.

It is accepted that there is a building group to the north of the application site within the farmstead itself. Notwithstanding this, the existing mature hedging and planting forms a defined natural boundary and a dwelling in this location would clearly disrupt this, and break into an undeveloped field. This is reinforced by the intervening road. It would therefore be detached and not sympathetically integrated within the established building group, conflicting with criteria a and b.

With respect to criteria c, dwellings have been permitted in the locality however not within the Plan period and therefore there is no conflict with this criteria.

In light on the above, the principle of the proposal is considered to be unacceptable, as it conflicts with NPF Policy 9 (as greenfield development without justification under Policy 17); Policy 17; and LDP Policy HD2 and NHIBC SPG. The resulting visual and landscape harm would be adverse.

Siting and Design

The proposed dwelling would be sited on an undeveloped field and is considered to be poorly related to the existing built area and therefore harmful to the rural character and appearance of the locality, conflicting with PMD2.

The dwelling itself is considered to be acceptable in terms of size, form and overall design. Whilst it is noted that it would be preferable to have a slate roof than the proposed standing seam metal roof; due to the proposal's modest height and proportions, it would not appear as incongruous addition to an extent that it would warrant it's refusal.

With regard to residential amenity, the proposal would be sited on an ample plot whereby it is feasible for a dwelling to be situated without harming adjoining residential amenities. It is therefore considered that the proposed development of a dwelling on this site could comply with policy HD3 of the Local Development Plan, and the Householder Development SPG.

Parking and road safety

Policy PMD2 requires that development incorporates adequate access and turning space 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.

With respect to parking, the roads officer has been consulted on the proposal and no objections were raised subject to a condition requesting further details of adequate parking and turning area within the curtilage of the dwelling.

In regards to road safety, the site is accessed via a private road which comes off the A7 trunk road. I note the RPS's suggestion that Transport Scotland be consulted however, in this context, there is no statutory requirement to do so. The addition of one dwelling is not considered to have a material increase in the volume of traffic and will have no significant adverse impacts to road safety complying with PMD2 and IS7 of the LDP.

Ecology

The application site is considered to be of low ecological value, as confirmed by the supporting Preliminary Ecological Assessment which states that no signs of protected species or breeding birds were found. The ecology officer has also raised no objections subject to a condition requesting further details on the proposed landscape planting. On that basis, there are considered to be no adverse impacts to ecology as a result of the proposal.

Drainage

With respect to drainage, the application form states that the development would involve private drainage arrangements via a septic tank, discharged via a soakaway. Surface water drainage will be via SUDS

Scottish Water have raised no objections, and have confirmed that there is currently sufficient capacity at Robertson Water Treatment Works to service the development. However there is no waste water infrastructure within the immediate vicinity. Consequently, it is considered that the exact details of the water supply and overall drainage could be secured by conditions, should the application be approved.

Trees

The application site is grassland with several scattered mature trees. There is considered to be a sufficient developable area to accommodate the proposal without harming any trees. In any event, the protection of trees and further planting/ landscaping can be secured via appropriately worded conditions.

Other matters

It is important to note that pre-application advice has been previously sought for the proposal. It was concluded that the proposal conflicts with the aforementioned policies within the Local Development Plan and would be detrimental to the overall character and appearance of the area. As such, this decision is entirely consistent with the previous advice given, and there are no changes of circumstances or material considerations to indicate a departure from this position.

Whilst it is acknowledged that a sequential plan justifying the location of the dwelling has been provided, this does not overcome conflict with the aforementioned policies and therefore any proposal will need to be located within the farmyard building group in accordance with HD2 criteria A, or have robust economic justification as per the requirements of HD2 criteria F to be looked upon favourably.

The supporting statement also states that a precedent for breaking into an undeveloped field exists under 18/01712/PPP granted consent at the Local Review Body. The approved scheme involved breaking into an undeveloped field bounded by a road. The Housing in the Countryside guidance makes specific reference to natural boundaries taking over man-made boundaries when defining the extent of a building group. In any event, each application is assessed on its own merits, and in this instance, a dwelling in this location would be an uncharacteristic incursion into the countryside, rather than a logical addition to the existing building group.

Developer contributions

Contributions towards the Borders railway would be secured by way of a legal agreement.

REASON FOR DECISION:

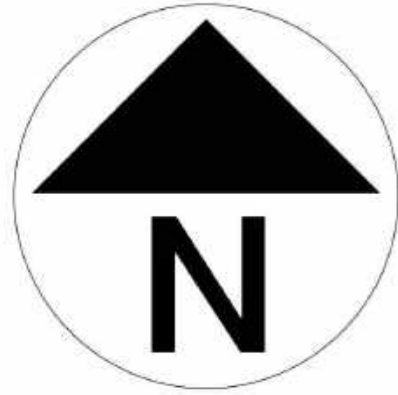
The development is contrary to policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008, and Policies 9 and 17 of the National Planning Framework 4 because it would constitute housing in the countryside that would be unrelated to a building group and would 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. This conflict with the development plan is not overridden by any other material considerations.

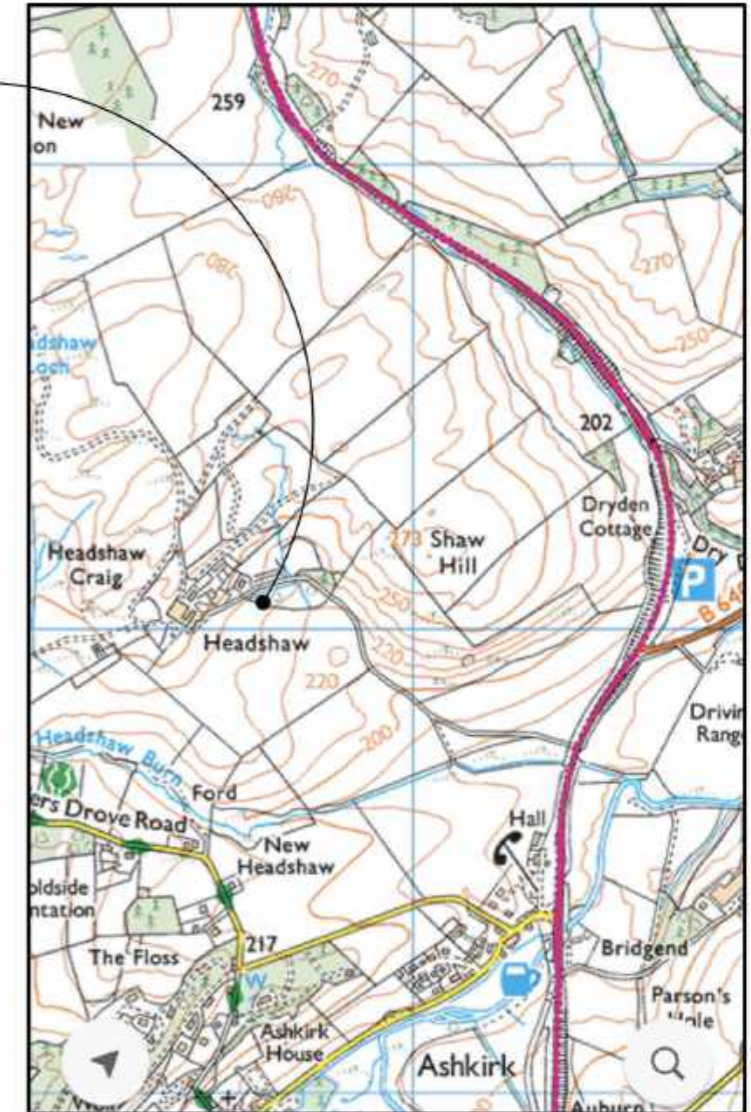
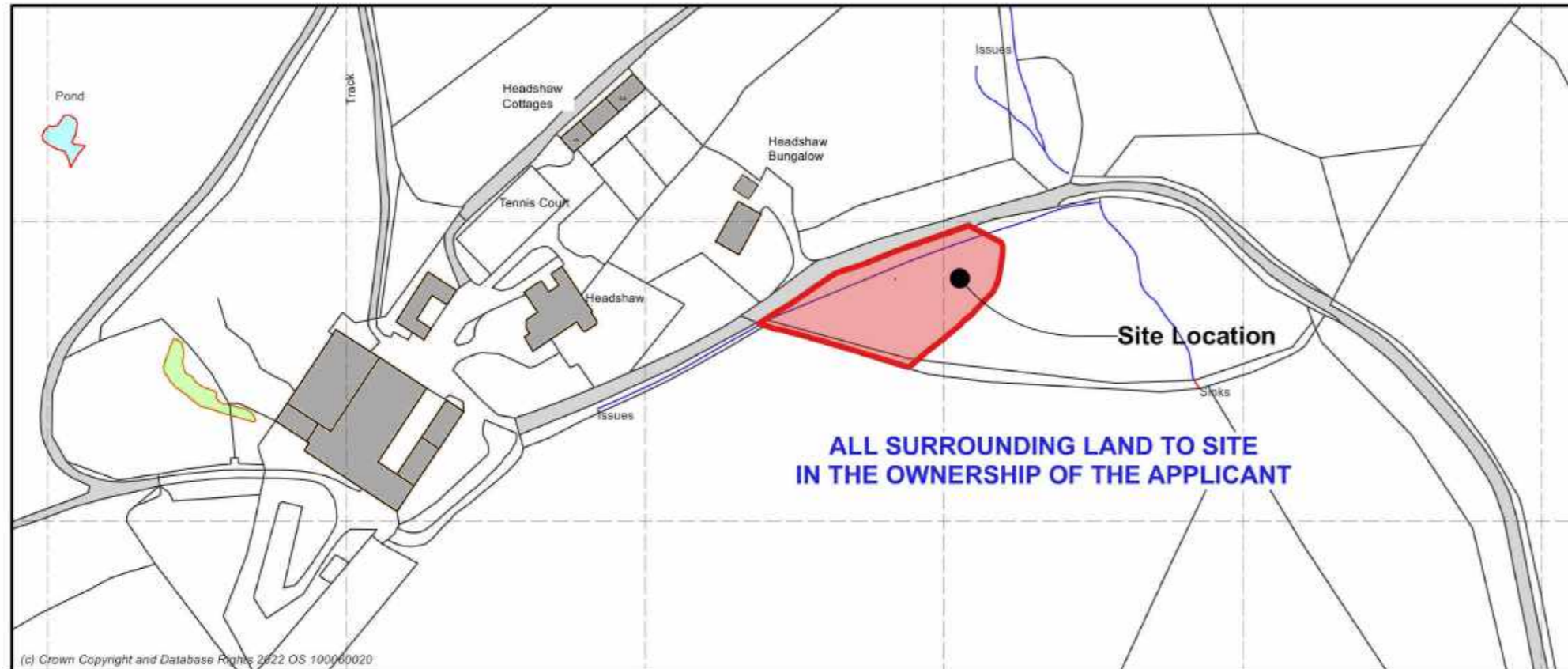
Recommendation: Refused

- 1 The development is contrary to policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008, and Policies 9 and 17 of the National Planning Framework 4 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. This conflict with the development plan is not overridden by any other material considerations.

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



Site Location



LOCATION PLAN

Scale: 1:2000



Drawing Title: LOCATION PLAN
Job Title: Proposed New House, Plot at Headshaw, Ashkirk, Selkirk, TD7 4NT
Client: Nancy Hunter
Drawing Number: 873P- 01
Drawing Scale: 1:2000
Drawing Date: 05/12/2022
Draw By: KR
Drawing Size: A3
Amendments:

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

REFUSED

subject to the
requirements of the
associated Decision
Notice

22/01947/FUL
24/03/2023

Keith Renton
architect

Building Standards
Approved Certifier

Passivhaus
Trust
The UK Passive House Organisation

The Scottish
Government

tel: 01361 810 271
email: info@keithrentonarchitect.co.uk
web: www.keithrentonarchitect.co.uk



- Screen planting with mixture of native species trees
- New access with service layby
- Ornamental trees
- Margins planted out with a mixture of shrubs, plants and wild flowers
- Public road
- Beech hedge
- Existing Trees
- Existing wall retained
- Fence line
- Margins planted out with a mixture of shrubs, plants and wild flowers
- Site Boundary



Site Survey Drawing

Scale: 1:500 Site Area: 1,900sq.m

0 5 15 25 35 45 55 m

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Drawing Title: SITE PLAN

Job Title: Proposed New House, Plot at Headshaw, Ashkirk, Selkirk, TD7 4NT

Client: Nancy Hunter

Drawing Number: 873P- 02

Drawing Scale: 1:500

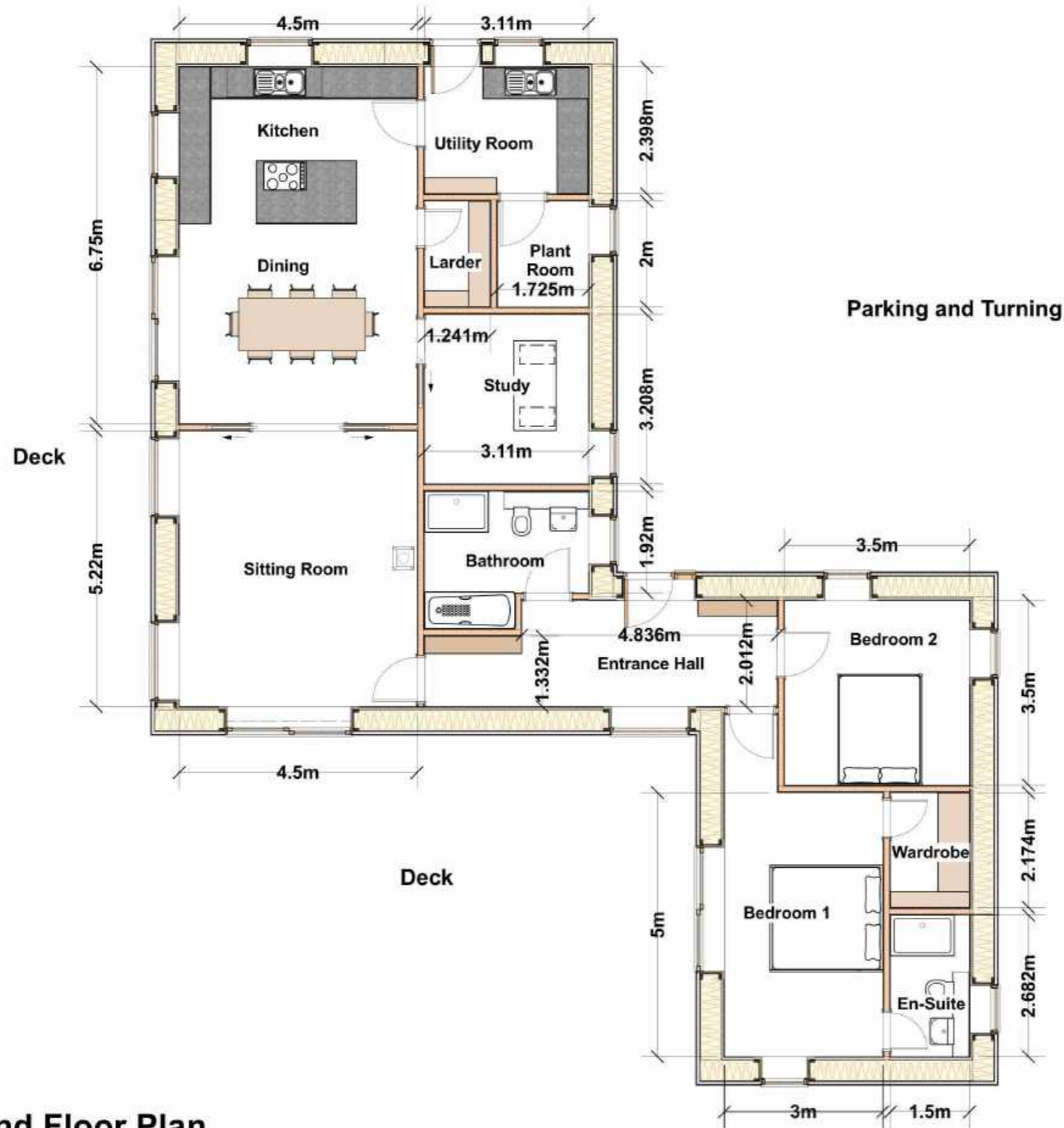
Drawing Date: 02/12/2022

Draw By: KR

Drawing Size: A3

Amendments:

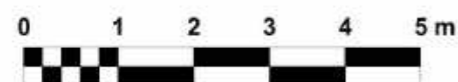
A 13/12/2022 Garage plan added



Ground Floor Plan

Scale: 1:100

Area: 140 sq.m



Drawing Title: FLOOR PLAN
Job Title: Proposed New House, Plot at Headshaw, Ashkirk, Selkirk, TD7 4NT
Client: Nancy Hunter
Drawing Number: 873P- 03
Drawing Scale: 1:100
Drawing Date: 02/12/2022
Draw By: KR
Drawing Size: A3
Amendments:

22/01947/FUL
24/03/2023

tel: 01361 810 271
email: info@keithrentonarchitect.co.uk
web: www.keithrentonarchitect.co.uk



SOUTH EAST ELEVATION

Scale: 1:100

Page 60

Notes:

1. Roofs shall be finished in standing seam metal roofing, dark grey in colour.
2. Walls will be a combination of vertical timber cladding, metal cladding (to match that at roof) and stone cladding at areas shown on elevations.
3. Windows will be timber and triple glazed with powder coated aluminium cladding to external face
4. Gutters and downpipes shall be Lindab, powder coated to match colour of roof and wall cladding.
5. Trims, flashings and base coat will be powder coated aluminium to match colour of windows and downpipes



NORTH WEST ELEVATION

Scale: 1:100



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

REFUSED

subject to the
requirements of the
associated Decision
Notice

Drawing Title: SOUTH EAST AND NORTH WEST ELEVATIONS
Job Title: Proposed New House, Plot at Headshaw, Ashkirk, Selkirk, TD7 4NT
Client: Nancy Hunter
Drawing Number: 873P- 04
Drawing Scale: 1:100
Drawing Date: 05/12/2022
Draw By: KR
Drawing Size: A3
Amendments:

standing seam metal cladding

timber pergola



SOUTH WEST ELEVATION

Scale: 1:100

Notes:

1. Roofs shall be finished in standing seam metal roofing, dark grey in colour.
2. Walls will be a combination of vertical timber cladding, metal cladding (to match that at roof) and stone cladding at areas shown on elevations.
3. Windows will be timber and triple glazed with powder coated aluminium cladding to external face
4. Gutters and downpipes shall be Lindab, powder coated to match colour of roof and wall cladding.
5. Trims, flashings and base coat will be powder coated aluminium to match colour of windows and downpipes

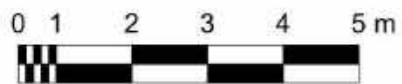
metal wall cladding

stone cladding



NORTH EAST ELEVATION

Scale: 1:100



Drawing Title: SOUTH WEST AND NORTH EAST ELEVATIONS
Job Title: Proposed New House, Plot at Headshaw, Ashkirk, Selkirk, TD7 4NT
Client: Nancy Hunter
Drawing Number: 873P- 05
Drawing Scale: 1:100
Drawing Date: 05/12/2022
Draw By: KR
Drawing Size: A3
Amendments:

Humestanes Studio, Hume Hall Holdings, Greenlaw, Duns, TD10 6UW



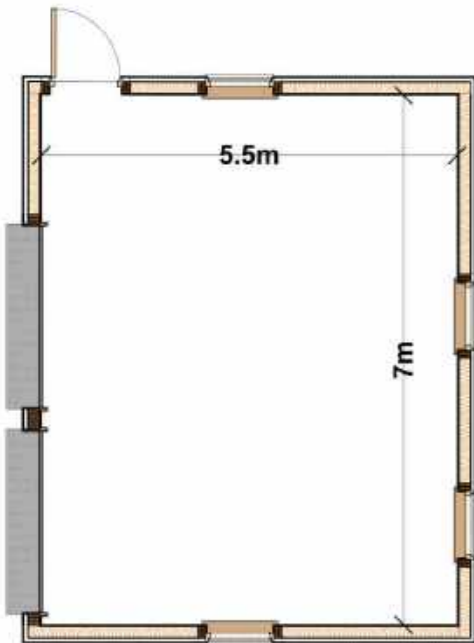
North West Elevation
Scale: 1:100

North East Elevation
Scale: 1:100

North West Elevation
Scale: 1:100

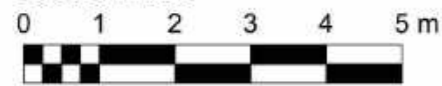
South East Elevation
Scale: 1:100

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FLOOR PLAN

Scale: 1:100



Drawing Title: GARAGE DRAWINGS
 Job Title: Proposed New House, Plot at Headshaw, Ashkirk, Selkirk, TD7 4NT
 Client: Nancy Hunter
 Drawing Number: 873P- 07
 Drawing Scale: 1:100
 Drawing Date: 05/12/2022
 Draw By: KR
 Drawing Size: A3
 Amendments:
 A 14/12/2022 Cladding changed to be all timber



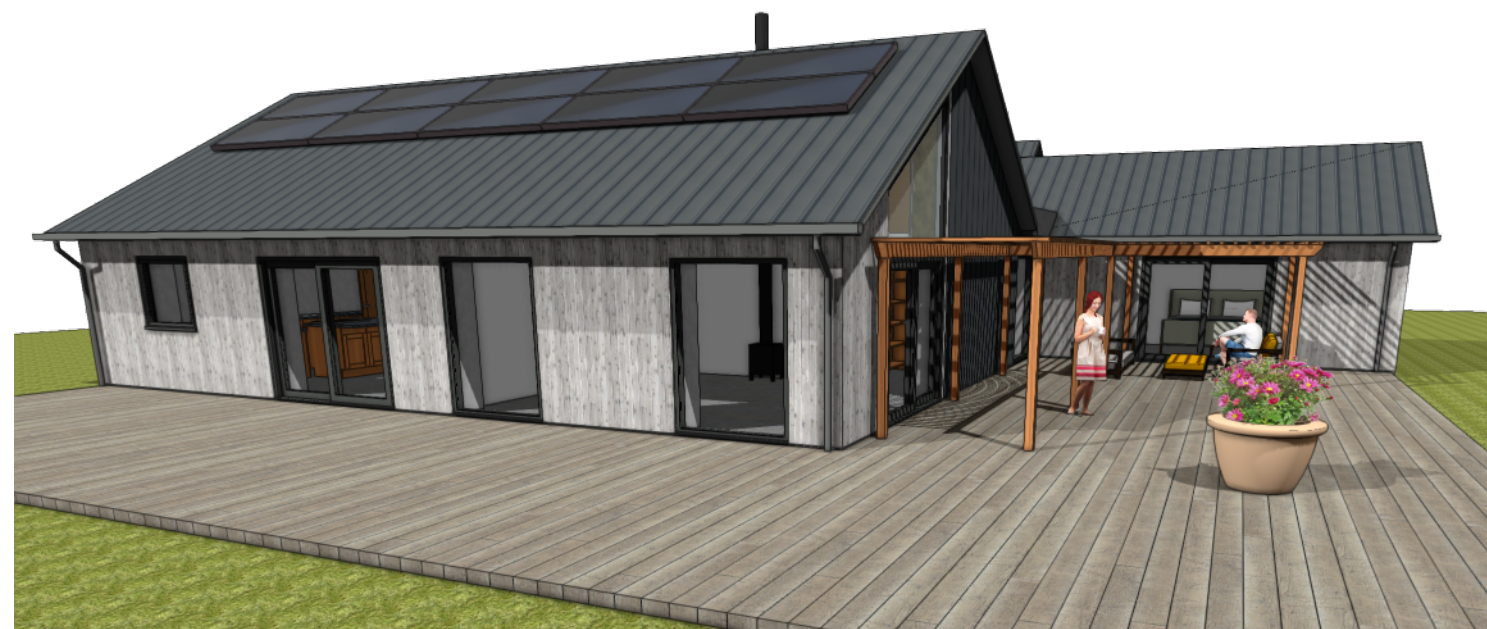
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web: www.keithrentonarchitect.co.uk

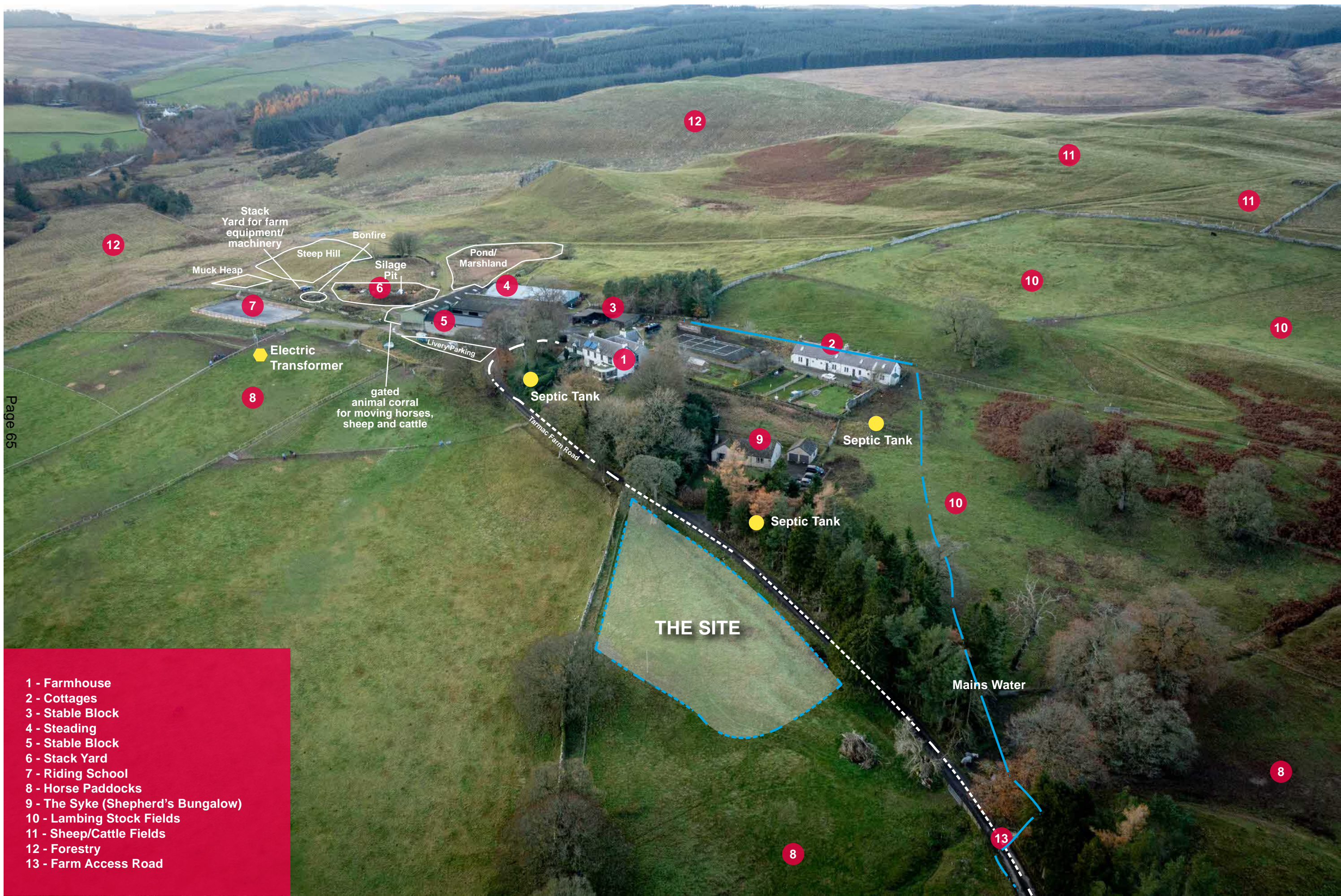


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Drawing Title: 3D VIEWS
 Job Title: Proposed New House, Plot at Headshaw, Ashkirk, Selkirk, TD7 4NT
 Client: Nancy Hunter
 Drawing Number: 873P- 06
 Drawing Scale: NTS
 Drawing Date: 05/12/2022
 Draw By: KR
 Drawing Size: A3
 Amendments:
 A 13/12/2022 Garage now included

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- 1 - Farmhouse
- 2 - Cottages
- 3 - Stable Block
- 4 - Steading
- 5 - Stable Block
- 6 - Stack Yard
- 7 - Riding School
- 8 - Horse Paddocks
- 9 - The Syke (Shepherd's Bungalow)
- 10 - Lambing Stock Fields
- 11 - Sheep/Cattle Fields
- 12 - Forestry
- 13 - Farm Access Road





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DESIGN STATEMENT

for
PROPOSED NEW HOUSE

at
Headshaw, Ashkirk

DESIGN

Building Form

The proposed house design consists of a single storey structure with 2 clearly defined rectangular elements. The first contains the main living, kitchen, dining and other ancillary areas. The second area contains the bedrooms. Each area is linked by the principal entrance area

Sustainability, Thermal and Energy Efficiency

The building will be built to achieve very high levels of insulation to walls, floor and roofs which will exceed the requirements of Part 6 of the Building Regulations. Expected U values are 0.1 W/m²K at ground floor, 0.13 W/m²K to walls and 0.13 W/m²K at the roof.

Timber triple glazed windows and doors will have u values averaging less than 1.0W/m²K.

Careful detailing will ensure air tightness levels less than 0.6m³/m² air changes an hour at 50 pascals (current building regulations norm is between 5 and 7m³/m² air changes an hour at 50 pascals).

Again careful detailing will aim to minimise or eliminate cold bridging at the external envelope. This will include the use of an insulated ground floor slab system which not only achieves high levels of thermal insulation to the floor but also significantly reduces cold bridging at the ground floor to wall junctions (<https://www.isoquick.co.uk>).

The use of PassiveHaus detailing and principals as described above (<http://www.passivhaus.org.uk/>) along with monitoring during construction will ensure the building performs as designed with no "performance gap" often seen in modern buildings.

With the exception of the ground floor insulation all other insulating material will consist of cellulose (<http://www.warmcel.co.uk>), which is manufactured from recycled paper.

All the above ground structure and framing to be constructed using full timber based products. Engineered I joists for external wall framing and roof structure. Glu-Laminated timber beams for large spans/openings and ridge beams. NO concrete or steel beams to be used.

The insulated slab system listed above minimises excavation of the ground and materials used (reduced use of concrete and no clockwork required. This significantly reduced the embodied energy of the construction

A photovoltaic array of panels will be installed along with a system (<https://www.marlec.co.uk/product/solar-iboost/>) to divert excess energy to be used for hot water, car charging or battery storage.

As the building will be very air tight a mechanical ventilation with heat recovery system minimises losses otherwise lost through mechanical ventilation (extract fans).

External Materials and Appearance

The external appearance of the building draws inspiration from the agricultural and industrial buildings in the area. The aesthetic is unashamedly contemporary.

Roofs shall be finished using standing seam metal sheeting.
(<https://www.tatasteeleurope.com/construction/key-products/colorcoat-urban>)

Walls are to be clad predominately using vertical timber cladding which will be left to naturally weather to a grey finish. The remaining areas are to be clad in a combination of standing seam metal (to match roofing) and stone to match stone used at original farm buildings nearby

Rainwater pipes and gutters, these shall be Lindab steel powder coated to match colour of wall cladding and windows.

Windows and doors, although timber in construction these shall be aluminium clad and powder coated to provide a long life and maintenance free finish.

Base Course, a simple powder coated base trim will fitted and will match colour of other metal finishes used at the building.

SERVICES:

Mains water is available along side the public road.

Mains Electricity will be taken from the nearby overhead supply serving other nearby properties.

Waste water disposal will be a new private waste water treatment system. This will consist of a packaged treatment unit, partial soakaway and discharge to a nearby water course.

Surface water, will also discharge to the nearby water course.

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

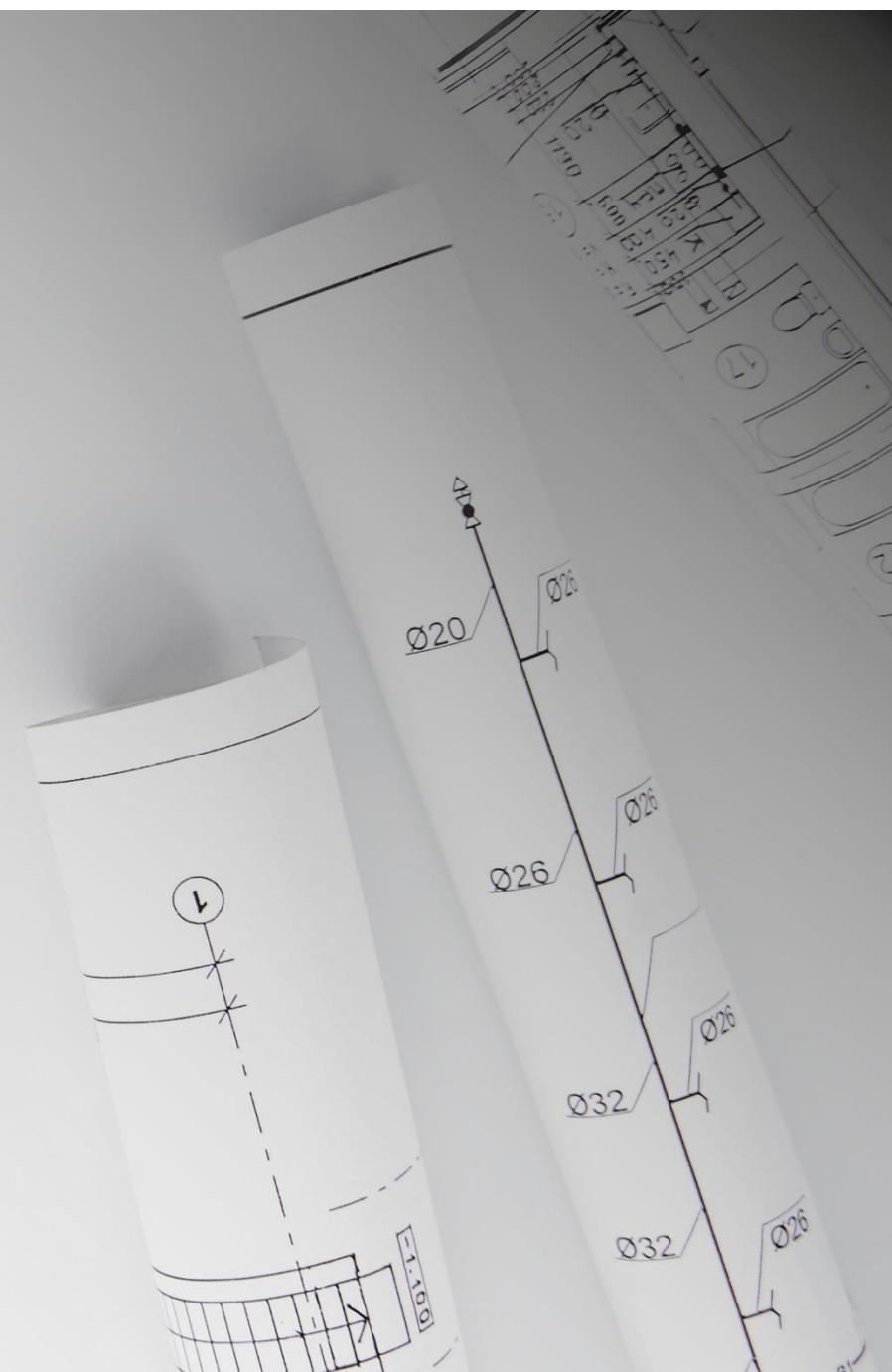
HEADSHAW FARM, ASHKIRK, SELKIRK, TD7 4NT

Mrs. Nancy Margaret Hunter

December 2022

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INTRODUCTION.....	01
THE PROPOSAL.....	06
PLANNING POLICY.....	12
PLANNING ASSESSMENT... ..	17
CONCLUSION.....	20



Residential Development at Headshaw Farm, Ashkirk, Selkirk, TD7 4NT

INTRODUCTION

INTRODUCTION

- Page 74
- 1.1 This Planning Statement, prepared by Ferguson Planning, is submitted to Scottish Borders Council on behalf of our client Mrs. Nancy Margaret Hunter (the applicant) in support of a Full Planning Application at the Land at Headshaw Farm, Ashkirk, Selkirk (the 'Site').
 - 1.2 The planning application submission relates to the construction of one residential property and associated site works. The purpose of this proposal is to create a new dwelling for the applicant's daughter and partner to return back to the farm and assist with the day-to-day operations as their parents are reaching retirement age.
 - 1.3 The site is situated within an existing Building Group at Headshaw Farm, located approximately one mile to the northwest of Ashkirk off the A7. The Farm includes the main Farmhouse at Headshaw, three cottages, and a bungalow creating a Building Group in its own right. All of the dwellings are within the applicant's ownership and are let out to long-term tenants who wish to remain in their properties for years to come. Letting out the properties provide a valuable income source for the farm as a form of diversification. The site is accessed off an existing private road that serves the neighbouring properties to the north of the site.
 - 1.4 The Site Location Plan can be found in Figures 1 and 2, with additional images of the site shown in Figures 3 and 4.
 - 1.5 The parcel within which the site is located sits towards the western edge of a contained field, and which is well-defined with existing trees and a fence line bordering the site. The body of the site laid to rough pasture.
 - 1.6 Existing residential properties immediately adjoin the site to the north, beyond the access road. To the south, is agricultural land associated with Headshaw Farm and within the applicant's ownership.

- 1.7 As shown within Figure 1 below, the subject site sits adjacent to the built form to the north. The proposal would sit below and within the backdrop of the existing dwellings, not impinging upon the skyline. Further detail can be found within the proposal section to follow as well as in the Drawings and Design and Access Statement (which goes into detail on design philosophy and acceptability) and is lodged with the application.
- 1.8 The purpose of this statement is to provide detail of the proposal and set out the key Planning Policy and material considerations in the determination of this application.
- 1.9 The remainder of this statement is structured as follows:
 - Section 2: The Proposal
 - Section 3- Planning Policy
 - Section 4- Planning Assessment
 - Section 5- Conclusion

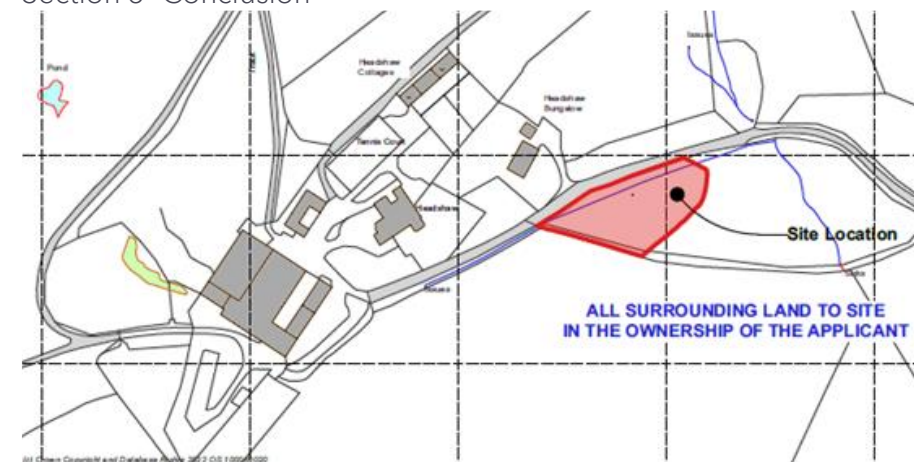


Figure 1: Site Location Plan (Source: Keith Renton Architects).

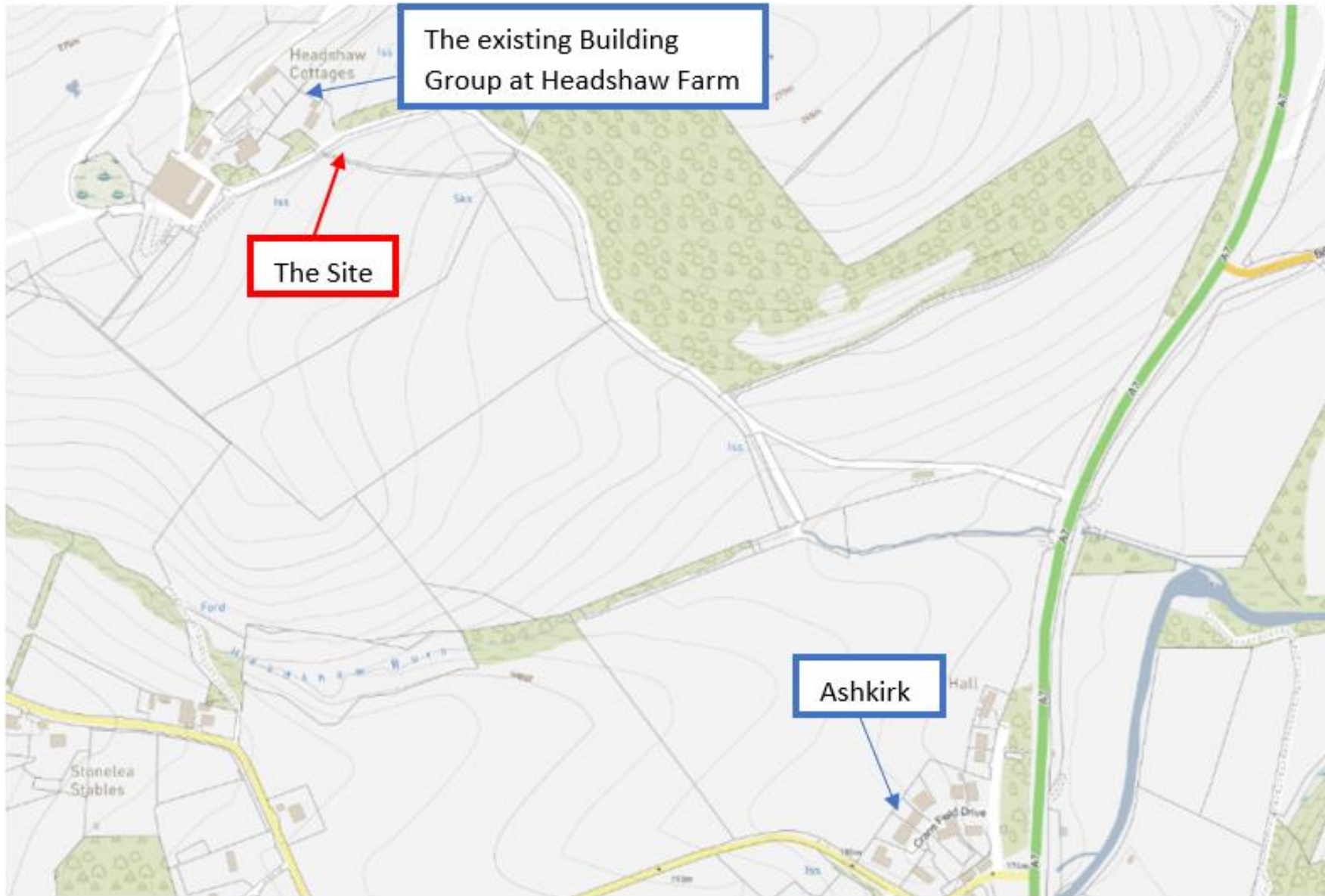


Figure 2: Aerial Image of the Wider Site Location.



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The Site

Figure 3: Arial Image of Site Location.

Designations

- 1.10 In terms of heritage assets, there are no listed buildings on or within proximity to the site, nor is the site within a Conservation Area.
- 1.11 With reference to the LDP Proposals Map, the site is considered 'White Land', holding no other designations or allocations.
- 1.12 The Scottish Environmental Protection Agency (SEPA) are the statutory body for flood management in Scotland and maintains flood risk maps for public and development purposes. It appears from the maps available online, that the site is not at risk of flooding.

Planning History

- 1.13 From a review of the Scottish Borders Council online planning register, there has been no notable planning applications on the site in question, or within the Building Group in which the site is situated within.
- 1.14 It is acknowledged there was a change of use application to convert the steading into a residential property (LPA ref: 09/01386/FUL) which was withdrawn back in 2015. This steading in question now forms part of the applicant's livery yard associated with the farm operations. As there have been no consents within the current Plan Period, the Building Group is considered to have the capacity for a further dwelling.
- 1.15 The applicant undertook a pre-application enquiry for a preferred site in the adjacent field to the southeast and have taken a cognizance of the planner response in selecting the application site proposed, adjoining the existing built form.

Figure 4: Image of the Site taken from the northwest corner looking Southeast



Residential Development at Headshaw Farm, Ashirk, Selkirk, TD7 4NT

THE PROPOSAL

THE PROPOSAL

2.1 This section sets out details of the proposed scheme which forms the subject of this planning application. The description of development is as follows:

“Planning Application for Residential Dwelling with associated Amenity, Parking, Infrastructure and Access at Land at Headshaw Farm, Ashkirk, Selkirk, TD7 4NT”.

2.2 The proposed development involves the provision of a single detached residential dwelling with the layout, floorplans and access arrangement illustrated in Figures 6 and 7. Further illustrations are also provided within Figure 8 below.

2.3 The applicants Family have farmed at Headshaw Farm for generations, demonstrating long-term commitment to providing a high-quality sheep enterprise and horse livery, contributing to the rural economy with the Borders. This application will enable the existing farmhouse to be released for occupation by the next generation.

2.4 The labour requirement for all the land farmed amount to a significant scale of enterprise and the need for the principle personnel to be living on site is considered imperative for the farms continued success for generations to come.

2.5 In terms of the chosen location, as illustrated within Figure 5 below the applicant has undertaken a sequential assessment, demonstrating there are no other appropriate existing buildings that are vacant or suitable for conversion, or pockets of land available for development. The topography of the land around the Building Group is steep in areas and there are limited suitable flat sites which do not have an important agricultural use. The site in question is considered to be the most logical location, adjoining the existing built form of the Building Group, whilst not interrupting the current farm operations.

Figure 5: Sequential Plan (Source: Keith Renton Architects)

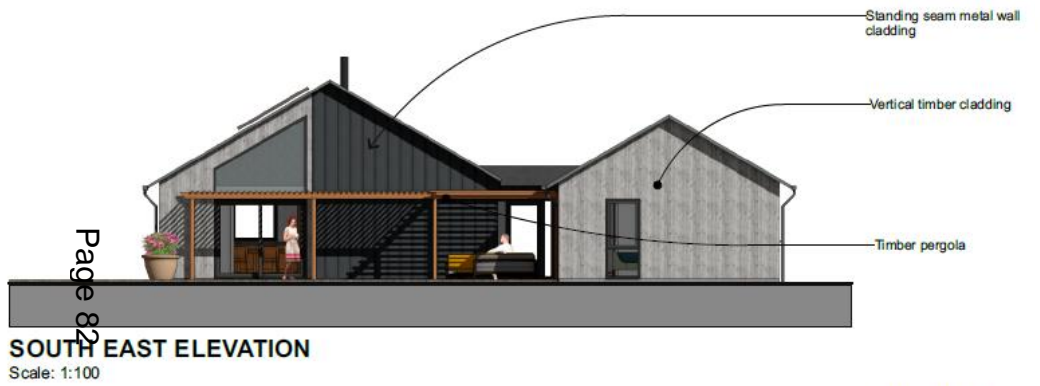


- 2.6 The proposal is for a building that is discretely and sensitively positioned in the landscape, that is simple in plan, construction and detail- a design that is contemporary in its architectural language whilst sensitive to its rural context. The choice of the proposed site would mean that no trees would be required to be cut down.
- 2.7 The new dwelling is proposed to be positioned in the centre of the site, set back from the adjoining road, whilst retaining proximity with the existing neighboring dwellings beyond the road to the north. The proposed dwelling is a 'Z- shape', orientated towards the north, with the key habitable rooms and rear garden towards the south, optimizing the daylight/ sunlight provision.
- 2.8 The design concept is informed by the existing built form within the Building Group with the proposed dwelling not exceeding 1.5 storeys high, whilst incorporating modern architectural design and technologies, complementing its rural character in which it surrounds as illustrated in the accompanying drawing package and figures.
- 2.9 As previously mentioned, access is proposed from the adjoining road along the northern boundary of the site which serves the adjoining properties within the Building Group. The site also benefits from being situated next to existing utilities such as electricity, mains water and telecommunications.
- 2.10 The proposal seeks to use natural and sustainable materials. The core palette includes natural timber cladding and bordering, standing seam metal wall cladding, stone cladding and glazing. The contrasting materials on the façade are considered to show sensitivity to the surrounding landscape and seeks to largely go unnoticed when taken with the wider build form and topography of the rolling hills.
- 2.11 A double garage is proposed, using the same material pallet as the proposed house, as illustrated within the accompanying drawing pack. The garage is proposed to have glazed windows, providing natural light, with roof space that has the potential to convert into an office or living accommodation later down the line if desired.
- 2.12 Private outdoor amenity provision for the proposed property would be substantial, complimenting the natural rural environment in which it surrounds. The site benefits from being situated within a contained site, bordered by existing trees and vegetation to the south which is sought to be retained and enhanced where possible. Additional planting is proposed within the body of the site, and along the immediate northern and southern boundaries, further adding to the sites landscape containment, minimising the visual impact on the surroundings.
- 2.13 As touched upon above, careful consideration has been taken in the positioning of the proposed dwelling within the site to ensure there is a reasonable separation distance to the existing dwelling adjoining the northern boundary, safeguarding the daylight and sunlight provision as well as the privacy of residents which is also assisted by the proposed planting to the east of the site.
- 2.14 Particular attention has been taken in ensuring the proposal is well related to the built form and does not impinge upon the sites Countryside Setting through the proposed new landscaping, shielding views upon approach from the east as illustrated in Figure 6 below.

Figure 6: Site Plan (Source: Keith Renton Architect)



Figure 7: Proposed Elevations (Source: Keith Renton Architects)



- Notes:**
1. Roofs shi colour.
 2. Walls will (to match th elevations.
 3. Windows aluminium c
 4. Gutters a colour of roc
 5. Trims, fla match colou



Drawing T
Job T
Cll
Drawing Num
Drawing Sc
Drawing D
Draw
Drawing S
Amendme

Figure 8: Proposed Visuals (Source: Keith Renton Architects)



Keith Renton
architect



Building Standards
Approved Certifier



Passivhaus
Trust



The Scottish
Government

tel: 01361 810 271
email: info@keithrentonarchitect.co.uk
web: www.keithrentonarchitect.co.uk

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Drawing Title: 3D VIEWS

Job Title: Proposed New House, Plot at Headshaw, Ashkirk, Selkirk, TD7 4NT

Client: Nancy Hunter

Drawing Number: 873P- 06

Drawing Scale: NTS

Drawing Date: 05/12/2022

Draw By: KR

Drawing Size: A3

Amendments:

A 13/12/2022 Garage now included

Residential Development at Headshaw Farm, Ashirk, Selkirk, TD7 4NT

PLANNING POLICY

PLANNING POLICY

3.1 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.

The Scottish Borders Local Development Plan

3.2 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.

3.3 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.

3.4 The key policies under which the development will be assessed include:

- LDP Policy PMD1: Sustainability
- LDP Policy HD2: Housing in the Countryside
- LDP Policy PMD2: Quality Standards
- LDP Policy HD3: Protection of Residential Amenity
- LDP Policy HD4: Meeting the Housing Land Requirements/ Further Housing Land Safeguarding

3.5 **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.

3.6 **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.

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3.7 **Policy HD2: Housing in the Countryside:** Section A of Policy HD2 addresses development proposals for housing related to existing Building Groups. The adopted text of section A has been copied 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.”

3.8 **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 ‘backland’ development,
 - iii. the generation of traffic or noise,
 - iv. the level of visual impact.”

Material Considerations

New Housing in the Borders Countryside Supplementary Planning Guidance (SPG)

3.9 The Supplementary Planning Guidance provides “advice and assistance with the siting and design of new housing in the Borders countryside”. Pertinent sections of the Guidance have been identified below.

3.10 The Guidance accepts that “the Borders area is not uniform in its landscape character” and that for “new housing to be absorbed successfully into a particular landscape it is important that the setting is selected by respecting the local landform, the field patterns and the tree and hedgerow cover”.

3.11 The Guidance continues to establish that the development of “new housing in harmony with its immediate and wider surroundings” is possible by “respecting the local landform, the pattern of fields and the distribution of tree and hedgerow cover”.

3.12 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:

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

3.13 The Council’s expectations for elements of the proposed design which relate to access are also included in the Guidance, “in the interests of public safety it is therefore important that any new houses in the countryside are served by a vehicular access of a safe standard and provided with adequate on-site facilities for vehicle movement and parking.”

Case Law

3.14 With reference to planning history within the SBC that sets a precedent, there has been approval for two dwellings at Leader House, Oxtou (LPA Ref: 18/01712/PPP). It is acknowledged the Planning Officer accepted the creation of a man-made boundary which contained the site and is in accordance within the New Housing in the Countryside SPG.

Revised Draft NPF4

3.15 The Revised Draft NPF4 was published in November 2021 and was out for consultation until March 2022. The plan seeks to encourage rural investment, encouraging development to contribute to the viability, sustainability and diversity of rural economies and communities.

3.16 The plan seeks to promote rural housing, enabling young family members to stay within their community if they wish to do so.

Scottish Planning Policy (SPP) 2014

3.17 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.

3.18 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.

Residential Development at Headshaw Farm, Ashkirk, Selkirk, TD7 4NT

PLANNING ASSESSMENT

PLANNING ASSESSMENT

4.1 This section of the statement sets out the key planning considerations arising from the proposal. It provides a reasoned justification for the development in the context of the adopted Local Development Plan and other relevant planning policy. It should be read together with the wider planning application package reports and drawings.

Principle of Development

4.2 The site in question is sitting within and adjacent to the setting of the existing Building Group at Headshaw Farm. The immediate Building Group comprises four dwellings to the north of the site. The proposed site is considered to be well related to the existing neighbouring-built form, integrated into the landscape. The purpose of this proposal is to create a new dwelling for the applicant's daughter and partner to return back to the farm and assist with the day-to-day operations as their parents are reaching retirement age.

4.3 As previously discussed, the labour requirement for all the land farmed amount to a significant scale of enterprise and the need for the principle personnel to be living on site is considered imperative for the farms continued success for generations to come. This application will enable the existing farmhouse to be released for occupation by the next generation.

4.4 Careful consideration has been taken in the appearance, layout, and scale of the proposed property, to ensure the type and form of the proposed development are considered to be acceptable on the site. Existing and proposed landscape boundary treatment will contain the plot, restricting the visual impact the proposal may have on the area.

4.5 A review of the Council's online planning records has indicated that no new dwellings have been consented at Headshaw Farm following the adoption of the current Local Development Plan in 2016, leaving capacity for a further dwelling within this plan period.

4.6 The principle of development is considered to be acceptable as the proposal comprises the erection of one dwelling together with access, landscaping and associated works within the setting of an existing building group at Headshaw, in accordance with section (A) of Policy HD2 which would enable up to one new dwelling to be consented within the LDP period under the 30% ruling. The proposal will also contribute to the Scottish Borders Housing Land Supply supported by policy HD4 of the LDP.

4.7 As previously discussed, the applicant undertook a pre-application enquiry for a preferred site in the adjacent field to the southeast and have taken a cognizance of the planner response in selecting the application site proposed, adjoining the existing built form.

4.8 The application is further supported by a Sequential Plan as illustrated within Figure 9 above, demonstrating the sequential approach to the chosen location within the Building Group. Figure 9 illustrates all other properties within the Headshaw Farm are occupied or unsuitable for conversion. Again, the plan also illustrates the surrounding land is used for the farm operations. As such, the application is further supported by Policy HD2.

Residential Amenity

4.9 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. Due to the topography of the site and adjoining area, sloping towards the south, along with existing mature planting, the location and layout of the property within the site has ensured adequate separation distances between existing neighbouring properties to the north can be reached, meaning there will have no adverse impacts on overshadowing and daylight/ sunlight provision whilst protecting the privacy of residents.

4.10 It is considered the scale of the proposed one and half storey dwelling is appropriate to the site and the local area. The building height does not extend beyond those of the neighbouring dwellings. The accompanying drawings also illustrates the proposed dwelling is set back and do not extend beyond the building line of the Building Group sitting well within the rural setting and does not extend into the Open Countryside to the south.

Landscape Visual Impact

4.11 Views of the site from public receptor points are negligible due to the site's nature, positioned within the Building Group in lower lying topography, visible upon approach, not impinging upon the skyline. Existing and proposed enhancement to the hedgerow bordering the site further enhances the aesthetics, screening views from the south, in accordance within the SPG guidance. Overall, the visual impact of the proposal on the local area is considered to be minimal and in accordance with PMD2.

4.12 As the proposal provides for good amenity on-site and safeguards the amenity of the surrounding area, it is considered to be in accordance with Policy HD3.

Design and Materiality

4.13 In accordance with policy PMD2 'Quality Standards' the proposal does not exceed the height of the neighboring properties within the building group to the north, respecting the setting of the surroundings. Maintaining and enhancing the landscape boundary bordering the site to the north and south 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 dwelling. The proposed landscaping within the body of the site also adds to its containment whilst safeguarding the visual impact from the adjoining agricultural fields to the north. As illustrated within Figure 6 above.

4.14 The principle of creating and enhancing man-made boundaries is supported by the Housing in the New Housing in the Countryside SPG and recent Case Law at Leader House, Oxton (LPA Ref: 18/01712/PPP) were the Planning Officer acknowledged and accepted the creation of a man-made boundary which contained the site.

4.15 The proposal has incorporated high-quality materials that relate well to the sites rural setting, such as timber cladding, standing seam metal wall cladding, along with a contrasting stone cladding. The proposal has been prepared to provide a good level of amenity for future occupiers of the proposed dwelling whilst safeguarding privacy.

Sustainability

4.15 The applicant is committed to create a sustainable form of development, through renewables such as solar panels, air source heat pumps and electrical charging points, along with the use of PassiveHaus detailing, which is considered to be above and beyond the requirements set out within policy PMD1 which is further supported by the green agenda within the Revised Draft NPF4.

4.16 The building will be built to achieve very high levels of insulation to walls, floors and roofs which will exceed the requirements of Part 6 of the Building Regulations. Further information on the proposed materials can be found within the accompanying Design Statement prepared by Keith Renton Architects.

Access and Parking

4.17 The proposal includes a new single access point to the north, off the existing road serving the neighboring properties within the Building Group. There is good visibility in both directions.

4.18 The proposed dwelling includes a private driveway, garage and car parking space for two cars. Cars will be able to access and exit the site in forward gear.

Economic Benefits

4.19 The proposal will support local jobs with the applicant committed to appointing local tradesmen, creating economic benefits during the construction process.

4.20 This application will also enable the successful running of the farm operations with the applicant intending to retire in the near future, enabling future generations to take over which is supported by the Revised Draft NPF4 which seeks to encourage rural investment.

Residential Development at Headshaw Farm, Ashkirk, Selkirk, TD7 4NT

CONCLUSION

CONCLUSION

- 5.1 Planning Permission for the erection of a single dwelling together with associated infrastructure on the site at Headshaw Farm, Ashkirk, Selkirk is considered acceptable when viewed against appropriate planning policy.
- 5.2 The purpose of this proposal is to create a new dwelling for the applicant's daughter and partner to return back to the farm and assist with the day-to-day operations as their parents are reaching retirement age.
- 5.3 The proposal represents the enlargement of an existing Building Group by one dwelling upon a site which is well related to the existing built form. It is therefore considered the erection of the proposed dwelling upon the site is to be acceptable in accordance with Policy HD2(A). 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.
- 5.4 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 to the north and providing good quality standards using sustainable methods in accordance with Policies PMD1, PMD2 and HD3.
- 5.5 It is proposed to create one new vehicle access point off the adjoining road to the north which serves the existing neighbouring properties. The proposed development is considered to be acceptable in transport terms.
- 5.6 The Planning Authority is respectfully requested to approve this application which is in accordance with relevant adopted policy of the Local Development Plan and is not afflicted by any other material considerations. The proposal seeks to support the vision of the Revised Draft NPF4 aspirations to increase the rural population and for investment into rural Scotland through job creation during construction process and will support local services.

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

GALASHIELS

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Galashiels TD1 1NU

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M: 07960 003 358

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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 100610010-001

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 Application for Residential Dwelling with associated Amenity, Parking, Infrastructure and Access at Land at Headshaw Farm, Ashkirk, Selkirk, TD7 4NT"

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:	Mrs	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	c/o Agent
First Name: *	Nancy Margaret	Building Number:	
Last Name: *	Hunter	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

"Planning Application for Residential Dwelling with associated Amenity, Parking, Infrastructure and Access at Land at Headshaw Farm, Ashkirk, Selkirk, TD7 4NT"

Northing

623069

Easting

346658

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)

The applicant undertook a pre-application enquiry for a preferred site in the adjacent field to the southeast and have taken a cognizance of the planner's response in selecting the application site proposed, adjoining the existing built form.

Title:

Mr

Other title:

First Name:

Brett

Last Name:

Taylor

Correspondence Reference Number:

21/00518/PREAPP

Date (dd/mm/yyyy):

08/03/2022

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:

1900.00

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)

Rough pasture land

Access and Parking

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

Yes No

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

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

Yes No

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

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

0

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)? *

2

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: *

Please see proposed plans and sequential plan

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.

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)

Please see proposed 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: Lucy Moroney

On behalf of: Mrs Nancy Margaret Hunter

Date: 09/12/2022

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. * | <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 checked="" type="checkbox"/> Yes | <input 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 checked="" type="checkbox"/> Yes | <input type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |

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

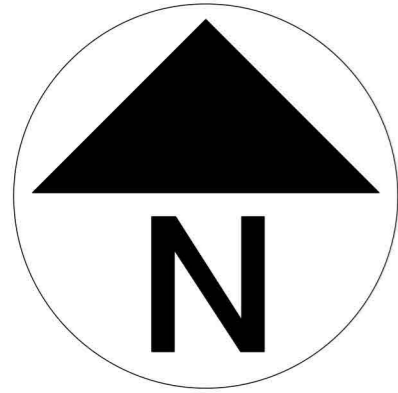
Planning Statement existing and proposed plans

Declare – For Application to Planning Authority

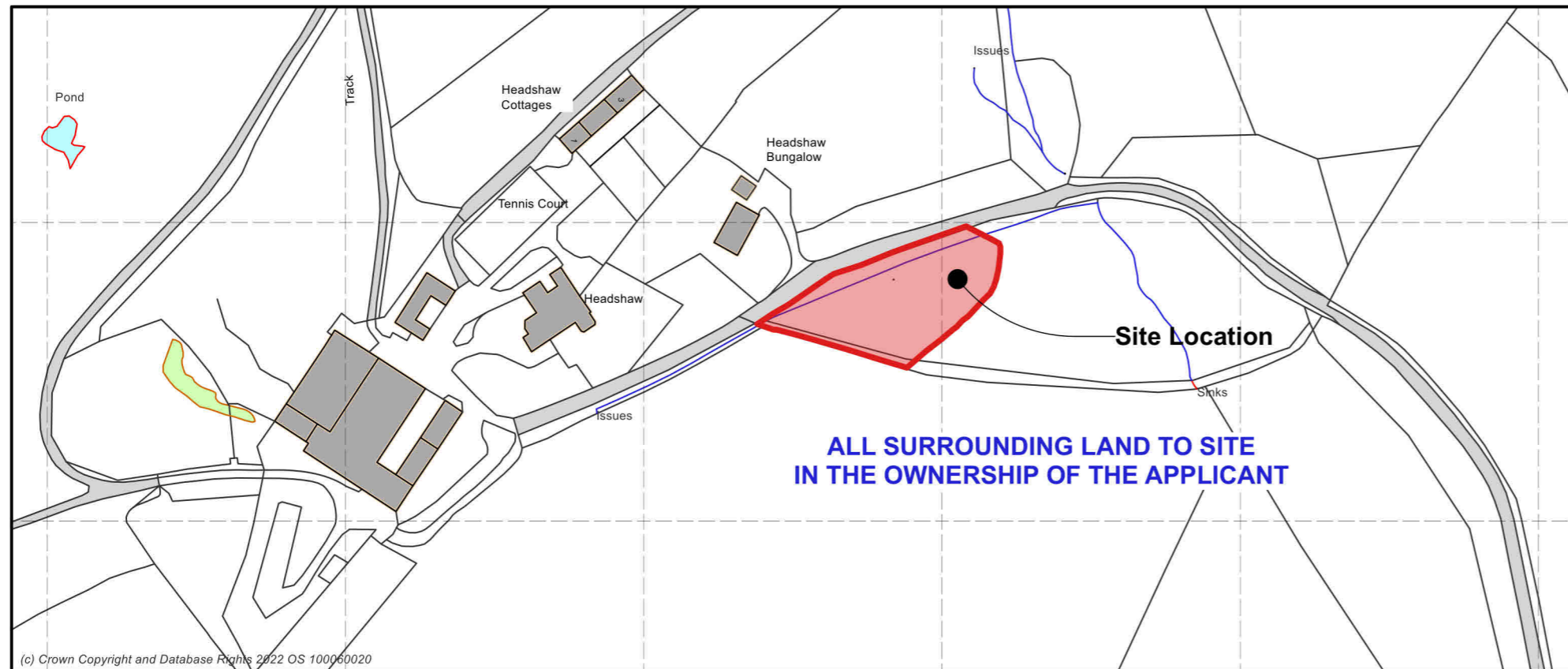
I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Miss Lucy Moroney

Declaration Date: 09/12/2022



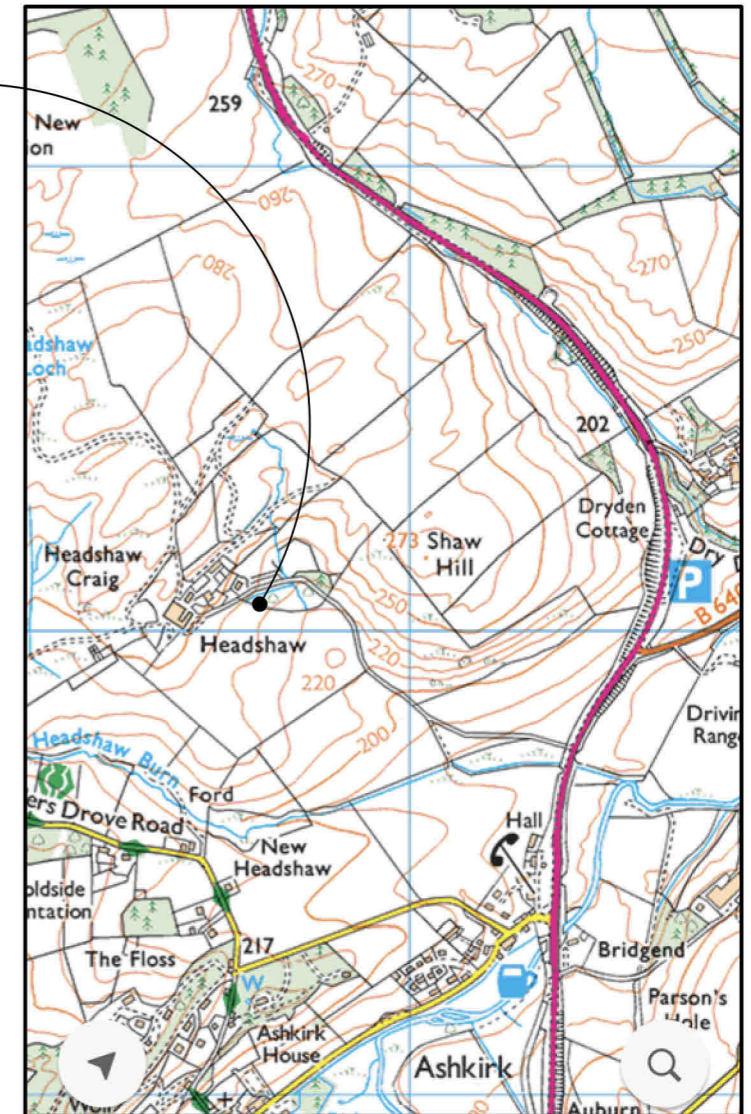
Site Location



(c) Crown Copyright and Database Rights 2022 OS 100060020

LOCATION PLAN

Scale: 1:2000



Drawing Title: LOCATION PLAN

Job Title: Proposed New House, Plot at Headshaw, Ashkirk, Selkirk, TD7 4NT

Client: Nancy Hunter

Drawing Number: 873P- 01

Drawing Scale: 1:2000

Drawing Date: 05/12/2022

Draw By: KR

Drawing Size: A3

Amendments:

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

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subject to the
requirements of the
associated Decision
Notice

22/01947/FUL
24/03/2023

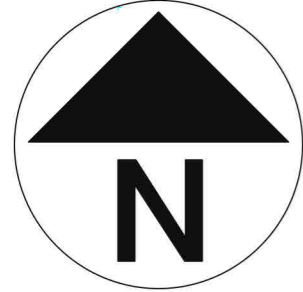
Keith Renton
architect

Building Standards
Approved Certifier

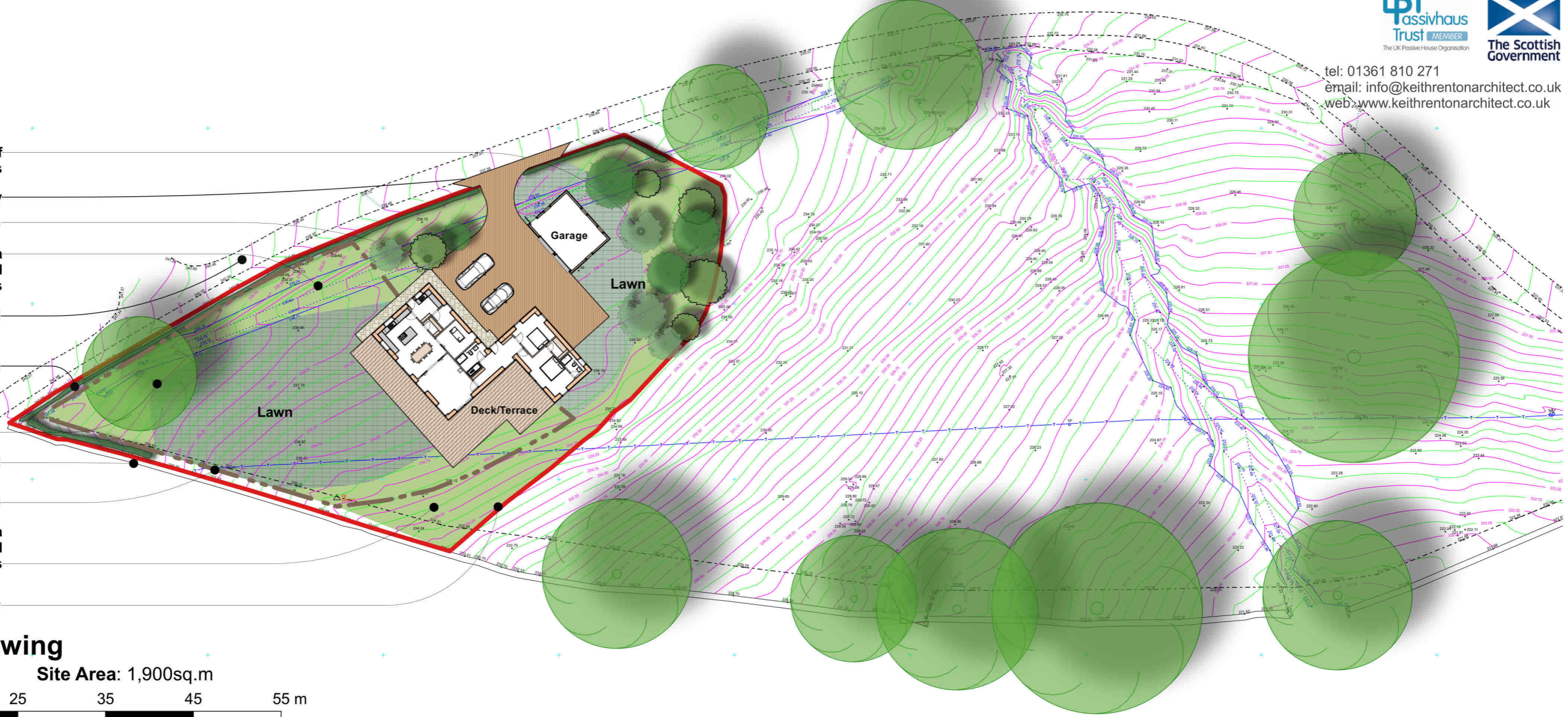
Passivhaus
Trust MEMBER
The UK Passive House Organisation

The Scottish
Government

tel: 01361 810 271
email: info@keithrentonarchitect.co.uk
web: www.keithrentonarchitect.co.uk



- Screen planting with mixture of native species trees
- New access with service layby
- Ornamental trees
- Margins planted out with a mixture of shrubs, plants and wild flowers
- Public road
- Beech hedge
- Existing Trees
- Existing wall retained
- Fence line
- Margins planted out with a mixture of shrubs, plants and wild flowers
- Site Boundary



Page 106

Site Survey Drawing

Scale: 1:500 Site Area: 1,900sq.m

0 5 15 25 35 45 55 m

Drawing Title: SITE PLAN

Job Title: Proposed New House, Plot at Headshaw, Ashkirk, Selkirk, TD7 4NT

Client: Nancy Hunter

Drawing Number: 873P- 02

Drawing Scale: 1:500

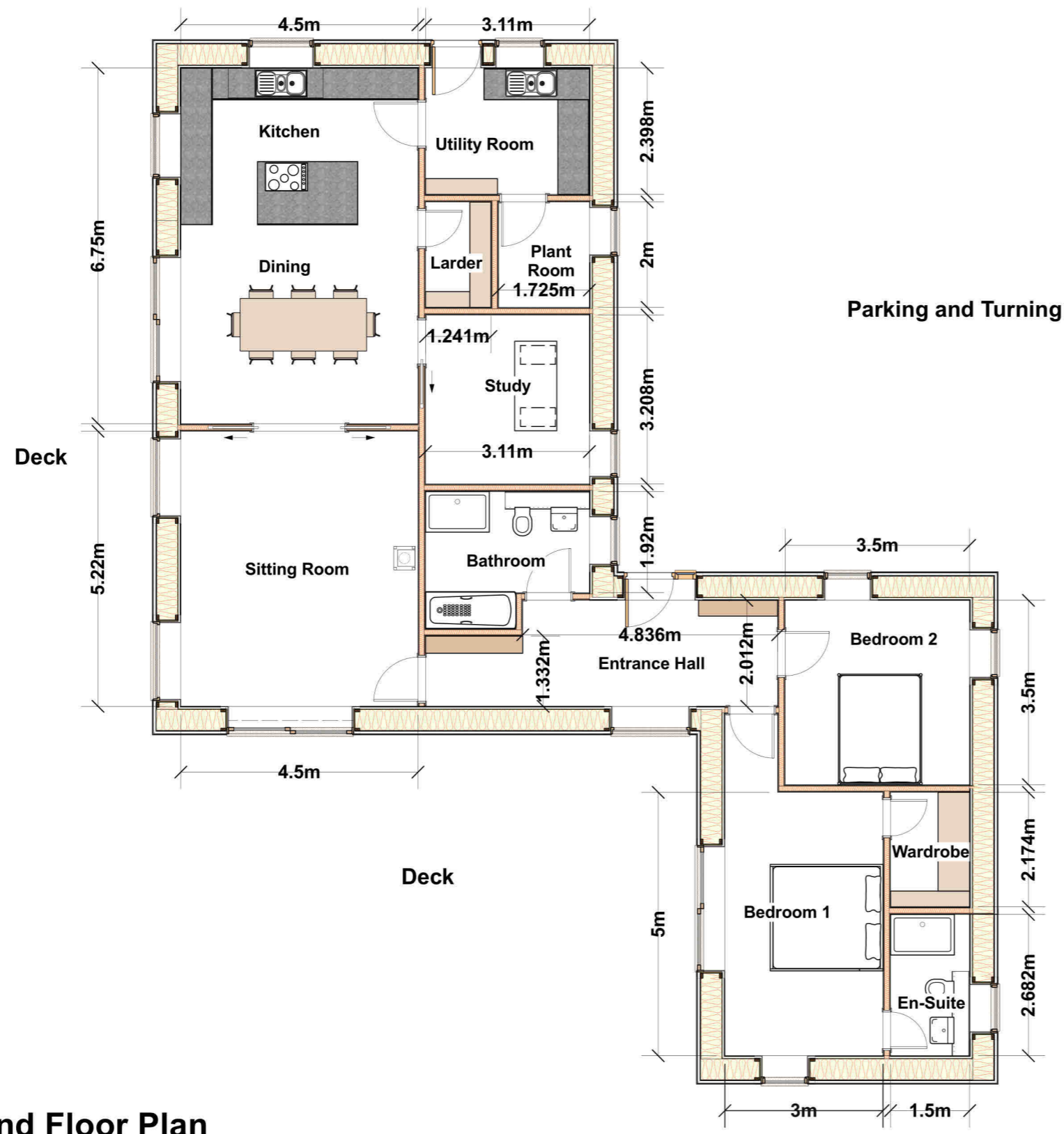
Drawing Date: 02/12/2022

Draw By: KR

Drawing Size: A3

Amendments:

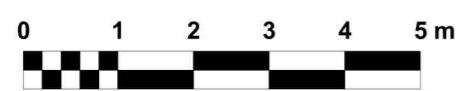
A 13/12/2022 Garage plan added



Ground Floor Plan

Scale: 1:100

Area: 140 sq.m



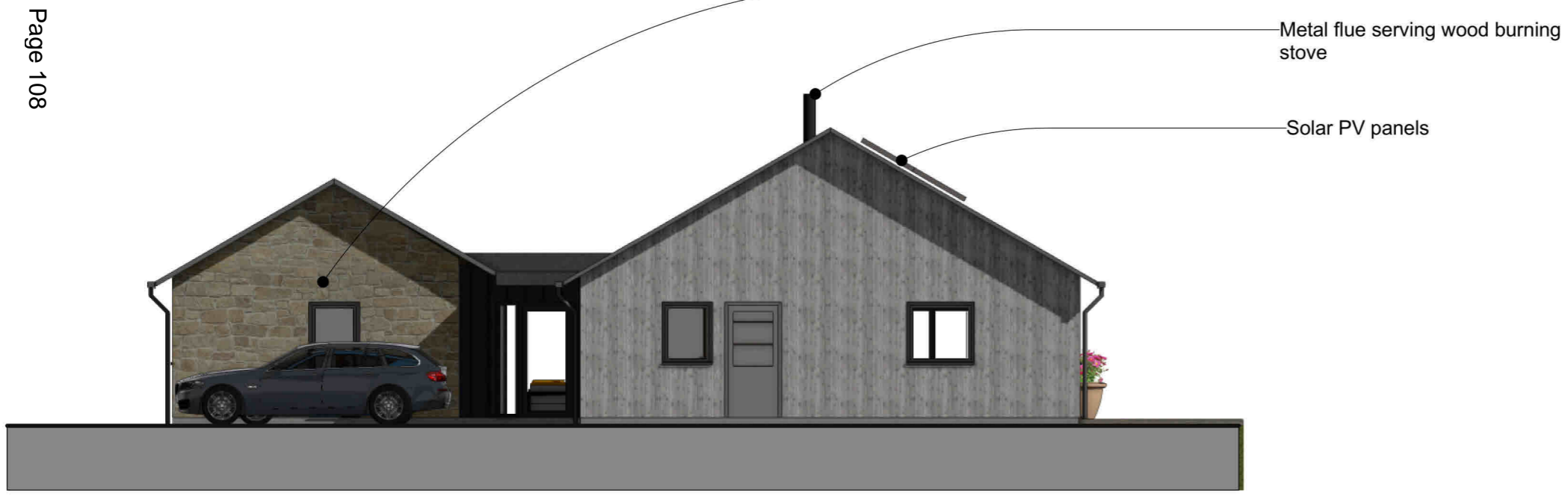
Drawing Title: FLOOR PLAN
Job Title: Proposed New House, Plot at Headshaw, Ashkirk, Selkirk, TD7 4NT
Client: Nancy Hunter
Drawing Number: 873P- 03
Drawing Scale: 1:100
Drawing Date: 02/12/2022
Draw By: KR
Drawing Size: A3
Amendments:



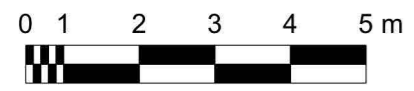
SOUTH EAST ELEVATION
Scale: 1:100

Notes:

1. Roofs shall be finished in standing seam metal roofing, dark grey in colour.
2. Walls will be a combination of vertical timber cladding, metal cladding (to match that at roof) and stone cladding at areas shown on elevations.
3. Windows will be timber and triple glazed with powder coated aluminium cladding to external face
4. Gutters and downpipes shall be Lindab, powder coated to match colour of roof and wall cladding.
5. Trims, flashings and base coat will be powder coated aluminium to match colour of windows and downpipes



NORTH WEST ELEVATION
Scale: 1:100



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

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associated Decision
Notice**

Drawing Title: SOUTH EAST AND NORTH WEST ELEVATIONS
Job Title: Proposed New House, Plot at Headshaw, Ashkirk, Selkirk, TD7 4NT
Client: Nancy Hunter
Drawing Number: 873P- 04
Drawing Scale: 1:100
Drawing Date: 05/12/2022
Draw By: KR
Drawing Size: A3
Amendments:

standing seam metal cladding

timber pergola



SOUTH WEST ELEVATION

Scale: 1:100

Notes:

1. Roofs shall be finished in standing seam metal roofing, dark grey in colour.
2. Walls will be a combination of vertical timber cladding, metal cladding (to match that at roof) and stone cladding at areas shown on elevations.
3. Windows will be timber and triple glazed with powder coated aluminium cladding to external face
4. Gutters and downpipes shall be Lindab, powder coated to match colour of roof and wall cladding.
5. Trims, flashings and base coat will be powder coated aluminium to match colour of windows and downpipes

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metal wall cladding

stone cladding



NORTH EAST ELEVATION

Scale: 1:100



Drawing Title: SOUTH WEST AND NORTH EAST ELEVATIONS
Job Title: Proposed New House, Plot at Headshaw, Ashkirk, Selkirk, TD7 4NT
Client: Nancy Hunter
Drawing Number: 873P- 05
Drawing Scale: 1:100
Drawing Date: 05/12/2022
Draw By: KR
Drawing Size: A3
Amendments:

22/01947/FUL
24/03/2023

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1997

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requirements of the
associated Decision
Notice

Keith Renton
architect



Building Standards
Approved Certifier



tel: 01361 810 271
email: info@keithrentonarchitect.co.uk
web: www.keithrentonarchitect.co.uk



Page 110



Drawing Title: 3D VIEWS

Job Title: Proposed New House, Plot at Headshaw, Ashkirk, Selkirk, TD7
4NT

Client: Nancy Hunter

Drawing Number: 873P- 06

Drawing Scale: NTS

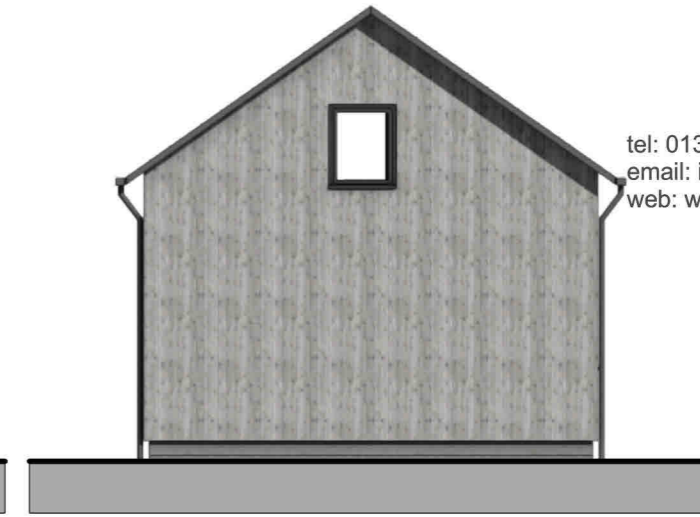
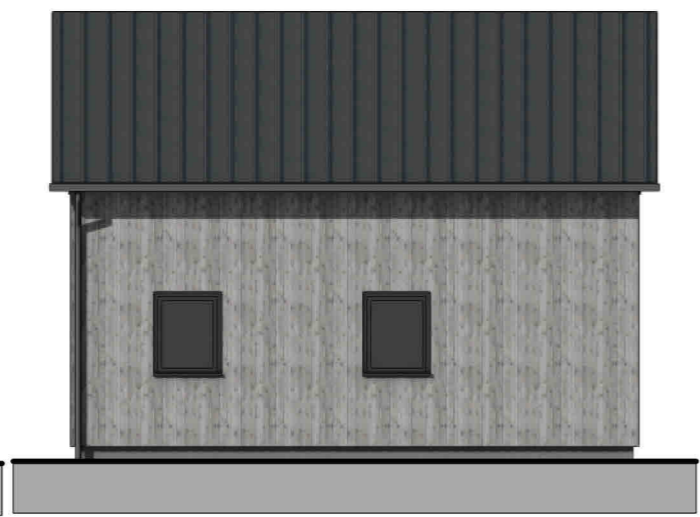
Drawing Date: 05/12/2022

Draw By: KR

Drawing Size: A3

Amendments:

A 13/12/2022 Garage now included



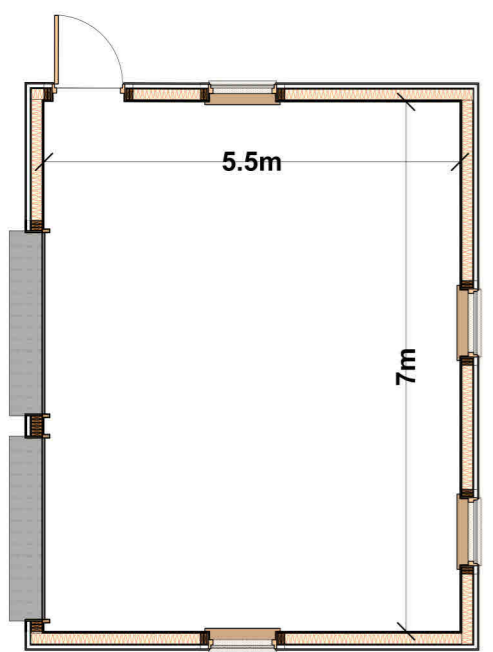
North West Elevation
Scale: 1:100

North East Elevation
Scale: 1:100

North West Elevation
Scale: 1:100

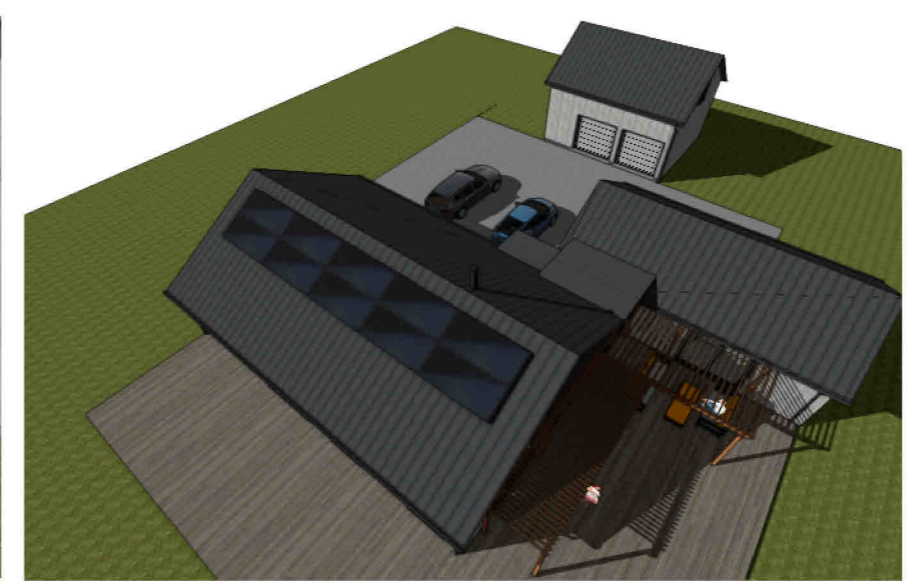
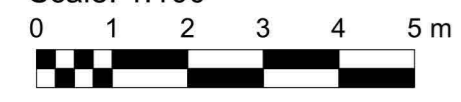
South East Elevation
Scale: 1:100

Page 111



FLOOR PLAN

Scale: 1:100



Drawing Title: GARAGE DRAWINGS
Job Title: Proposed New House, Plot at Headshaw, Ashkirk, Selkirk, TD7 4NT
Client: Nancy Hunter
Drawing Number: 873P- 07
Drawing Scale: 1:100
Drawing Date: 05/12/2022
Draw By: KR
Drawing Size: A3
Amendments:
A 14/12/2022 Cladding changed to be all timber

REFUSED

subject to the
requirements of the
associated Decision
Notice



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- 1 - Farmhouse
- 2 - Cottages
- 3 - Stable Block
- 4 - Steading
- 5 - Stable Block
- 6 - Stack Yard
- 7 - Riding School
- 8 - Horse Paddocks
- 9 - The Syke (Shepherd's Bungalow)
- 10 - Lambing Stock Fields
- 11 - Sheep/Cattle Fields
- 12 - Forestry
- 13 - Farm Access Road

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

3 JUNE 2019

APPLICATION FOR PLANNING PERMISSION

ITEM: **REFERENCE NUMBER:** 18/01712/PPP

OFFICER: Julie Hayward
WARD: Leaderdale And Melrose
PROPOSAL: Erection of two dwellinghouses
SITE: Land North of Leader House Oxtan
APPLICANT: Mr Michael Ridgway
AGENT: Ferguson Planning

PLANNING PROCESSING AGREEMENT: Expires 10 June 2019

SITE DESCRIPTION

The site is part of an agricultural field situated to the north of the Carfraemill Hotel, to the north of Lauder. A minor road from the A697 is to the east and there are houses to the east and south. To the north and west are fields. The land slopes up to the west from the public road and falls away to the east. The east boundary is defined by a mature roadside hedge and the south boundary is defined by a combination of post and wire fence, hedging and timber fence. The west and north boundaries are undefined.

PROPOSED DEVELOPMENT

The proposal, as submitted, was to erect three houses on the site served by two accesses onto the public road. This has been reduced to two houses with one shared access onto the public road. Indicative tree planting is shown on the revised site plan.

PLANNING HISTORY

There is no planning history for this site.

REPRESENTATION SUMMARY

Four representations have been received objecting to the application as originally submitted for three dwellinghouses. These can be viewed in full on public Access and raise the following issues:

- Loss of privacy and overlooking not mitigated by hedges;
- Surface water run-off from the site will worsen the current situation;
- Topography, in terms of elevation and slope, would have adverse impacts on the existing properties to the east;
- Loss of sunlight;

- Increase in traffic would affect the safety of all road users;
- The placement of driveways, laybys and passing places is important given the narrowness of the lane and visibility;
- There are discrepancies in the application in terms of the number of houses proposed;
- It would be totally unacceptable for the proposed waste/sewage facilities to discharge effluent into the ground by a soakaway as all the properties to the east are supplied with fresh water from a number of boreholes. Any contamination of the groundwater would endanger the water supplies of those houses and the health of the residents;
- The site is outwith the boundary of the building group, as previously defined in the Local Plan, and the development would break into an undeveloped field;
- No sense of place with the existing building group, given the previous intimation by SBC Planning that the road is a robust boundary to the current grouping, particularly considering the topography of the land to the east of the road (i.e. low lying), compared with the proposed development to the west of the road (i.e. on considerably higher and rising ground).

Three representations have been received in respect of the amended proposals for two dwellinghouses, raising the following issues:

- This is ribbon development. The housing group opposite the proposal is hardly noticeable due to the low level of the land, however, the proposed two houses on high ground turn the lane into a ribbon corridor. The proposal is not fully compliant with policy HD2 (A) of the Local Development Plan 2016 as it would cause unacceptable adverse impacts on the landscape due to the existing use of the land (agricultural), and the topography (steep rising land), and to the amenity of the surrounding properties;
- The proposal is in contravention of policy HD3 of the LDP as it does not protect residential amenity. Planting will only result in a screen after around 20 years. By the time the trees are established to screen Leader House, shading will adversely affect houses on the east side of the lane. Also, the closest house to Leader House would be on high ground, and will look down on Leader House, and therefore be detrimental to privacy;
- Due to the topography of the land only single storey dwellings should be considered;
- The application is contradictory in terms of change of use, suggesting on the application document that there is no change of use, however, the Planning Statement states that it is currently agricultural land, it does break into undeveloped agricultural fields, and therefore does constitute a change of use;
- Traffic will increase in the lane and a further access point into the road will increase the risk of an accident as vehicles already travel at dangerous speeds;
- The siting of a septic tank and soakaway is not specified and has the potential to be detrimental to the housing group;

- Waste/sewage facilities discharging effluent into the ground by a soakaway could pollute private water supplies. The site is steeply sloping, and the road and properties below already suffer from significant rainwater run-off. Any further hard surfaces envisaged in the proposed development will exacerbate this problem and increase the flood risk;
- The proposed development is on a steep hillside above the properties to the east of the road. The topography means any development on the hillside would dominate the skyline and impact on the light of existing properties. Any screening (trees or additional hedges) will exacerbate the problem;
- Whilst the road is generally quiet, the majority of vehicle movements occur in the vicinity of the proposed development. Many vehicles exceed a safe speed, given the number of entrances and limited visibility. The lane is also used as an amenity by a large number of visitors and residents for walking, cycling and horse-riding. With even a moderate increase in turning traffic, a lower speed limit needs to be in place and enforced. The Planning Statement fails to note that the level of the land inside the hedge-line is some 2 metres above road level, so a steep entrance/exit is inevitable;
- The existing building group would permit two new buildings, but this would be the precursor to subsequent planning applications and amount to strip development along the existing road;
- The proposed site is agricultural land. There is no agricultural requirement for the development;
- This concentration of houses overlooking existing houses home will compound the potential negative impacts on well-being and property;
- Loss of sunlight and overshadowing exacerbated by the planting proposed;
- During periods of heavy rain the lane below the proposed site channels water towards the joint driveway of the existing building group; this will be exacerbated during and after any construction on the site.

APPLICANTS' SUPPORTING INFORMATION

- Planning Statement

DEVELOPMENT PLAN POLICIES:

SESplan Strategic Development Plan June 2013:

Policy 1B: The Spatial Strategy: Development Principles

Scottish Borders Council Local Development Plan 2016

PMD1: Sustainability

PMD2: Quality Standards

HD2: Housing in the Countryside

HD3: Protection of Residential Amenity

EP5: Special Landscape Area

EP13: Trees, Woodland and Hedgerows
IS2: Developer Contributions
IS3: Developer Contributions Related to the Borders Railway
IS7: Parking Provisions and Standards
IS9: Waste Water Treatment Standards and Sustainable Urban Drainage

OTHER PLANNING CONSIDERATIONS:

Supplementary Planning Guidance:

Placemaking and Design 2010
Householder Development (Privacy and Sunlight) 2006
Trees and Development 2008
Landscape and Development 2008
Development Contributions 2011 (updated April 2019)
New Housing in the Borders Countryside 2008
Local Landscape Designations 2012

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Roads Planning Service: The Roads Planning Service (RPS) has no objections in principle to this proposal. There are a number of acceptable access permutations available for this site, each plot can have its own access, one access can serve all three plots or two plots can be served by one access and the third plot with its own individual access. Each of the access options would have to incorporate a service layby.

Any new access would double as passing provision for the existing users of the minor public road. Provided conditions covering, access, parking, gradients and drainage are incorporated into any consent issued RPS offer no objections to the proposed development

Director of Education and Lifelong Learning: No response.

Statutory Consultees

Transport Scotland: No objections.

Scottish Water: No response

Community Council: Object:

- Overlooking and a loss of privacy and sunlight due to the elevated position of the site in relation to the properties to the east and the proposed screen of trees will exacerbate the problem;
- The properties to the east are supplied with water from boreholes and any proposals to discharge foul drainage into the ground via a soakaway would contaminate water supplies and impact on health. The sloping nature of the ground would result in surface water run-off flowing into the properties to the east. Any further hard surfaces would exacerbate the run-off problem and increase the flood risk to these properties;

- The road is generally quiet but the majority of vehicle movements occur in the vicinity of the proposed development. Adequate sightlines at the new access would be required. The level of the land within the site is 2m above the road level so a large approach will be required;
- The site is outwith the building group defined by the road. The proposal is for three houses whereas the limit is no more than 30% of the existing building group, which is 2 dwellings. The ground is agricultural and Council policy requires that developments should not normally break into undeveloped agricultural fields.

Community Council Re-consultation: No response.

Other Consultees

None

KEY PLANNING ISSUES:

- Whether the proposal complies with the Council's housing in the countryside policies;
- Whether there are unacceptable adverse impacts on visual amenities and the Special Landscape Area;
- Whether there are adverse impacts on the residential amenity of nearby properties;
- Whether safe vehicular access and on-site parking and turning can be achieved.

ASSESSMENT OF APPLICATION:

Planning Policy

The site lies outwith any settlement boundary as defined by the Local Development Plan, and so the proposal has to be assessed principally against the Council's policies for new housing in the countryside.

Policy HD2 (A) supports 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 current 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 also 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.

It is accepted that there is a building group at Carfraemill as there are nine existing houses, all but two situated on the eastern side on the minor road. There are three houses opposite the hotel and four to the north of the caravan park as well as two houses to the north of the hotel, west of the public road.

The site comprises part of an undeveloped agricultural field north of Leader House. The boundary being defined by a fence and hedge. The main part of the building group is to the east and contained within a distinct sense of place with the public road providing a distinct boundary along with surrounding topography and the trees to the north and west of North Corner House and Mid House on the east side of the public road. The houses to the east of the road are situated on land well below the level of the road whereas the application site rises up from it, with a mature hedge on the road boundary.

As stated above, there are currently are nine houses within the building group and policy HD2 states that any consents for new build should not exceed two houses or a 30% increase in addition to the existing group during the current Plan period. As there have been no recent planning permissions for additional houses in this building group during the current Local Development Plan period the maximum number of houses permitted under this Policy would be two. Members will note that the original proposal was for three houses, exceeding the permitted threshold as set out in policy HD2. However, following discussions with the agent, the number of houses proposed was subsequently reduced to two in order to ensure compliance with HD2. The revised site boundaries do not extend further north than the junction serving the existing houses on the eastern side of the road or the existing trees defining the north and west boundaries of the group. It is considered that the revised layout would be better related to the houses to the south. As an addition to the existing building group, the proposed residential development now falls within the accepted threshold for additions to building groups during the current plan period. The principle of residential development in terms of unit numbers is considered acceptable.

It is accepted that the approved SPG on new housing in the countryside states that sites should not normally break into undeveloped fields particularly where there exists a definable natural boundary between the building group and the field. The use of the words 'not normally' are particularly relevant in this case as this suggests that there may be situations where it is acceptable for sites to break into previously undeveloped fields, as is the case here. There is a minor road to the east of the application site which helps define the western edge of the group however this is a man-made boundary and the guidance makes specific reference to natural boundaries taking precedence over man-made boundaries when defining the extent of a building group. The application site and land to the west rises up from the road to a ridge beyond the application site boundary, helping to contain the site within an identifiable sense of place. Proposed indicative planting as shown on the site plan would further assist in assimilating the development into the group. The precise details of structure planting can be covered by condition in the event of an approval. Furthermore the proposed units would be located within a reasonable distance of the existing properties within the group and would be consistent with the spacing between these properties, consistent with supplementary guidance.

Concerns have been expressed by third parties about the potential for ribbon development. The SPG advises that extensions of ribbon development along public roads will not normally be permitted however the existing dwellings on the east side of the public road already demonstrate a form of ribbon development. The development of two houses on the west side of the road would simply mirror this pattern of development and would not extend the group outwith the defining edge of the group.

In terms of the policy principle for additions to building groups, it is considered that the proposed development is acceptable. The proposals will not exceed the permitted threshold for additions to established groups, would be appropriate in terms of scale and siting relative to existing units and would be limited to the area contained by the identifiable sense of place.

Siting, Design and Visual Impacts

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 SPG on new housing in the countryside states that the scale and siting of new development should reflect and respect the character and amenity of the existing building group.

As this application seeks planning permission in principle only at this stage, no details of the siting, design or material of the houses have been submitted. These matters will be considered at the detailed stage should Members agree to approve this application. As discussed earlier, the application site slopes up from the public road and so any development would have the potential to be prominent in the landscape. The tree planting shown on the proposed plans would take time to establish into an effective screen and backdrop although the fact that the site slopes up behind the site will help in the short term. It is considered that appropriate levels of landscaping are included with any detailed application for the site. This should include a robust planting strip along the west and north boundaries of the site to further enhance the identifiable edge to the group.

No site levels have been provided but it is likely that the development would require significant excavation to provide a level platform for the houses, access and parking areas. This has the potential to be an overly engineered solution for this rural area, potentially involving retaining walls and terracing. A sensitive design approach would be required to satisfactorily fit this development into the landscape so that it does not have an adverse impact on the character of the area and Special Landscape Area. These matters can however be controlled by condition and assessed in more detail at the detailed application stage.

Provided appropriately designed houses are approved following the submission and approval of a detailed application(s) it is considered that the proposed development would be appropriate to its surroundings, respecting the character of the neighbouring built form.

Residential Amenity

Policy HD3 states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted.

The approved SPG on householder developments (Privacy and Sunlight) supports Policy HD3 and contains guidance on privacy, overlooking and access to light. This can also be applied when considering planning applications for new housing developments to ensure that proposals do not adversely affect the residential amenities of occupants of existing and proposed properties.

Concern has been expressed by occupants of the houses on the lower ground to the east that the development would affect their sunlight and privacy.

As discussed earlier, the precise details of the proposed houses will be considered at the detailed application stage where the residential amenity of proposed and existing houses will be fully assessed. However, given the distances between existing houses and the application site, as well as intervening tree cover and mature hedging, it is considered that the residential amenity of existing properties will not be unduly compromised. The east boundary of the application site is approximately 20m from the west elevation of Corner House and 33 m from the west elevation of Carfraemill House. It is reasonable to assume that the proposed houses will be set back from this boundary, albeit on higher ground, and the distances between properties will be well in excess of our minimum standards as set out in the SPG.

Access and Parking

Policy IS7 requires that car parking should be provided in accordance with the Council's adopted standards. Members will note from the indicative block plans submitted that the site is large enough to accommodate parking and servicing for each house.

The Roads Planning Service has no objections to the proposed residential development provided that conditions on access, parking, gradients and drainage are attached to any permission that may be granted. This will ensure compliance with the terms of Policy IS7.

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 application form confirms that the proposed houses would be served by water from the existing mains supply and that foul water drainage would be connected to a new private system, though no details have been submitted. This would be secured by appropriately worded planning conditions in the event of an approval. Surface water drainage would be handled by way of sustainable urban drainage techniques.

Mains water and private foul drainage arrangements are proposed, and this is agreeable in principle. A condition will be necessary to ensure that mains services will be achieved. Impacts on existing drainage will be matters for the applicants as well as potentially through the Building Warrant process. Surface water drainage will be an issue requiring particular care for this site, given its slope towards the east, and any run-off issues on the public road and neighbouring properties. Acknowledging concerns raised by third parties, a condition can secure a surface water drainage scheme that confirms that Greenfield run-off levels will be maintained.

Development Contributions

Development contributions, in accordance with policies IS2 and IS3 are required towards the Borders Railway, education and affordable housing. These would be secured through a legal agreement should Members be minded to approve this application.

CONCLUSION

Following the submission of amended drawings and the reduction in the number of proposed houses from three to two, the proposal is now considered compliant with policies and guidance designed to allow appropriate rural housing development within established building groups. Subject to a legal agreement and compliance with the schedule of conditions, the development will accord with the relevant provisions of the Local Development Plan 2016 and there are no material considerations that would justify a departure from these provisions.

RECOMMENDATION BY CHIEF PLANNING AND HOUSING OFFICER:

I recommend the application is approved subject to a legal agreement addressing contribution towards the Borders Railway, education and affordable housing and the following conditions:

1. No development shall commence until the details of the layout, siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site have been submitted to and approved in writing by the Planning Authority.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the Planning Authority. Thereafter the development shall only take place except in strict accordance with the details so approved.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
3. A drawing showing existing and proposed ground levels, finished floor levels and sectional drawings of the site and proposed dwellings to be submitted with the first Approval of Matters Specified in Conditions application or detailed application for the site. Once approved in writing by the Planning Authority the development then to be completed in accordance with the approved drawings.
Reason: To enable the proper effective assimilation of the development into its wider surroundings.
4. No development shall take place except in strict accordance with a scheme of soft landscaping works, which shall first have been submitted to and approved in writing by the Planning Authority, and shall include:
 - i. Indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration;
 - ii. Location of new trees, shrubs, hedges and grassed areas, including replacement of any trees removed;
 - iii. Schedule of plants to comprise species, plant sizes and proposed numbers/density;
 - iv. Programme for completion and subsequent maintenance.Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings.
5. Details of all proposed means of enclosure around the site and between plots to be submitted with the first Approval of Matters Specified in Conditions application

or detailed application for the site. Once approved in writing by the Planning Authority the development then to be completed in accordance with the approved details.

Reason: To enable the proper effective assimilation of the development into its wider surroundings.

6. Full details of the means of water supply and of foul and surface water drainage are to be submitted with the first Approval of Matters Specified in Conditions application or detailed application for the site. Once approved in writing by the Planning Authority the development is to be completed in accordance with the approved details and the drainage and water supply to be functioning, as approved, before the dwellinghouses are occupied.

Reason: To ensure that adequate drainage and a sufficient supply of wholesome water is provided and to ensure that there are no unacceptable impacts upon the amenity of any neighbouring properties.

7. Parking and turning for a minimum of two vehicles, excluding any garages, are to be provided within the curtilage of each plot prior to occupation and thereafter to be retained in perpetuity.

Reason: To ensure the development is served by satisfactory off-street parking so as to not have a detrimental impact on the adjacent public road network.

8. No development shall commence until a surface water drainage scheme has been with the first Approval of Matters Specified in Conditions application or detailed application for the site which demonstrates that surface water run-off from the site will be maintained at pre-development levels using sustainable drainage methods during construction of the development and occupancy of the dwellinghouse. The development shall be completed in accordance with the approved details.

Reason: To ensure the development can be adequately serviced and to safeguard the public road and neighbouring properties from potential run-off.

9. A detailed drawing showing the access to each plot, to the specification of the Planning Authority, to be submitted with the first Approval of Matters Specified in Conditions application or detailed application for the site. The first 5m of any access and the parking and turning areas to be no greater than 1 in 15 with the intervening lengths to be no greater than 1 in 8. Visibility, a minimum of 2.4m x 43m, to be provided where an access meets the public road. The accesses to be completed in accordance with the approved drawing prior to occupation of the dwellinghouse it serves.

Reason: To ensure the development is served by an adequate access of acceptable gradients.

Informatives

1. In respect of Condition 4, and notwithstanding the indicative landscaping shown on the approved site plan, the scheme of soft landscaping shall include a robust planting strip along the west and north boundaries of the application site to ensure the development is properly assimilated into the building group.
2. In respect of condition 9, it should be borne in mind that only contractors first approved by the Council may work within the public road boundary.

DRAWING NUMBERS

2A Site Plan

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.

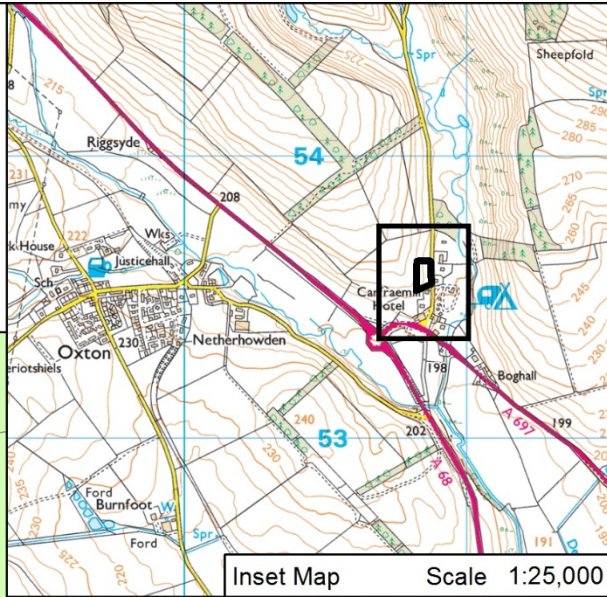
Author(s)

Name	Designation
Julie Hayward	Team Leader Development Management

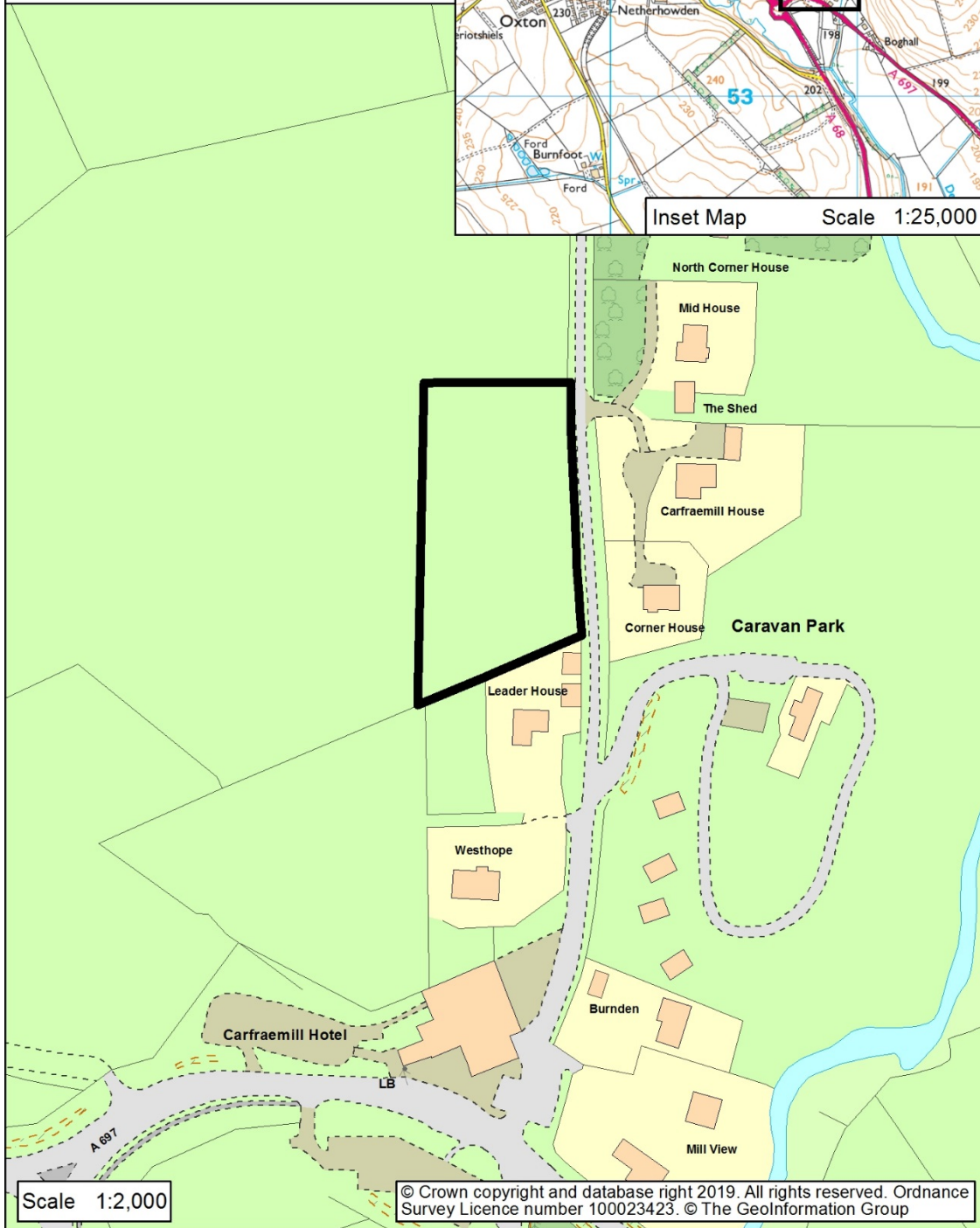


18/01712/PPP

Land North Of Leader House
Oxton




Inset Map Scale 1:25,000



Scale 1:2,000

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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:

Plan Ref	Plan Type	Plan Status
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:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
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”.

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

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

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

Local Review Reference: 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

DECISION

The Local Review Body reversed the decision of the appointed officer and indicated that it intended to grant planning permission for the reasons set out in this intentions notice subject to conditions and the applicants entering into a Section 75, or other suitable Legal Agreement, as set out below.

The necessary Section 69 Agreement has now been concluded.

DEVELOPMENT PROPOSAL

The application relates to the erection of a dwellinghouse at Land North East of Woodend Farmhouse, Duns. The application drawings and documentation consisted of the following:

Plan Type	Plan Reference No.
Location Plan	865-PPP-1
Site Plan	A103

PRELIMINARY MATTERS

The Local Review Body considered the review, which had been competently made, under section 43A (8) of the Town & Country Planning (Scotland) Act 1997 at its meeting on 18th July 2022.

After examining the review documentation at that meeting, which included a) Notice of Review (including the Decision Notice and Officer's Report; b) Papers referred to in Officer's Report; c) Consultation Replies; and d) List of Policies, the Review Body noted that the applicants had stated new information had been submitted with the Review. This related to a Soil Fertility Report, amended Site Plan with reduced development boundary and a 3D visualisation.

Members agreed that the information was new and considered that it met the Section 43B test, that it was material to the determination of the Review and could be considered. However, there was a requirement for further procedure in the form of written submissions to enable the Appointed Officer to comment on the new information.

The Review was, therefore, continued to the Local Review Body meeting on 22nd September 2022. Members considered all matters, including responses to the further information from the Appointed Officer and the applicants' comments on the responses. The Review Body then proceeded to determine the case.

REASONING

The determining issues in this Review were:

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

The Development Plan comprises: SESplan Strategic Development Plan 2013 and the Scottish Borders Local Development Plan 2016. The LRB considered that the relevant listed policies were:

- Local Development Plan policies: PMD1, PMD2, HD2, HD3, ED10, EP3, EP7, EP13, IS2, IS7 and IS9

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

The Review Body noted that the proposal was for the erection of a dwellinghouse at Land North East of Woodend Farmhouse, Duns.

Members firstly considered whether there was a building group in the vicinity under Clause A of Policy HD2. They noted that there were at least three existing houses in the immediate vicinity to the west, including the existing farmhouse and cottages. Members were satisfied that this constituted a building group under Clause A of Policy HD2. In terms of whether there was capacity for the group to be expanded, the Review Body noted that there were no existing permissions for any further houses at the group. They concluded that, subject to the site being considered to be an acceptable addition to the group, there was capacity for the development in compliance with Policy HD2 and the relevant SPG.

Members then considered the relationship of the site with the group and whether it was within the group's sense of place and in keeping with its character. In this respect, they had regard to the location and spacings of other houses in the group, especially the farmhouse which Members noted was immediately adjoining the site. Given the relationship with the driveways and the position of other cottages to the east, Members agreed with the applicants that the site balanced the group, allowing the farmhouse to occupy a central position and focal point. The Review Body considered that the site mirrored the location of the cottages whilst being necessarily separated from the access and buildings relating to the working farm. The relationship with the building group was enhanced by the reduced curtilage boundary, existing and proposed planting, all of which could be controlled by condition. In conclusion, Members considered the site to be an appropriate addition to the building group in compliance with Clause A of Policy HD2 and the Housing in the Countryside SPG.

The Review Body also noted the applicants' current occupation at Woodend Farm, the intention for a retirement house and the continued operation of the farm by family. However, in terms of Clause F of Policy HD2, Members did not consider it necessary to test the proposal due to their support under Clause A relating to building group addition.

Members then considered the proposal in relation to Policy ED10 relating to prime quality agricultural land. Whilst they noted the views of the Appointed Officer, the Review Body accepted the findings of the Soil Fertility Report and noted that there had been previous efforts at mitigation and improving the quality of the land. On the basis of the evidence provided, Members considered the site to be occupying a poorer grade of land at the field margin, the reduced extent of the site also resulting in a smaller land take. For these reasons, Members were content that the proposal did not represent a significant loss of prime agricultural land and, thus, complied with Policy ED10.

The Review Body finally considered other material issues including impact on the setting of a listed building, provision of water and drainage, road access details, landscape, tree impacts and the need for compliance with developer contributions. Members were of the opinion that appropriate conditions and a legal agreement could address the issues satisfactorily.

CONCLUSION

After considering all relevant information, the Local Review Body concluded that the development was consistent with Policies HD2 and ED10 of the Local Development Plan and relevant Supplementary Planning Guidance. The development was considered to be an appropriate addition to the Woodend Farm building group and was sited on land demonstrated to have limited fertility. Consequently, the application was approved subject to conditions and a legal agreement.

CONDITIONS

1. Application for approval of matters specified in the conditions set out in this decision shall be made to the Planning Authority before whichever is the latest of the following:
 - a. the expiration of three years from the date of this permission, or
 - b. the expiration of six months from the date on which an earlier application for approval of matters specified in the conditions set out in this decision notice was refused or dismissed following an appeal.

Only one application may be submitted under paragraph (b) of this condition, where such an application is made later than three years after the date of this consent.

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

2. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the matters specified in the conditions set out in this decision.

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

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

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

4. No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the Planning Authority. Thereafter the development shall only take place in strict accordance with the details so approved.

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

5. No development shall commence until a tree survey and tree protection plan are submitted to, and approved in writing by, the Planning Authority. The identified trees to be protected at all times during construction and building operations, by the erection of substantial timber fence around the trees or tree areas, together with such other measures as are necessary to protect the trees and their roots from damage. Details of the methods it is proposed to use shall be submitted by the applicant to the Local Planning Authority and be approved by them in writing. The approved protective measures shall be undertaken before any works commence on the site and must, thereafter be observed at all times until the development is completed.

Reason: To ensure that adequate precautions are taken to protect trees during building operations.

6. No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the planning authority. Details of the scheme shall include (as appropriate):

- I. existing and finished ground levels in relation to a fixed datum preferably ordnance
- II. trees to be retained within the site
- III. existing landscaping features, hedgerows and trees to be retained, protected and, in the case of damage, restored
- IV. location and design, including materials, of walls, fences and gates
- V. soft and hard landscaping works including new tree planting adjoining the site to the west and incorporated within hedgerow planting along the new boundary to the north and eastern sides.
- VI. existing and proposed services such as cables, pipelines, sub-stations
- VII. A programme for completion and subsequent maintenance.

Reason: To ensure the satisfactory form, layout and assimilation of the development.

7. The development site and garden curtilage to be restricted to the area bounded by the red line to the north and west and by the green line (indicating hedge and tree planting) to the east and south, as shown on revised Site Plan A103.

Reason: To integrate the site with the adjoining building group and prevent additional incursion into prime agricultural land.

8. The dwellinghouse not to be occupied until two parking spaces, not including any garage, and turning area are provided within the curtilage of the site and retained thereafter in perpetuity

Reason: To ensure adequate parking and turning provision, in the interests of road safety.

9. No development to be commenced until the details of water and drainage provision are submitted to, and approved in writing by, the Planning Authority. Once approved, the development then to be completed in accordance with those details.

Reason: To ensure that the development is adequately serviced and in the interests of public health.

10. No development to be commenced until a scheme of waste storage has been submitted to, and approved in writing by, the Planning Authority. Once approved, provision to be made in accordance with the approved details prior to occupation of the dwellinghouse.

Reason: To ensure adequate provision for waste storage within the site.

LEGAL AGREEMENT

The Local Review Body required that a Section 75, or other suitable legal agreement, be entered into to secure developer contributions for Berwickshire High School and Duns Primary School. A Section 69 Agreement has now been concluded.

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

Under The Control of Pollution Act 1974, the Council recommends the following hours for noisy construction-related work:

Monday-Friday 0700-1900

Saturday 0800-1300

Sunday and Public Holidays - no permitted work (except by prior agreement with the Council)

Contractors will be expected to adhere to the measures contained in BS 5228:2009 "Code of Practice for Noise and Vibration Control on Construction and Open Sites".

For more information or to make a request to carry out works outside the above hours, please contact an Environmental Health Officer at the Council.

Notice of Initiation of Development

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

Notice of Completion of Development

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

When planning permission is granted for phased development then under section 27B(2) the permission is to be granted subject to a condition that as soon as practicable after each phase, other than the last, is completed, the person carrying out the development is to give notice of that completion to the planning authority.

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

Transco, Susiephone Department, 95 Kilbirnie Street, Glasgow, G5 8JD
Scottish Power, Riccarton Mains Road, Currie, Edinburgh, EH14 5AA
Scottish Water, Developer Services, 419 Balmore Road, Possilpark, Glasgow G22 6NU
British Telecom, National Notice Handling Centre, PP404B Telecom House, Trinity Street, Stoke on Trent, ST1 5ND
Scottish Borders Council, Street Lighting Section, Council HQ, Newtown St Boswells, Melrose, TD6 0SA
Cable & Wireless, 1 Dove Wynd, Strathclyde Business Park, Bellshill, ML4 3AL
BP Chemicals Ltd, PO Box 21, Bo'ness Road, Grangemouth, FK2 9XH
THUS, Susiephone Department, 4th Floor, 75 Waterloo Street, Glasgow, G2 7BD
Susiephone System – **0800 800 333**

If you are in a Coal Authority Area (Carlops or Newcastleton), please contact the Coal Authority at the following address: The Coal Authority 200 Lichfield Lane, Berry Hill, Mansfield, Nottinghamshire NG18 4RG.

Notice Under Regulation 22 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2013.

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
 2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.
-

Signed...Councillor S Mountford
Chairman of the Local Review Body

Date 27 February 2023

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Mr Michael Ridgway
per Ferguson Planning
54 Island Street
Galashiels
Scottish Borders
TD1 1NU

Please ask for: Julie Hayward
☎ 01835 825585
Our Ref: 18/01712/PPP
Your Ref:
E-Mail: jhayward2@scotborders.gov.uk
Date: 13th October 2020

Dear Sir/Madam

PLANNING APPLICATION AT Land North of Leader House Oxtou Scottish Borders

PROPOSED DEVELOPMENT: Erection of two dwellinghouses

APPLICANT: Mr Michael Ridgway

Please find attached the decision notice for the above application.

Please read the schedule of conditions and any informative notes carefully.

Drawings can be found on the Planning pages of the Council website at <https://eplanning.scotborders.gov.uk/online-applications/>. Please see the requirement for notification of initiation and completion of development as well as for Street naming and numbering as appropriate.

It should be noted that before works commence, where applicable, all necessary consents should be obtained under the Building (Scotland) Act 2003. If you require any further information in this respect, please contact the relevant Building Standards Surveyor.

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 : 18/01712/PPP

To : Mr Michael Ridgway per Ferguson Planning 54 Island Street Galashiels Scottish Borders TD1 1NU

With reference to your application validated on **19th December 2018** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

Proposal : Erection of two dwellinghouses

At : Land North of Leader House Oxton Scottish Borders

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

- That an application for approval of matters specified in the conditions set out in this decision shall be made to the Planning Authority before whichever is the latest of the following:
 - a) The expiration of three years from the date of this permission, or
 - b) The expiration of six months from the date on which an earlier application for approval of matters specified in the conditions set out in this decision notice was refused or dismissed following an appeal.

Only one application may be submitted under paragraph (b) of this condition, where such an application is made later than three years after the date of this consent.

- The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the matters specified in the conditions set out in this decision.

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

**Dated 8th October 2020
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

**John Hayward
Planning & Development Standards Manager**

APPLICATION REFERENCE : 18/01712/PPP

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
2A	Site Plan	Approved

REASON FOR DECISION

Following the submission of amended drawings and the reduction in the number of proposed houses from three to two, the proposal is now considered compliant with policies and guidance designed to allow appropriate rural housing development within established building groups. Subject to a legal agreement and compliance with the schedule of conditions, the development will accord with the relevant provisions of the Local Development Plan 2016 and there are no material considerations that would justify a departure from these provisions.

SCHEDULE OF CONDITIONS

- 1 No development shall commence until the details of the layout, siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site have been submitted to and approved in writing by the Planning Authority.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 2 No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the Planning Authority. Thereafter the development shall only take place except in strict accordance with the details so approved.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 3 A drawing showing existing and proposed ground levels, finished floor levels and sectional drawings of the site and proposed dwellings to be submitted with the first Approval of Matters Specified in Conditions application or detailed application for the site. Once approved in writing by the Planning Authority the development then to be completed in accordance with the approved drawings.
Reason: To enable the proper effective assimilation of the development into its wider surroundings.
- 4 No development shall take place except in strict accordance with a scheme of soft landscaping works, which shall first have been submitted to and approved in writing by the Planning Authority, and shall include:
 - i. Indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration;
 - ii. Location of new trees, shrubs, hedges and grassed areas, including replacement of any trees removed;
 - iii. Schedule of plants to comprise species, plant sizes and proposed numbers/density;
 - iv. Programme for completion and subsequent maintenance.
 Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings.

- 5 Details of all proposed means of enclosure around the site and between plots to be submitted with the first Approval of Matters Specified in Conditions application or detailed application for the site. Once approved in writing by the Planning Authority the development then to be completed in accordance with the approved details.
Reason: To enable the proper effective assimilation of the development into its wider surroundings.
- 6 Full details of the means of water supply and of foul and surface water drainage are to be submitted with the first Approval of Matters Specified in Conditions application or detailed application for the site. Once approved in writing by the Planning Authority the development is to be completed in accordance with the approved details and the drainage and water supply to be functioning, as approved, before the dwellinghouses are occupied.
Reason: To ensure that adequate drainage and a sufficient supply of wholesome water is provided and to ensure that there are no unacceptable impacts upon the amenity of any neighbouring properties.
- 7 Parking and turning for a minimum of two vehicles, excluding any garages, are to be provided within the curtilage of each plot prior to occupation and thereafter to be retained in perpetuity.
Reason: To ensure the development is served by satisfactory off-street parking so as to not have a detrimental impact on the adjacent public road network.
- 8 No development shall commence until a surface water drainage scheme has been with the first Approval of Matters Specified in Conditions application or detailed application for the site which demonstrates that surface water run-off from the site will be maintained at pre-development levels using sustainable drainage methods during construction of the development and occupancy of the dwellinghouse. The development shall be completed in accordance with the approved details.
Reason: To ensure the development can be adequately serviced and to safeguard the public road and neighbouring properties from potential run-off.
- 9 A detailed drawing showing the access to each plot, to the specification of the Planning Authority, to be submitted with the first Approval of Matters Specified in Conditions application or detailed application for the site. The first 5m of any access and the parking and turning areas to be no greater than 1 in 15 with the intervening lengths to be no greater than 1 in 8. Visibility, a minimum of 2.4m x 43m, to be provided where an access meets the public road. The accesses to be completed in accordance with the approved drawing prior to occupation of the dwellinghouse it serves.
Reason: To ensure the development is served by an adequate access of acceptable gradients.

FOR THE INFORMATION OF THE APPLICANT

It should be noted that:

1. In respect of Condition 4, and notwithstanding the indicative landscaping shown on the approved site plan, the scheme of soft landscaping shall include a robust planting strip along the west and north boundaries of the application site to ensure the development is properly assimilated into the building group.
2. In respect of condition 9, it should be borne in mind that only contractors first approved by the Council may work within the public road boundary.

3. In respect of Conditions 1 and 3 the applicant should pay particular attention to the plot layout, the siting, design (including position of windows), orientation and height of the proposed dwellings to ensure that the residential amenity of existing dwellings is not unduly compromised by loss of privacy or overlooking.

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

Notice of Initiation of Development

Section 27 of the Town and Country Planning (Scotland) Act 1997 (as amended) requires that any person who has been granted planning permission (including planning permission in principle) and intends to start development must, once they have decided the date they will start work on the development, inform the planning authority of that date as soon as is practicable. A form is available on the Council's website for this purpose.

Notice of Completion of Development

Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) requires that any person who completes a development for which planning permission (including planning permission in principle) has been given must, as soon as practicable after doing so, give notice of completion to the planning authority.

When planning permission is granted for phased development then under section 27B(2) the permission is to be granted subject to a condition that as soon as practicable after each phase, other than the last, is completed, the person carrying out the development is to give notice of that completion to the planning authority.

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

Transco, Susiephone Department, 95 Kilbirnie Street, Glasgow, G5 8JD
Scottish Power, Riccarton Mains Road, Currie, Edinburgh, EH14 5AA
Scottish Water, Developer Services, 419 Balmore Road, Possilpark, Glasgow G22 6NU
British Telecom, National Notice Handling Centre, PP404B Telecom House, Trinity Street, Stoke on Trent, ST1 5ND
Scottish Borders Council, Street Lighting Section, Council HQ, Newtown St Boswells, Melrose, TD6 0SA
Cable & Wireless, 1 Dove Wynd, Strathclyde Business Park, Bellshill, ML4 3AL
BP Chemicals Ltd, PO Box 21, Bo'ness Road, Grangemouth, FK2 9XH
THUS, Susiephone Department, 4th Floor, 75 Waterloo Street, Glasgow, G2 7BD
Susiephone System – **0800 800 333**

If you are in a Coal Authority Area (Carlops or Newcastleton), please contact the Coal Authority at the following address: The Coal Authority 200 Lichfield Lane, Berry Hill, Mansfield, Nottinghamshire NG18 4RG

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may appeal to the Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months from the date of this notice. The notice of the appeal should be addressed to The Directorate for Planning and Environmental Appeals, 4 The Courtyard, Callendar Business Park, Falkirk FK1 1XR. A copy of the notice of the appeal must, at the same time, be sent to the Legal Services Section, Scottish Borders Council, Council Headquarters, Newtown St. Boswells, Melrose TD6 0SA.

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

Planning Application reference 22/01947/FUL

PLANNING APPLICATION Erection of dwellinghouse with detached garage

SITE: Land South Of Headshaw Farmhouse Ashkirk Selkirk Scottish Borders

Comments from Lilliesleaf, Ashkirk and Midlem Community Council (LAMCC)

The LAMCC makes the following comments about the above planning application:

These comments are based on a review of all documents relating to the planning application on the SBC planning Portal, followed by a site visit. The following observations are made:

- Clearly the development has been very carefully considered in terms of its accommodation and style
- Its site is sympathetic to the lay of the land and does not adversely affect other dwellings
- The landscaping and planting scheme is, similarly, carefully and sympathetically considered
- Its purpose is to provide housing for family that will, in due course, enable the current owner to retire on site
- The design and materials aim to be energy efficient and green as far as possible
- Services will be provided on site.

In conclusion, the LAMCC has no objection to this development.

Lilliesleaf Ashkirk & Midlem Community Council

January 2023

Monday, 19 December 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
www.scottishwater.co.uk



Dear Customer,

Headshaw, Ashkirk, Selkirk, TD7 4NT
Planning Ref:
Our Ref: DSCAS-0078133-RVG
Proposal: 22/01947/FUL | Erection of dwellinghouse with detached garage |
Land South Of Headshaw Farmhouse Ashkirk Selkirk Scottish Borders

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. Please read the following carefully as there may be further action required. Scottish Water 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.

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
 - ▶ 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

▶ Trade Effluent Discharge from Non-Domestic 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 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

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.

Yours sincerely,

Ruth Kerr
Development Services Analyst
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: Alla Hassan

Date: 16/02/2023

From: RD

Ref: 22/01947/FUL

PLANNING CONSULTATION

Subject: Erection of Dwellinghouse - Land at Headshaw Farm, Askirk

OBSERVATIONS OF: Ecology Officer

CONSULTATION REPLY

Relevant Local Development Plan (LDP) policies are EP1 International Nature Conservation Sites and Protected Species and EP2 National Nature Conservation and Protected Species and EP3 Local Biodiversity.

I have not visited the site to inform this consultation response. An assessment was made using desk survey data, aerial photography and details submitted by the applicant.

A Preliminary Ecological Assessment for the site was carried out by Ellendale Environmental Ltd in August 2022. No signs of protected species or breeding birds were found.

Generally, the site seems to be of low ecological value as the trees within the site are very scattered (not suitable for commuting bats) and the site is currently used for grazing.

In principle, I have no objection to the proposal. The only condition I would suggest is one relating to details of the proposed planting.

In relation to this, I want to note that - in my opinion - a native hedge would be much more appropriate for the rural setting of the site than the proposed beech hedge.

Recommendation: do not object, subject to conditions

Condition:

Prior to the commencement of development, the developer shall submit for approval by the Planning Authority, details on the proposed landscape planting. Thereafter, no development shall take place except in strict accordance with the approved scheme.

Reason: To protect the ecological interest in accordance with Local Development Plan policies EP2 and EP3.

Informatives:

The applicant is reminded that, under the Wildlife and Countryside Act 1981, (as amended), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. If nesting birds

are discovered after works commence, such works must stop and a competent ecologist must be contacted for advice.

The applicant is reminded that it is an offence to disturb, kill, injure or otherwise harm species protected by national and international law, such as badgers. Planning consent for a development does not provide a defence against prosecution in accordance with protected species legislation.

**CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Roads Planning Service		
Officer Name, Post and Contact Details	Alan Scott Senior Roads Planning Officer		ascott@scotborders.gov.uk 01835 826640
Date of reply	19 th January 2023	Consultee reference:	
Planning Application Reference	22/01947/FUL	Case Officer: Ala Hassan	
Applicant	Mrs N Hunter		
Agent	Ferguson Planning		
Proposed Development	Erection of dwelling		
Site Location	Land at Headshaw Farm, Ashkirk		
<i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i>			
Background and Site description			
Key Issues (Bullet points)			
Assessment	The access road that serves this site is private and comes off the nearby A7 trunk road, as such, the comments of Transport Scotland should be sought to confirm the suitability of the junction to cater for any additional traffic this proposal may generate.		
Recommendation	<input type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input checked="" type="checkbox"/> Do not object, subject to conditions <input type="checkbox"/> Further information required
Recommended Conditions	Parking and turning for a minimum of two vehicles must be provided within the curtilage of the property prior to occupation and be retained thereafter in perpetuity. Reason: To ensure the development hereby approved is served by an appropriate level of parking.		

Signed: DJI

Local Review Reference: 23/00023/RREF

Planning Application Reference: 22/01947/FUL

Development Proposal: Erection of dwellinghouse with detached garage

Location: Land South of Headshaw Farmhouse, Ashkirk, Selkirk

Applicant: Mrs Nancy Margaret Hunter

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.

- e) the development meets all other siting, and design criteria in accordance with Policy PMD2, and
- f) the development must take account of accessibility considerations in accordance with Policy IS4.

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 IS3: DEVELOPER CONTRIBUTIONS RELATED TO THE BORDERS RAILWAY

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

POLICY IS7: PARKING PROVISION AND STANDARDS

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

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

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

POLICY IS9: WASTE WATER TREATMENT STANDARDS AND SUSTAINABLE URBAN DRAINAGE

WASTE WATER TREATMENT STANDARDS

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

- a) direct connection to the public sewerage system, including pumping if necessary, or failing that:
- b) negotiating developer contributions with Scottish Water to upgrade the existing sewerage network and/or increasing capacity at the waste water treatment works, or failing that:
- c) agreement with Scottish Water and SEPA where required to provide permanent or temporary alternatives to sewer connection including the possibility of stand alone treatment plants until sewer capacity becomes available, or, failing that:
- d) for development in the countryside i.e. not within or immediately adjacent to publicly sewered areas, the use of private sewerage treatment may be acceptable, providing 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.

NATIONAL PLANNING FRAMEWORK 4

POLICY 3: BIODIVERSITY

a) Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.

b) Development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all of the following criteria:

- i. the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;
- ii. wherever feasible, nature-based solutions have been integrated and made best use of;
- iii. an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;
- iv. significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long-term retention and monitoring should be included, wherever appropriate; and
- v. local community benefits of the biodiversity and/or nature networks have been considered.

c) Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. Applications for individual householder development, or which fall within scope of (b) above, are excluded from this requirement.

d) Any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration.

POLICY 4: NATURAL PLACES

a) Development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported.

b) Development proposals that are likely to have a significant effect on an existing or proposed European site (Special Area of Conservation or Special Protection Areas) and are not directly connected with or necessary to their conservation management are required to be subject to an “appropriate assessment” of the implications for the conservation objectives.

c) Development proposals that will affect a National Park, National Scenic Area, Site of Special Scientific Interest or a National Nature Reserve will only be supported where:

i. The objectives of designation and the overall integrity of the areas will not be compromised; or

ii. Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

All Ramsar sites are also European sites and/or Sites of Special Scientific Interest and are extended protection under the relevant statutory regimes.

d) Development proposals that affect a site designated as a local nature conservation site or landscape area in the LDP will only be supported where:

i. Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or

ii. Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance.

e) The precautionary principle will be applied in accordance with relevant legislation and Scottish Government guidance.

f) Development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application.

g) Development proposals in areas identified as wild land in the Nature Scot Wild Land Areas map will only be supported where the proposal:

i. will support meeting renewable energy targets; or,

ii. is for small scale development directly linked to a rural business or croft, or is required to support a fragile community in a rural area.

All such proposals must be accompanied by a wild land impact assessment which sets out how design, siting, or other mitigation measures have been and will be used to minimise significant impacts on the qualities of the wild land, as well as any management and monitoring arrangements where appropriate. Buffer zones around wild land will not be applied, and effects of development outwith wild land areas will not be a significant consideration.

POLICY 6: FORESTRY, WOODLAND AND TREES

a) Development proposals that enhance, expand and improve woodland and tree cover will be supported.

b) Development proposals will not be supported where they will result in:

- i. Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition;
- ii. Adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy;
- iii. Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy;
- iv. Conflict with Restocking Direction, Remedial Notice or Registered Notice to Comply issued by Scottish Forestry.

c) Development proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal. Where woodland is removed, compensatory planting will most likely be expected to be delivered.

d) Development proposals on sites which include an area of existing woodland or land identified in the Forestry and Woodland Strategy as being suitable for woodland creation will only be supported where the enhancement and improvement of woodlands and the planting of new trees on the site (in accordance with the Forestry and Woodland Strategy) are integrated into the design.

POLICY 9: BROWNFIELD, VACANT AND DERELICT LAND AND EMPTY BUILDINGS

a) Development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.

b) Proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP.

c) Where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use.

d) Development proposals for the reuse of existing buildings will be supported, taking into account their suitability for conversion to other uses. Given the need to conserve embodied energy, demolition will be regarded as the least preferred option.

POLICY 14: DESIGN, QUALITY AND PLACE

a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.

b) Development proposals will be supported where they are consistent with the six qualities of successful places:

Healthy: Supporting the prioritisation of women's safety and improving physical and mental health.

Pleasant: Supporting attractive natural and built spaces.

Connected: Supporting well connected networks that make moving around easy and reduce car dependency

Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.

Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.

Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.

Further details on delivering the six qualities of successful places are set out in Annex D.

c) Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

POLICY 17: RURAL HOMES

a) Development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area and the development:

- i. is on a site allocated for housing within the LDP;
- ii. reuses brownfield land where a return to a natural state has not or will not happen without intervention;
- iii. reuses a redundant or unused building;
- iv. is an appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;
- v. is demonstrated to be necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work;
- vi. is for a single home for the retirement succession of a viable farm holding;
- vii. is for the subdivision of an existing residential dwelling; the scale of which is in keeping with the character and infrastructure provision in the area; or
- viii. reinstates a former dwelling house or is a one-for-one replacement of an existing permanent house.

b) Development proposals for new homes in rural areas will consider how the development will contribute towards local living and take into account identified local housing needs (including affordable housing), economic considerations and the transport needs of the development as appropriate for the rural location.

c) Development proposals for new homes in remote rural areas will be supported where the proposal:

- i. supports and sustains existing fragile communities;
- ii. supports identified local housing outcomes; and
- iii. is suitable in terms of location, access, and environmental impact.

d) Development proposals for new homes that support the resettlement of previously inhabited areas will be supported where the proposal:

- i. is in an area identified in the LDP as suitable for resettlement;
- ii. is designed to a high standard;
- iii. responds to its rural location; and
- iv. is designed to minimise greenhouse gas emissions as far as possible.

Other Material Considerations

- SBC Supplementary Planning Guidance on Placemaking and Design 2010
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006
- SBC Supplementary Planning Guidance on Trees and Development 2020
- SBC Supplementary Planning Guidance on Waste Management 2015
- SBC Supplementary Planning Guidance on Housing in the Countryside 2008

- SBC Supplementary Planning Guidance on Development Contributions 2022
- SBC Supplementary Planning Guidance on Landscape and Development 2020
- SBC Supplementary Planning Guidance on SUDS 2020



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

Name

Address

Address

Postcode

Postcode

Contact Telephone 1
Contact Telephone 2
E-mail*

Contact Telephone 1
Contact Telephone 2
E-mail*

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

Yes No

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

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application

Date of decision (if any)

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

Nature of application

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

Reasons for seeking review (tick one box)

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

Review procedure

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

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

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

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

Site inspection

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

Yes No

1. Can the site be viewed entirely from public land?
2. Is it possible for the site to be accessed safely, and without barriers to entry?

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.

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.

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

Ray Cherry Architect

Date

30 June 2023

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

Application for Planning Permission for change of
use for units 8-2 & 8-3 to mixed use including
Classes 1 & 10

at
U-Stor Business Units
Splylaw Road
Kelso

on behalf of

U-Stor Business Units Ltd

June 2023



Background

This application is for Planning Permission for the change of use of two units within a wider group of buildings owned and operated by U-Stor Business Units Ltd at Spylaw Road, Kelso. The application is for Units 8-2 and 8-3 to become mixed use including Classes 1 and 10.

The building group has a long history of uses and changes of formal Planning Consent provision. It was known previously as Ancroft Tractors which provided a workshop and sales outlet for agricultural machinery and equipment.

Previous Consents have been granted: veterinary practice (11/00028/FUL); storage and meeting area (14/00712/FUL); furniture manufacturing unit (14/01047/FUL).

The Applicant's main building on the site is sub-divided into a number units providing opportunities for nine business, other than the Wonky Giraffe, which occupies the units that form the basis of this application. There are other businesses within the Applicant's site.

Units 8-2 and 8-3 comprise approximately only 24% of the total floor area of the main building.

The Applicant's business model has been to renovate a building that was in deteriorating condition and create a number of units of varying sizes to allow different business demands and needs to be met. This process of redevelopment and fabric improvement has been on-going, as can be demonstrated by the Applicant's own statement that accompanies this submission. It is evident that U-Stor Business Units Ltd is a conscientious property owner and landlord who has sought to create opportunities for local economic development within Kelso.

The Wonky Giraffe business moved to the U-stor premises in 2020 during the Covid-19 pandemic and in response to an advert. This was a new business venture that was established as an on-line retailer of quilting and haberdashery products.

The business took a change of direction shortly after starting, when it became apparent that it needed to be much more than just an online shop to satisfy the demands of customers. Additional space was required to accommodate the stock held, and, following customer feedback, the owner was keen to organise and run training classes and hold open group sessions.

At this time she explored the premises available within the town centre and the edge of town (as identified in Policy ED3). There were very few vacant premises at the time, and they were either too small or the layout did not fit the business model. It is worth noting that the classification within both of these areas would not have permitted her to hold classes for teaching, as these would have required classification 10 – provision of education - which the town centres do not allow and therefore rendered anything within these areas unsuitable.

A larger unit became available for rent within the U-Stor building: Unit 8-2. Relocating to this unit allowed the business to continue the online retail function and establish an element of "in person" retail as people became aware of the business, but it also allowed the Wonky Giraffe to start hosting classes and organise training sessions. This has now become the main element of the business, so when the unit next door became available (8-3) it made complete business sense to take this on to create a dedicated, safe, comfortable and inclusive place for all to come along and join in. This has led to the creation of a community of crafters who share knowledge, learn new skills and support other local businesses in Kelso and surrounding areas. The

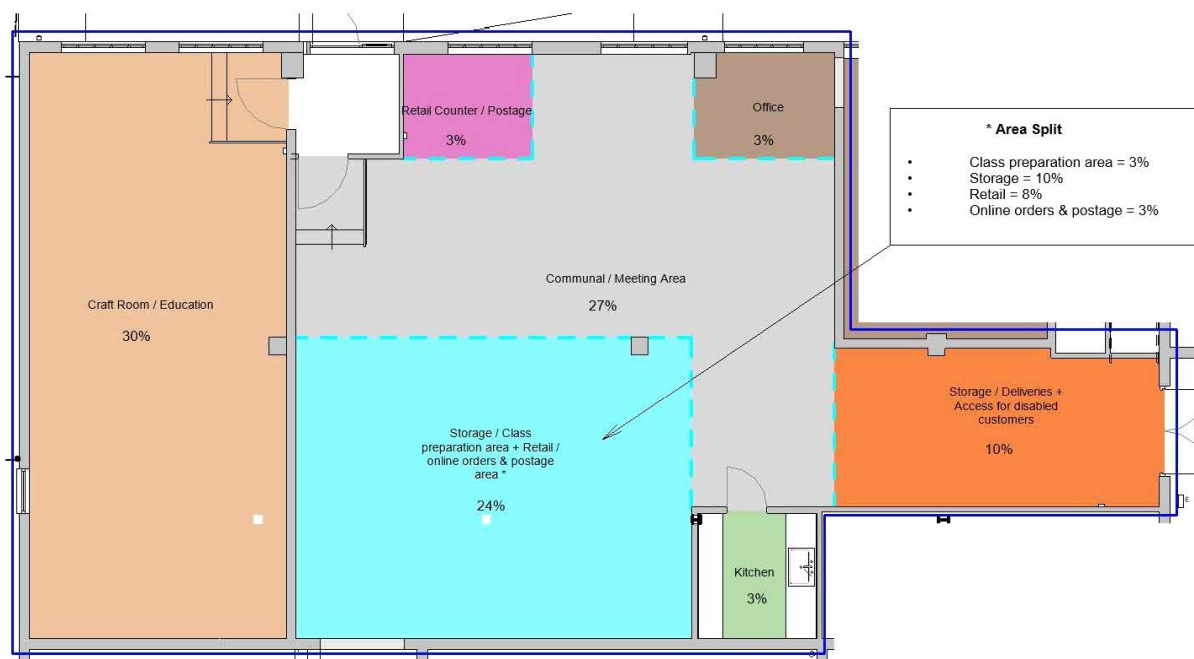
proximity and functions of the two units plus the tenant's business model are inextricably linked: neither could operate in isolation of the other. In short, this has been a successful business story that would not have been possible without the availability, quality and flexibility of the U-Stor premises.

Planning Application

During the Planning Application process a request was made for additional information relating to parking provision on the site. This was the only additional information requested and was duly provided.

The Council's Forward Planning Team are understood to have visited the premises as part of the application process, but it is suggested here that in doing so they misunderstood the actual operational nature of the Wonky Giraffe business and its operating model, by concluding that Retail comprised 70% of the floor area. It is recognised by the Applicant and tenant that this is an understandable assumption; however, had this been issued to the Applicant for confirmation / clarification during the initial application it could have been addressed easily. The table below sets out the actual position.

Space	%
Craft Room	30%
Kitchen	3%
Storage / Delivery / Access	10%
Office	3%
Retail Counter / Postage	3%
Storage / Class Preparation / Retail / Online & Postage	24%
Communal / Meeting Area	27%



A further analysis of the space in relation to Planning Categories indicates the following breakdown of the space occupied by the Wonky Giraffe business:

Description	Category	%
Retail	1	11%
Storage & ancillary + online	4	29%
Craft / Education	10	60%

The tenant of the units subject to this application has provided the following breakdown of sales for the previous year:

Room Hire	Classes (Kits & Materials)	Retail (in person)	Retail (Online)
36%	48%	9%	7%

Sales figures are, understandably, confidential and not suited to wider publication; however, the tenant has indicated a willingness to share these in confidence with the Local Review Body should it seek further confirmation.

Planning Decision

An extract from the Local Development Plan (Kelso) is appended to this document, as is a street plan showing the Spylaw Road / Station Road area as defined in the LDP as zEL205. This plan has been overlaid with the Planning categories to demonstrate the existing mixed use of the estate. A further appendix includes a list of these businesses by name and type. It is key to note that the U-Stor Business Units are located within a “local safeguarded and industrial site” and not a strategic one. As such, the Planning Authority possesses greater flexibility in its determination of the occupancy categories permitted and, as is noted below, has already chosen to do so for a number of existing businesses on the estate.

zEL205	Spylaw Road/ Station Road	8.5	N/A
Site Requirements			
<ul style="list-style-type: none"> This is a local safeguarded business and industrial site as defined in Policy ED1. 			

Within the 'Formal Notice of Refusal' there were two reasons for refusal:

1

The proposal is contrary to National Planning Framework 4 Policy 26 as the proposal is not for business and industry uses on a site allocated for such uses in the Local Development Plan, and the Class 1 and Class 10 uses are not compatible with the business and industrial character of the area and would prejudice the function of the area.

In addition, the proposal is contrary to National Planning Framework 4 Policy 27 and the Town Centre First Approach, as it has not been adequately demonstrated that the proposed uses cannot be accommodated within the town centre or edge of centre or that there will be no significant adverse effect on the vitality and viability of the town centre; the proposal would set an undesirable precedent when town centres should be supported.

- **National Planning Framework 4 Policy 26** – Policy intent states “to encourage, promote, and facilitate business and industry uses to alternative ways of working such as home working, live-work units and micro-businesses”. Policy 26, section b, specifically states that “Development proposals for home working, live-work units and micro-businesses will be supported where it can be demonstrated that the scale and nature of the proposed business and building is compatible with the surrounding area and does not impact on amenity or neighbouring uses”.
 - In total, 21 neighbours were notified of the change of use application and there was not one objection. The Wonky Giraffe has been operating for almost 3 years on this mixed-use street and has not had any negative impact on the surrounding areas or businesses.
 - In 2019, rooms within the former dairy directly opposite U-Stor Business Units were advertised by Edwin Thompson LLP as Offices/Workspace/Storage/Studios and it was claimed that they ‘provide considerable flexibility for a range of office, workshop, storage, work rooms, beauty/treatment rooms, artisan studios or similar’. In 2019 a dog groomer took on one of the rooms and two years later (in June 2021) a bakery took another. This required a change of use (21/01006/FUL). The application was successful and permitted a change to the storeroom to form a bakery shop (Room 3) and a new storage area from workshop (Room 4). The timeframe between advertising and tenants taking on these leases demonstrates that these properties have remained empty for a significant period of time, and therefore contradicts the comment in the refusal for this application that states; “it would be most undesirable if future class 4, 5 and 6 businesses were detracted from locating and investing at Spylaw Road/Station Road due to insufficient space.” There is evidence therefore that sufficient space does exist (and has done) on the estate & that this has traditionally exceeded market demand.
 - The Foundry, Station Road, Kelso (RKELS001) (which is approx. 350 metres from the U-Stor business units) was advertised by Edwin Thompson in 2019. Noted within the sale information it states it is a site zoned for re-development within the Scottish Borders Local Development Plan 2016. It also states that ‘it is in a mixed-use area’. This site is still listed on the Edwin Thompson website 4 years later, which again would suggest that there is not a high demand for either industrial or mixed-use buildings/development in this particular area.
 - Whilst Spylaw Road is noted within the Local Development Plan as industrial use only, over the years it has clearly been allowed to develop into a mixed-use area. Alongside housing there are retail businesses, garage workshops, car sales, hot food takeaways, a

nursery, a gymnasium, a dog groomers, a raw food company and a removal/storage business. Far from The Wonky Giraffe setting a precedent should the application be approved, the precedent for this street has already been set with the current range of businesses that operate there. If it is not currently recognised as a mixed-used site, then it seems reasonable that a full review of all business operating there should be undertaken, and the classification of this street amended. It is contended that, if the units along Spylaw Road were to be vacated as a result of such a review, and reverted back to Industrial only, the street would be filled with redundant buildings that would fall into disrepair which, in turn, would contravene **Policy 9** – Brownfield, vacant and derelict land and empty buildings. This states “to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings”. **Policy 25** – Community Wealth building, which is to support improving community resilience, increase spending within communities and local job creation would also be contravened.

➤ Policy 27 – City, town, local and commercial centres

- It is accepted that all town centres and edge of town centres must be protected, and that a town centre first assessment should be carried out. At the point when The Wonky Giraffe changed to accommodate its demand and growth, there were no suitable places within the town centre or on the edge of town centre, primarily due to size and layout, but also because of the classification of use. The Wonky Giraffe did not clearly fall into any of the classification of use categories. This business is a “perfect fit” for the Spylaw Road development, especially when considering its adjacency to an education establishment in the next building (Castlegate Nursery) and a mix of part and predominately-retail businesses opposite and elsewhere on the same street.
- The size of the Wonky Giraffe business cannot be altered or reduced in scale to allow it to be accommodated in a town centre as it relies upon sufficient space for materials, large equipment (sewing machines for use and for retail) **and** activity (workshop) space. The sale of sewing machines can be considered comparable to the sale of agricultural spares in other nearby buildings: goods that are too large to carry any distance and that therefore require adjacent parking – something that is rarely available in a town centre location.
- It is also perhaps worth recording that there has been a total of 42 small town centre haberdashery / fabric store closures in Scotland and the North of England since the pandemic started; this is a significant amount for this sector. The emerging models of haberdashery / fabric stores are now generally located within industrial sites; they are much bigger destination stores and offer more than any town centre can accommodate. Examples of these similar businesses are noted as an appendix to this document.
- The expressed concerns presented in the Decision Notice of there being a detrimental impact to both the town centre business activity / character and to the availability of industrial land are unfounded. The existence of the Wonky Giraffe has had no adverse effect on the vitality and viability of Kelso town centre. In fact, the opposite could be said as it brings people to the town from outwith the area and is a generator of economic benefit to the wider settlement, including to other local businesses. In this sector these

stores are fast becoming destination stores. Brick-and-mortar businesses must offer experiences that will draw customers into their premises in order to survive and, in doing so, must operate a model that is suited to their customers' needs. The Wonky Giraffe does this, which is why it has grown exponentially in its early years. The large volume of notes of support in response to the original application also help to demonstrate this point.

2

The proposal is contrary to Policy ED1 of the Local Development Plan 2016 in that the proposal would result in the loss of safeguarded business and industrial land and the Class 1 and Class 10 uses are not compatible with the predominant surrounding uses and would set an undesirable precedent for other retail uses, which are more suited to town centre locations, prejudicing the long term provision of business and industrial land in Kelso.

In addition, the proposal is contrary to Policy ED3 of the Local Development Plan 2016, which seeks to develop and enhance the role of town centres by guiding retail development to town centres.

- The aim of the **Policy ED1** is to rigorously protect strategic business and industrial sites for employment uses. Kelso is fortunate to have various sites allocated for strategic business and industrial uses: Pinnaclehill Industrial Estate (BKELS005), Pinnaclehill Industrial Estate extension (zEL206), Wooden Linn Phase 1 and Wooden Linn Phase 2 (BKELS003), as well as the vacant Foundry site on Station Road (RKELS001). At the moment there are vacant premises within the Pinnaclehill Industrial sites. These have been vacant for several years. The building of the sites at Wooden Linn has not yet started. It is suggested that, between the empty premises and yet-to-be-built premises, there is adequate provision for any industrial businesses that may wish to establish themselves within Kelso in the future. Policy ED1 also states that 'Local sites' allocated for business and industrial use, are considered to have a lower priority and therefore alternative uses are likely to be supported. Retail may also be acceptable on local sites where they are located within or adjacent to the town. Spylaw Road and Station Road are on a Local site (zEL205). Over the years this site (zEL205) has developed into a mixed-use area as per Policy ED1 Section 2d) the predominant land uses have changed owing to previous exceptions to policy such that a more mixed-use pattern is now considered acceptable by the Council. As mentioned in the above, the precedent for this street has already been set with the variety of businesses operating there.
- Spylaw Road / Station Road (zEL205) sit within the lowest classification of industrial land defined in the Council's Local Development Plan as "local" and, as such offers the greatest flexibility of choice regarding use classification and the capacity of the Planning Authority to support such.

3. LOCAL SITES

Although Local sites are allocated for business and industrial use, these are considered to have a lower priority and need for retention in the hierarchy of all business and industrial sites. Consequently alternative uses are likely to be supported.

Policy ED3 – Town Centres and shopping development. It is the Council's role to seek to develop and enhance the role of the town centres. If a business cannot be accommodated within the town centre it can be allowed within the edge of town centre. An out-of-town centre location will only be considered where there is no suitable site within the town centre or edge of town centre. The Wonky Giraffe is such a business. At the time of opening, the U-Stor Business units were exactly what this start-up required. As the business grew, the owner looked for alternative locations, both within and on the edge of town, but there were no suitable premises that would meet her needs. The business did not fit into either town centre or edge of town sites. It was an online business, with one-to-one training, operating classes and running open group sessions. The business has thrived in its current location and, whilst a small percentage of retail is a result of people visiting The Wonky Giraffe, the main element of retail comes as a by-product of the training and classes, which is the education element of the business.

It is also acknowledged that within the industrial estate there are some established businesses which have a retail element however these sell bulky items that would not be appropriate or would be difficult to site within a town centre. It is not felt that the applicant has set out any exceptional circumstances explaining why it is necessary for the business to be located on an industrial estate.

No information was requested during the determination period as to why it was necessary for The Wonky Giraffe to be located outwith the town centre. The decision notice sets aside the use of precedent for other long-established businesses on the estate; this point is contested in that a precedent has, indeed, not only been established, but permitted, and therefore it should be taken into consideration.

There are several businesses along Spylaw Road and Station Road that started off with only an element of retail, but over the years these have become (and have been allowed to become) so much more than just an element of retail. One such business that has grown over the years, and is a fantastic asset to Kelso, is Country Corner. It has many elements to its business and some elements would be difficult, but not impossible, to site within a town centre. It could at least, therefore, be argued that the upstairs clothing department for men, woman and children could be sited separately and accommodated in the town centre.

Not only would it be difficult to find premises in the town centre or edge of town centre that would physically accommodate The Wonky Giraffe, relocating to the town centre would contravene Policy ED3 which states that only retail/shop (Class 1), food and drink (Class 3) and offices (Class 2 & 4) are permitted to operate in the town centre. The Wonky Giraffe requires Class 10 (provision for education) to operate, which is not authorised in the town centres as per Policy ED3. Herein lies the issue: the retail element of the business can operate under Class 1 within the town centre while the training and education elements, under Class 10, require the industrial estate, but nowhere in Kelso will permit both in the same place. This is a thriving business, (a tenant of the Applicant's own thriving business), that brings custom to the town, and, additionally, impacts positively on the mental health and well-being of many of its dedicated customers. It is again worth noting that many of the supporting comments received in response to the original application indicated customers who come from outwith the local area specifically to use this

business and who also stay within the town generating much needed economic activity to the local community.

It is also worth referencing precedent elsewhere in the Scottish Borders where similar decisions have been reviewed and overturned by the Local Review Body:

21/00015/RREF – Cavalry Park, Peebles ([Strategic High Amenity Site](#))

22/00002/RREF - Netherdale Industrial Estate, Galashiels ([District Site](#))

It is considered that by allowing a retail use within a safeguarded business and industrial site, it would set an undesirable precedent especially at a time when we are trying to support town centres. There are two similar businesses located within Kelso town centre and it is considered that this business could be located within a town centre retail unit and does not need to be located within the safeguarded business and industrial site.

The precedent element has been addressed in previous paragraphs.

The comment above states that there are two similar shops in the town centre; this is not correct. One of the shops, (Clothworks) stocks upholstery fabrics, which is entirely different to the Wonky Giraffe shop. Whilst it does have a lot of fabric on show, it also operates from a series of catalogues, allowing customers to order the quantity required for curtains, blinds etc.. This is a long-established business with a fantastic customer base, and provides an excellent service to Kelso and the surrounding areas. The Wonky Giraffe works closely with the owner of this shop and directs anyone looking for this type of fabric to her. The second shop mentioned is a very different retailer. The Wonky Giraffe carries an extensive stock of fabric and a considerable number of other products, including sewing machines (**bulky items**), sewing machine accessories, wool, knitting and crocheting accessories, embroidery and needlework threads, hoops, frames as well as a wide range of haberdashery. The other shop carries a more limited range of fabrics and haberdashery, by comparison.

Conclusion

Planning Policy, and the Local Development Plan in particular, are formulated to provide a framework in the interests of the Scottish Borders Council. They seek to establish frameworks that allow consistency of approach across the region; however, they are limited in their capacity simply because the built environment is not a homogenous entity that can respond to a binary approach in decision making.

This paper, and its appendices, has set out why this is the case. A redundant manufacturing building within an industrial estate (classified as the lowest safeguarding category of Local) has been renovated by the applicant. In doing so he has extended the life of this building in a sustainable manner that responds to one of the Council's stated goals. He has also created the opportunity for economic development at a scale that suits a variety of micro and small businesses that is not readily / widely available elsewhere in the town. One of the Applicant's tenants has developed a business model that has thrived in this location, so much so that it

required to expand in order to meet growing demand, and took advantage of the availability of additional space within the same building. All of this in the midst of the global pandemic at a time when many businesses were closing and others were seeking to diversify in order to survive.














U-Stor Business Units Ltd and its tenant, The Wonky Giraffe, are examples of successful Borders businesses that require to be supported in their ventures in order to continue the economic benefit that they bring to Kelso, and the wider, Scottish Borders economy.

APPENDICES

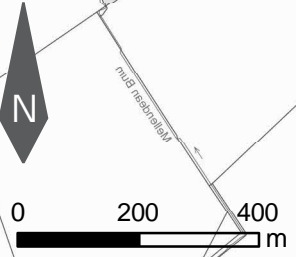
APPENDIX 1

Kelso Local Development Plan Map

Kelso

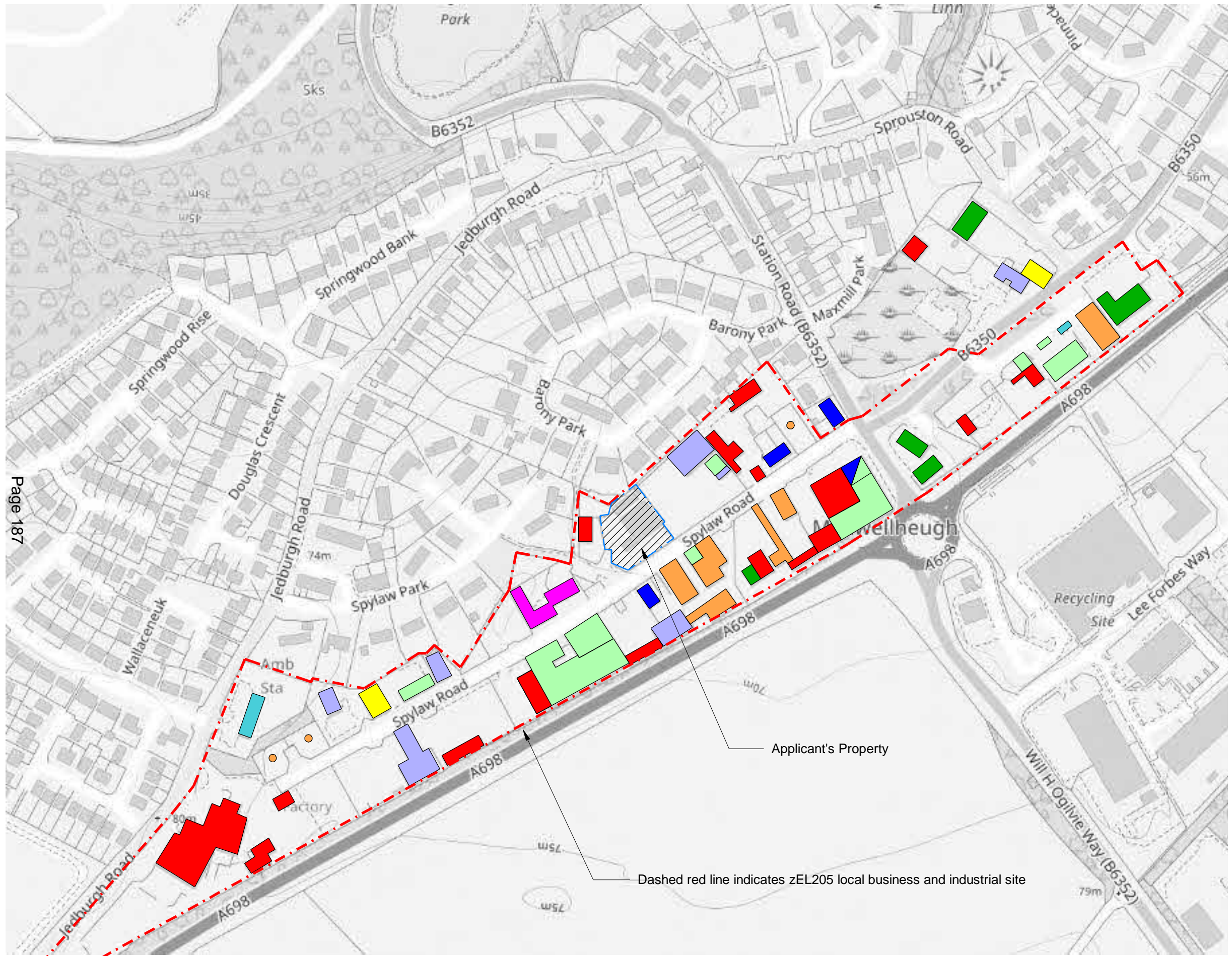
-  Development Boundary
-  Town Centre Boundary
-  Conservation Area
-  Key Greenspace
-  Housing
-  Longer Term Housing
-  Redevelopment
-  Business and Industrial
-  Business and Industrial Safeguarding
-  School
-  Wetland
-  Structure Planting/Landscaping
-  Core Activity Areas

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APPENDIX 2

Street Plan of Current Use Category Within zEL205



Health & Safety Information

- Retail presence - Class 1
- Retail presence - Class 1 Sui Generis
- Professional, etc - Class 2
- Offices / Light industry - Class 4
- General Industry - Class 5
- Storage / distribution - Class 6
- Housing - Class 9
- Institutions - Class 10
- Assembly - Class 11

RAY CHERRY ARCHITECT

Ray Cherry RIBA, RIAS, IMApS
 Hillmount Cottage
 Main Street
 Birgham
 Berwickshire
 TD12 4NE
 Telephone: 07800 749 806
 E-mail: info@raycherry-architect.co.uk
 Website: www.raycherry-architect.co.uk

Project:
 U-stor Business Units Ltd
 Spylaw Road, Kelso

Title:
 Existing Planning
 Land Use

Scale (@A3)		As indicated	
Date: June 2023	Project No.: 22-016		
Drg. No.: 303	Rev.: D1		

Map extract from SBC Website for underlay purposes

Applicant's Property

Dashed red line indicates zEL205 local business and industrial site

APPENDIX 3

List of Businesses Within zEL205

Businesses in Zone zEL205

Motor Sales & Repairs

1. Maxwell Motors	Car Sales & Service
2. Complete Auto Repairs	Motor Repairs
3. Ken Hope	Car Sales & Service
4. Bernie Murray	Motor Repairs
5. Tweedside Light Commercials	Van Sales & Service
6. James Hume	Motor Repairs
7. C & R Tyres	Tyre Supplies & Fitting
8. SAB Services	Motor Repairs

Manufacturing

9. Kyle Engineering	Steel Fabrication
10. ICOM ScoΣech	Electronics
11. DH Design & Print	Signage
12. Bheula Framing	Picture Framing/Retail
13. Border Concrete	Concrete Products
14. Border Ornamental Ironwork	Gates & Railings
15. Food Factory	Bakery/Retail
16. Kelso Powder Coating	Painting

Contractors

17. A R Transport	Haulage
18. Crop Services	Crop Spraying
19. CSS	Pressure Washer Sales & Service
20. ScoΣ Mckenzie	Joiner
21. James Nairn	Electrician
22. Cockburns	Ware & Drainage Services
23. Derek Welsh	Plasterer
24. Borderloo	Toilet Hire
25. Grant Morrison	Landscape
26. T. L. Joinery	Joinery
27. Darren Paxton	Plumber

Gymnasium

- 28. K.D. Fitness
- 29. The Muscle Factory

Retail

- | | |
|------------------------|-------------------------|
| 30. T.M.S Motor Spares | Motor Spares |
| 31. Car Parts for U | Motor Spares |
| 32. Country Corner | Country Stores |
| 33. Border Row Penfold | Pet Food |
| 34. Agri Parts | Agricultural Spares etc |
| 35. The Wonky Giraffe | Haberdashery/Education |

Residential

- | | |
|--------------------|---------------------|
| 36. Ashville | Semi Detached House |
| 37. Holmwood | “ “ “ |
| 38. Helensville | Bungalow |
| 39. Country Corner | Flat |

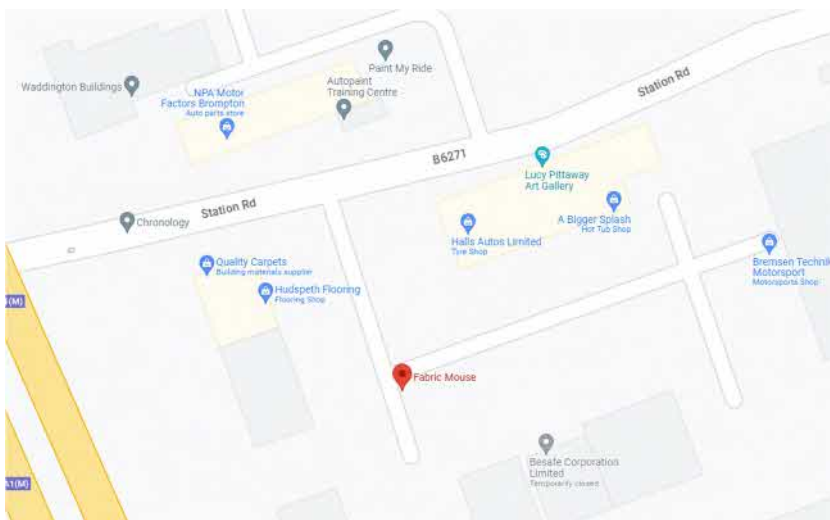
Miscellaneous

- | | |
|-----------------------------|--------------------------|
| 40. SBC | Council Yard |
| 41. Kyles Funeral Directors | Depot |
| 42. R.I. Wilson | Furniture Store |
| 43. Castlegate | Nursery |
| 44. Noon Entertainments | Events Equipment |
| 45. Susan Gibson | Massage Therapy |
| 46. EOSE | Sports Planning |
| 47. Vicki Paerson | Nail Bar |
| 48. Andrew McLean | Water Services Design |
| 49. Tanya Davidson | Skin Care |
| 50. K.A.O.S | Costume Store & Hire |
| 51. D. H. & Co | Document Store |
| 52. Kenneth Gibson | Store |
| 53. U.B.U.L. | Store |
| 54. Travis Perkins | Builders Merchant/Retail |
| 55. Wessex North | Storage |

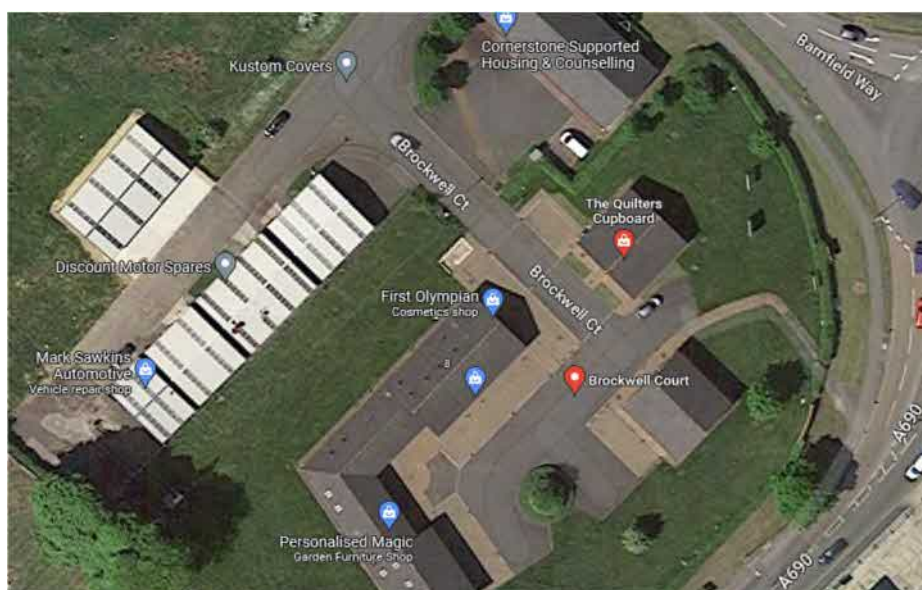
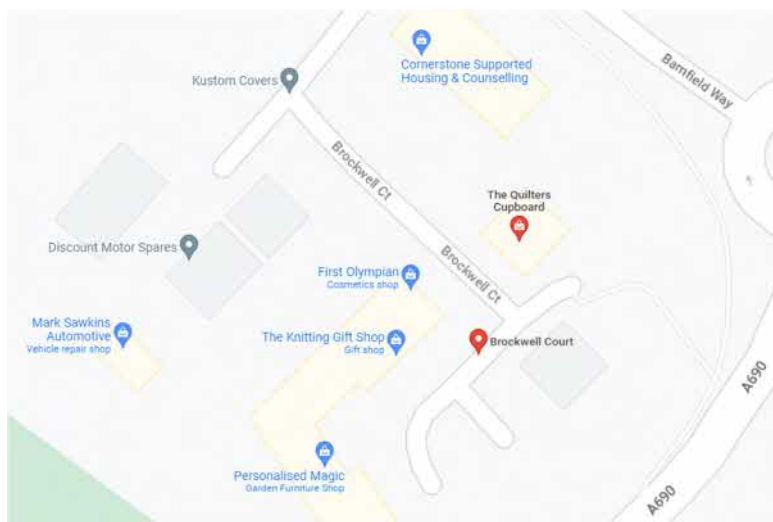
APPENDIX 4

Similar Businesses Within Industrial Estates

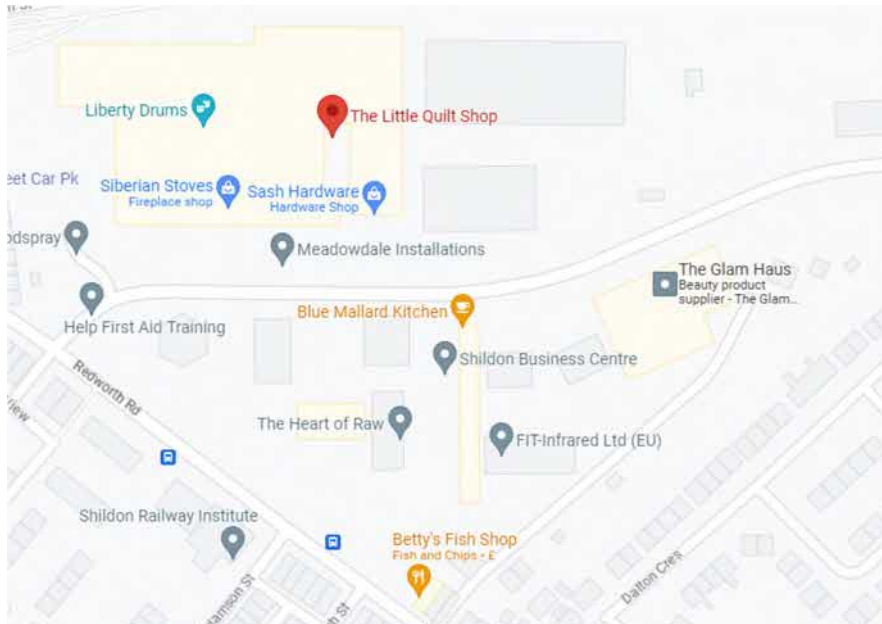
Fabric Mouse
Unit 5, Station Road Business Park
Brampton On Swale
Richmond
North Yorkshire
DL10 7SN



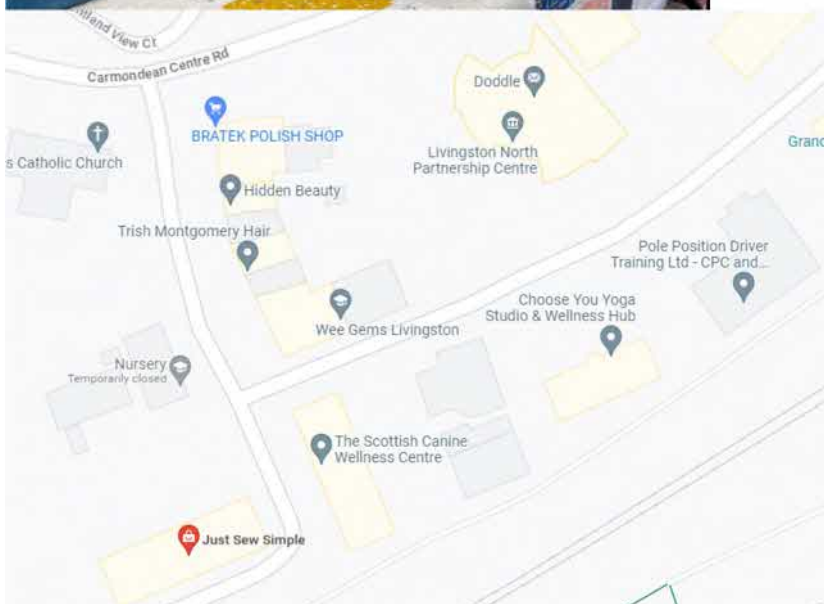
The Quilters Cupboard
Unit 1, Brockwell Court Industrial Estate
Low Willington
County Durham
DL15 0UT



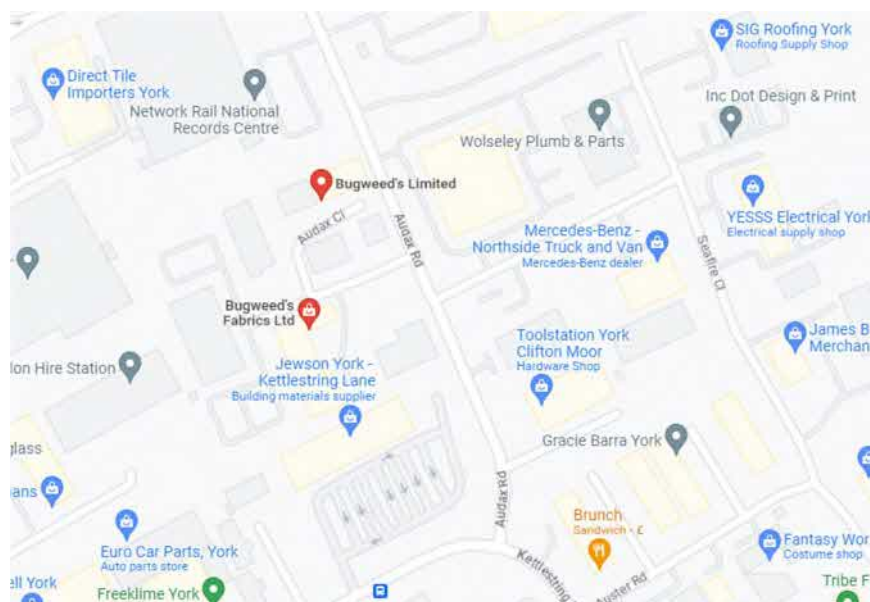
The Little Quilt Shop
Unit 11, South West Durham Business Centre
Dabble Duck Industrial Estate
Shildon County Durham DL4 2QN



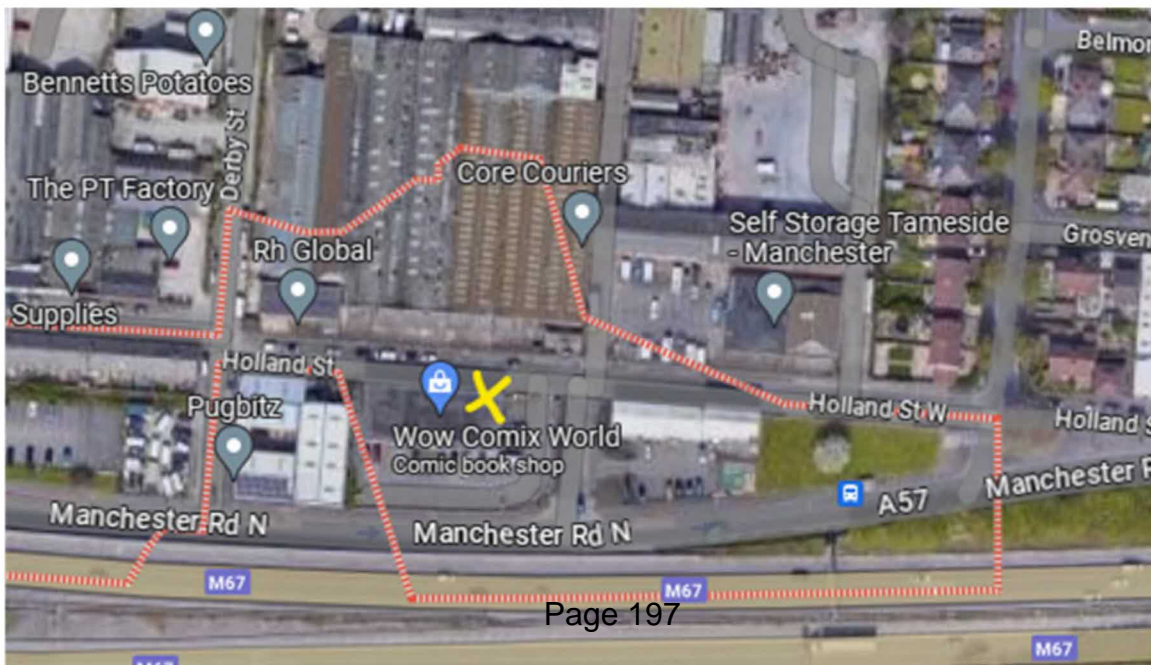
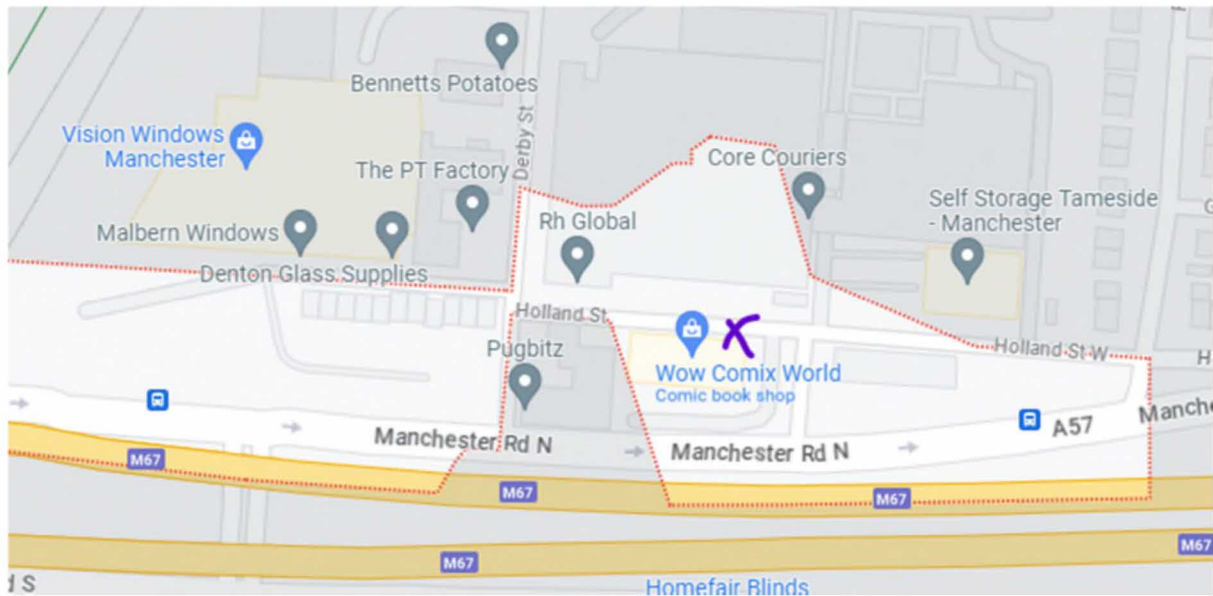
Just Sew Simple
Unit 9, Carmondean Business Units
Livingston
West Lothian
EH54 8PT



Bugweeds Fabrics & Crafts Ltd
Unit 3, Lancaster Park
Audax Close
Clifton Moor York North Yorkshire YO30 4RA



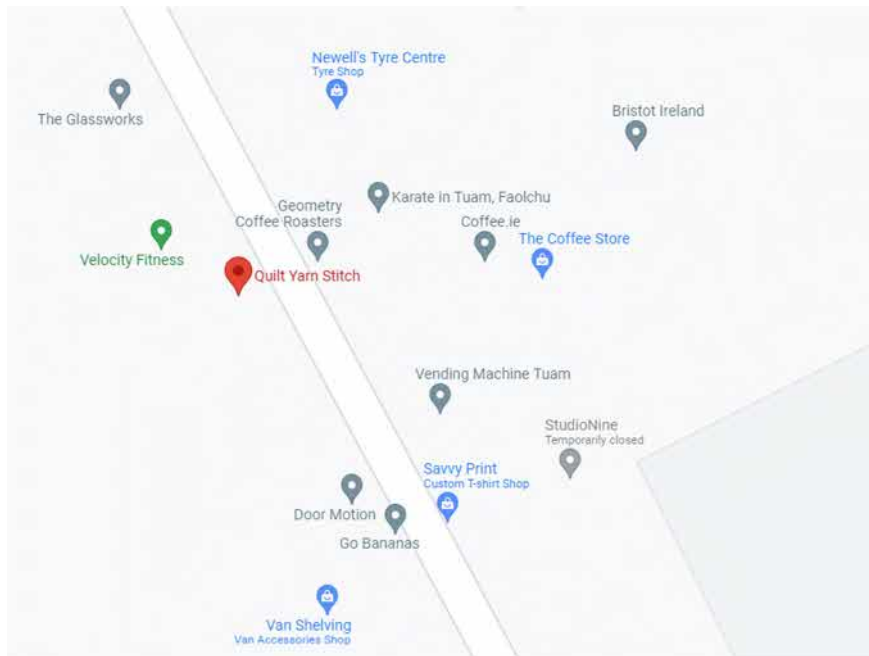
Mimi and Bee
163 Holland Street
Denton Manchester M34 3GE.



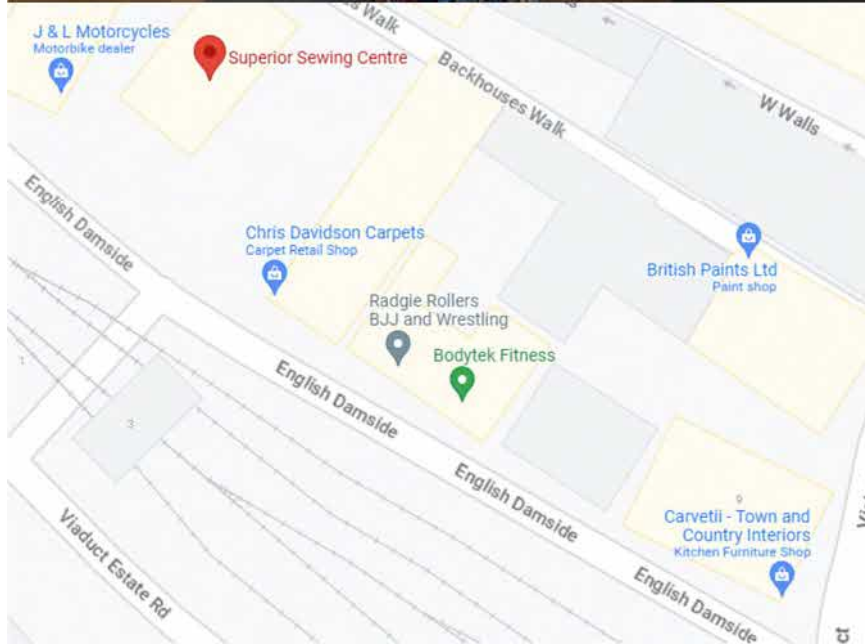
Quilt Yarn Stitch

1st Floor

Unit 19 MG Business Park Galway Road, Tuam, Co Galway, H54 YF25.



Superior Sewing Centre
Phoenix House
English Damside
Carlisle, Cumbria, CA3 8AU.

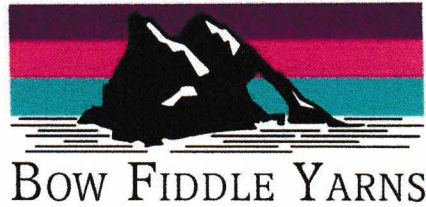


Just Quilting
Unit 3, Morgan Business Centre,
Mylord Crescent, Camperdown Industrial Estate, Newcastle-upon-Tyne, NE12 5UJ.



APPENDIX 5

Additional Notes of Support



I am an independent yarn dyer based in the North East of Scotland and have an online presence (web shop) and also travel around the UK to yarn festivals and craft shows to showcase my hand dyed yarns.

It is very difficult to build a business when the product is very tactile, and the nuances of colour can be distorted on a computer monitor. Therefore, having a presence in a bricks and mortar craft business is vitally important. I have been lucky enough to be stocked at The Wonky Giraffe in Kelso, and it is my only outlet in the Borders and I am indebted to Louise for her trust and faith in my product.

Whilst primarily a fabric shop, crafters are notorious about wanting to try new techniques, learn new skills and find new products and the yarn stocked at The Wonky Giraffe complements the range of fabrics.

The space that Louise has created is very welcoming, airy and relaxing which is the perfect environment for not only shopping, but the workshop space is also a haven for inspiring and teaching students. This, in my opinion, is one of the best craft shops that I have visited, and that has been a lot across the globe, including Houston and Singapore.

I am aware of 2 yarn shops closing in other parts of the UK this week, and whilst it may seem that craft is not an essential service, I am concerned that the impact and loss of community this will have on the local populace of these areas.

I am passionate about the positive impact that creating makes to mental health. Learning new skills and the sense of achievement in making something with your hands is a skill everyone should embrace.

In 2017 I had to step back from my full time job as an accountant due to a cancer diagnosis and spent the year, knitting, sewing, colouring in and trying new projects. The ability to either switch off with an easy pattern when my foggy brain wasn't retaining information, or tackling a complex colourwork pattern so that I could completely focus on the project and not think about how scary the treatment was, I credit craft as the best way to spend hours productively. It was also the catalyst for launching my yarn dyeing business and encourage people to try new things.

At the heart of any craft business is a passionate owner, who wants to share that love of colour, fabric, creating and learning with everyone who steps through that door and also encourage others to build not only skills, but confidence and a community which will last a lifetime. Louise has curated, not only an amazing shop, but a group of people that give back so much to the community and it would be a shame to lose this from the heartland of textiles.

Louise Davidson



To whom it may concern:

I am a freelance embroidery tutor based in the Scottish Borders who runs workshops at a variety of premises throughout Scotland and the North of England.

Over the last few years I have been lucky enough to work extensively with Louise Whittle from The Wonky Giraffe on a number of occasions, primarily running classes at the premises on Spylaw Road, Kelso. The opportunities Louise has provided for me has meant that I have been able to develop my own business much further than I would have otherwise been able to.

These premises are ideal for teaching a variety of crafts. A great deal of thought and work has gone into ensuring that the space is suitable for workshops and I have been unable to find other premises of such a high standard in the Kelso area. In fact, there are very few premises in the country which provide the facilities and atmosphere which is found at The Wonky Giraffe.

I know that other tutors and participants travel from neighbouring counties because the accommodation, access, parking and facilities are second to none. If the Wonky Giraffe is unable to continue trading from this location then I and other tutors will be forced to look much further afield for suitable premises. Unfortunately local village halls and buildings such as Abbey Row are not fit for purpose.

The workshops I run give people the chance to learn new skills but more importantly they offer the opportunity for likeminded people to come together in a safe space, something which is increasingly important as we place more emphasis on mental as well as physical well-being. As we recover from the after effects of COVID lockdowns the groups meeting regularly at the Wonky Giraffe have meant that many older members of our community have been able to integrate back into meeting friends in public in safety.



Susie Stitch

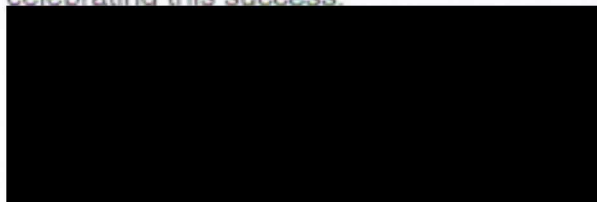
The retail space provides not just a much larger range of products than other similar retail outlets but also different ranges of fabrics, threads, yarns and haberdashery which would otherwise have to be purchased online. The convenience of having workshop and retail space side by side means that anyone forgetting something essential for a class is able to purchase it on the premises.

Far from taking business away from the town centre the goods and services provided from these premises actually enhance and complement retailers, food outlets and attractions within Kelso. Many visitors choose to make a day of their visit and spend additional revenue in other outlets throughout the town. The business has been featured in a number of local and national magazines and media outlets further spreading the positive image of Kelso to crafters and visitors.

A number of community projects have been co-ordinated from these premises in recent years which have benefitted residents and visitors alike. As well as Kelso-centred projects, the Welcome Panel for the Great Tapestry of Scotland was completed and readied for exhibition here.

I am currently working on a new commission from the Borders Railways Community Partnership, a tapestry panel designed by Andrew Crummy which will be displayed in the Galashiels Interchange once completed. Several stitching sessions have already taken place at the Wonky Giraffe and my intention would be to again carry out the final completion stages on site as the space available is much more suitable than my own small studio space.

In a relatively short period of time, and during a global pandemic, Louise has built not just a thriving business but a flourishing community and we should be encouraging and celebrating this success.



Susie Finlayson



1st June 2023

APPENDIX 6

Applicant's Note on the History of the Business

U-STOR Business Units Ltd

This document provides the history of U-STOR Business Units Ltd in relation to the retrospective application for Change of Use for Units 8-2 and 8-3 at Spylaw Road, Kelso.

Throughout the Borders redundant church, school, agricultural and industrial buildings have been revitalised and repurposed for various uses. In Spylaw Road in Kelso a number of properties have been converted over the years for use e.g. as a nursery, a bakery, a gym, country store, hardware sales and indeed a residential flat.

U-STOR Business Units Ltd have continued on a well trodden path by utilising the buildings formerly used as a Sawmill, Haulage Depot and Agricultural Engineers to provide premises suitable for today's businesses and to meet current demand. This conversion which we have carried out over the last 10 years has produced 20 small units, offices, stores and workshops providing accommodation for 15 businesses who employ 17 full time and 6 part time staff. Nineteen off-street parking spaces are available for our tenants and their customers and the overall result is a small vibrant business hub.

The cost of repairs and improvements to the buildings since its purchase is circa £330k with the majority of the work being carried out by local contractors.

Planned improvements for this year are the resurfacing of the entrance to the premises (long overdue) and the final phase of replacing the Asbestos roofs with insulated composite panels.



U-Store Business Units Ltd
per Ray Cherry
Hillmount Cottage
Main Street
Birgham
Scottish Borders

Please ask for: Euan Calvert
☎ 01835 826513
Our Ref: 23/00325/FUL
Your Ref:
E-Mail: ecalvert@scotborders.gov.uk
Date: 27th April 2023

Dear Sir/Madam

PLANNING APPLICATION AT U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

PROPOSED DEVELOPMENT: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

APPLICANT: U-Store Business Units Ltd

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 : 23/00325/FUL

**To : U-Store Business Units Ltd per Ray Cherry Hillmount Cottage Main Street Birgham
Scottish Borders TD12 4NE**

With reference to your application validated on **1st March 2023** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

Proposal : Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

at : U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

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

**Dated 26th April 2023
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

**John Hayward
Planning & Development Standards Manager**

APPLICATION REFERENCE : 23/00325/FUL

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
Location Plan	Location Plan	Refused
201	Proposed Plans	Refused
Site Plan Showing Parking	Proposed Site Plan	Refused

REASON FOR REFUSAL

- 1 The proposal is contrary to National Planning Framework 4 Policy 26 as the proposal is not for business and industry uses on a site allocated for such uses in the Local Development Plan, and the Class 1 and Class 10 uses are not compatible with the business and industrial character of the area and would prejudice the function of the area.

In addition, the proposal is contrary to National Planning Framework 4 Policy 27 and the Town Centre First Approach, as it has not been adequately demonstrated that the proposed uses cannot be accommodated within the town centre or edge of centre or that there will be no significant adverse effect on the vitality and viability of the town centre; the proposal would set an undesirable precedent when town centres should be supported.

- 2 The proposal is contrary to Policy ED1 of the Local Development Plan 2016 in that the proposal would result in the loss of safeguarded business and industrial land and the Class 1 and Class 10 uses are not compatible with the predominant surrounding uses and would set an undesirable precedent for other retail uses, which are more suited to town centre locations, prejudicing the long term provision of business and industrial land in Kelso.

In addition, the proposal is contrary to Policy ED3 of the Local Development Plan 2016, which seeks to develop and enhance the role of town centres by guiding retail development to town centres.

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. To seek a review of the decision, please complete a [request for local review](#) form and return it to the Clerk of the Local Review Body, Democratic Services, 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 : 23/00325/FUL

APPLICANT : U-Store Business Units Ltd

AGENT : Ray Cherry

DEVELOPMENT : Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

LOCATION: U-Stor Business Units
Splylaw Road
Kelso
Scottish Borders
TD5 8DN

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
A LOCATION PLAN	Location Plan	Refused
201	Proposed Plans	Refused
SITE PLAN SHOWING PARKING		Proposed Site Plan Refused

NUMBER OF REPRESENTATIONS: 91

SUMMARY OF REPRESENTATIONS:

21 neighbours were consulted by letter. There were 84 comments in support of development and 6 objections received, 5 of which were received within the statutory period of public consultation. The following issues were raised:

Objections:

- o Industrial facilities in the surroundings are not compatible with this use.
- o No toilet facilities.
- o No cafe facilities or other businesses that would complement this businesses.
- o Sets a precedent.
- o Building Rates are cheaper here than on the High Street, to the disadvantage of competitors.
- o A High Street location would support local cafes.
- o No public transport or amenities for users.
- o Contrary to local plan policies.
- o Health concerns from the former industrial use.
- o Noise.
- o Road safety concerns.
- o Abbey Row Centre classes are now being held on this site; adverse impact on the ongoing viability of community led hubs.

Support comments:

- o Community, health and wellbeing benefits.
- o Abundant on-site parking.
- o Spylaw Road is already in mixed use.
- o Avoids the use of on-line shops.
- o Contributes to footfall/ complementary spend to the town centre.

Consultations

Community Council: Supports the change of use to Class 1 and Class 10. The previous comment has been rescinded.

Roads Planning Service: No objections.

Environmental Health - Contaminated Land: No objection subject to condition. This is proposing the redevelopment of land which was previously operated as a saw mill and a depot. This land use is potentially contaminative and it is the responsibility of the developer to demonstrate that the land is suitable for the use they propose.

Forward planning: Objection.

This application is located at Spylaw Road/Station Road Industrial Estate, Kelso which is allocated as a Local Business and Industrial site (zEL205) within the Local Development Plan 2016 and is protected by Policy ED1: Protection of Business and Industrial Land. Policy ED1 states that 'development other than Classes 4, 5 and 6 are likely to be supported on local business and industrial sites' and 'retail may be acceptable on local sites where they are located within or adjacent to town centres'

This application proposes a change of use to Class 1 and Class 10 uses. However the main use of the unit is retail with almost 70% of the total floor space being used for retail purposes. Whilst it is acknowledged some of the building is used for Class 10 use, it is considered that overall the predominant use of the unit is use Class 1.

It is also acknowledged that within the industrial estate there are some established businesses which have a retail element however these sell bulky items that would not be appropriate or would be difficult to site within a town centre. It is not felt that the applicant has set out any exceptional circumstances explaining why it is necessary for the business to be located on an industrial estate.

Policy 26 within National Planning Framework 4 (NPF4) supports development proposals for business and industry uses on sites allocated for those uses in the LDP. It is therefore important that such allocations are safeguarded for such uses as it would be most undesirable if future Class 4, 5 and 6 businesses wished to locate and invest at Spylaw Road/Station Road and were unable to due to there being insufficient space to accommodate them.

It is considered that by allowing a retail use within a safeguarded business and industrial site, it would set an undesirable precedent especially at a time when we are trying to support town centres. There are two similar businesses located within Kelso town centre and it is considered that this business could be located within a town centre retail unit and does not need to be located within the safeguarded business and industrial site.

As the location of this proposal is within a safeguarded business and industrial site which is not located within or adjacent to the town centre of Kelso it is contrary to policy ED1.

PLANNING CONSIDERATIONS AND POLICIES:

National Planning Framework 4

Policy 26 Business and industry

Policy 27 City, town, local and commercial centres

Local Development Plan 2016

PMD2 Quality Standards

ED1: Protection of Business and Employment Land

ED3: Town Centres and Shopping Development

HD3: Protection of Residential Amenity

IS7: Parking Provision and Standards

Supplementary Planning Guidance:

Placemaking and Design 2010

Recommendation by - Euan Calvert (Assistant Planning Officer) on 25th April 2023

Site and Proposal

This is a retrospective application to change the use of part of this storage building to mixed use comprising Class 1 (retail) and Class 10 (Non-residential institutions).

In light of recent amendments to the GDPO, Class 1 now becomes Class 1A, "Shops, and financial, professional and other services" whereby a broader range of uses are within a single class which includes financial, professional services, amongst other uses.

For the purpose of the application, the predominant use of the application site is retail space extending to 136m² with a craft room measuring 61m².

A short supporting statement has subsequently been provided by the proprietor of the "Wonky Giraffe" outlining how the business operates. They state that retail is ancillary to the main function of manufacturing and craft work production. The retail space is said to have a dual function as a community space, training area and an area for provision of refreshments for patrons.

The proposals are within Units 8-2 and 8-3 within a larger subdivided site. The site plan identifies this proposal as a portion of the overall planning unit. There is a kitchen facility but no toilet facilities are identified within the units shown on the floor plans. The location plan identifies the entire building and curtilage within a red line boundary. A parking layout has now been provided demonstrating provision of 19 parking bays in-curtilage accessed by the existing vehicular access serving the whole site.

Other site occupants are identified as follows:

1. Unit 8-1 (Ground Floor) - G W Cockburn Water & Drainage Services
2. Unit 9-1 (First Floor) - Susan Gibson (Sports Massage)
3. Unit 9-2 (First Floor) - European Observatoire of Sport & Employment (EOSE UK Ltd)
4. Unit 9-3 (First Floor) - Darren Paxton Plumbing and Heating
5. Unit 9-4 (First Floor) - Peach Studio (Beautician)
6. Unit 9-5 (First Floor) - Andrew MacLean Design and Construction Management - Water & Wastewater Design Specialist (AMDCM LTD)
7. Unit 9-6 (First Floor) - Skin by Tanya (Beautician)
8. Unit 9-7 (First Floor) - KAOS (Kelso Amateur Operatic Society) - Upper Circle Costume Hire
9. Unit 9-8 (First Floor) Messrs Douglas Home (DH & Co)

Planning History

The following change of use applications have been considered previously:

11/00028/FUL

Change of use from farm machinery sales and alterations to form veterinary practice. Approved - lapsed.

Restriction of use: Condition 4: The premises shall be used for as a veterinary practice and for no other purpose (including any other purpose in Class 2 of the Schedule to The Town and Country Planning (Use

Classes) (Scotland) Order 1997, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

Reason: To ensure that the use remains compatible within the site.

14/00712/FUL

Change of use and alterations to form storage area on ground floor and meeting area for amateur operatic society on first floor - Approved - implemented.

Restriction of use: Condition 2: The area identified on the first floor of the approved plans is to be used as storage, rehearsal and meeting space for an operatic society, and for no other purpose other than Class 6 (Storage) of the Town and Country Planning (Use Classes) (Scotland) Order, unless first subject to a successful application for planning permission.

Reason: To maintain effective control over the future use of this part of the application building, in the interests of ensuring that any future use remains compatible with adjoining storage use within the application building, and with adjoining land uses.

14/01047/FUL

Part change of use from storage to form furniture manufacturing unit. Approved - implemented.

Restriction of use: Condition 2: The change of use to Class 5 manufacturing hereby approved is limited to the area highlighted in red on approved plan US-SP2 SHEET 5.

Reason: To maintain effective control over the development, and to ensure compatibility with neighbouring uses.

Planning Policy

It is appropriate to consider Policy 26 within National Planning Framework 4 (NPF4), which supports development proposals for business and industrial uses on allocated sites. Policy 27 is also considered, which identifies support for Town, Local and Commercial Centres. Development proposals are to be consistent with the town centre first approach.

Business and industrial allocations are safeguarded for Class 4, 5 and 6 by Policy ED1 in the Local Development Plan 2016. This application site is located at Spylaw Road/Station Road Industrial Estate, Kelso which is allocated as a Local Business and Industrial site (zEL205).

Policy ED1 - Protection of Business and Industrial Land - states that; 'development other than Classes 4, 5 and 6 are likely to be supported on local business and industrial sites' and 'retail may be acceptable on local sites where they are located within or adjacent to town centres'.

Policy ED1 within the Proposed Local Development Plan 2020 is presently under Examination by the Scottish Government Reporter.

The key planning issue is whether proposed use (retail and residential education/ training centre) is compatible with the surrounding uses and is compatible with the town centre first approach.

Assessment

This is a retrospective planning application. The fact this business is currently operating from these premises is not a material planning consideration.

Several of the 84 support comments highlight non-material planning matters, in particular, health and wellbeing benefits of the business are highlighted. Abundant on-site parking is being highlighted as a benefit over town centre locations. The community and health/ wellbeing benefits of this business are not a planning consideration. There is on-site parking and the Roads Planning Officer has considered the change of use and parking layout. They have no objections on road safety and road design grounds therefore the proposals can be considered to comply with policies PMD2 and IS7 concerning road safety.

Arguments are presented by supporters that this business is having combined retail and economic benefits to the wider town by attracting clientele from far and wide. Spylaw Road is said to already have a wide variety of businesses and this change is argued to be complementary to the uses. Those objecting counter

this argument and highlight concerns for the viability and vitality of the High Street. Concerns are raised by objectors that this development is occupying a site designed for industry and will detract or deter industry from locating to Spylaw Road Industrial Estate in the future.

Units 8-2 and 8-3 are located on the ground floor and form part of a larger 'U-Stor' unit which has been subdivided over two floors to create a number of smaller individual storage/ commercial units. This is a former industrial building constructed in brick and steel. It was formerly a tractor dealership/ agricultural engineers. The vernacular is best described as industrial in character. There have been modern additions made including new window and door reveals. The building has been re-roofed in insulated profile steel sheet.

There is first floor accommodation within the building and several of the neighbouring businesses (beautician, sports massage therapist and various other office accommodation) do not have planning consent. These are considered professional services which would now fall within Class 1A of the GDPO. Planning permission 14/00712/FUL was granted on this site subject to condition 2, which restricted the first floor to be used for storage, rehearsal and meeting space for an operatic society only. These other uses are therefore in breach of Planning Condition 2 of 14/00712/FUL. These non-permitted uses are not a material consideration in this decision.

This application proposes retail use over 70% of the public area outlined in blue on the submitted floor plan. The space given to the Craft Room (30%) is subordinate or secondary within the building. The proprietor has emphasised that the retail business space is dual purpose and provides for congregation of clientele/ patrons, where refreshments (teas and coffees) and community use takes place. It is acknowledged that the business contains Class 10 use but on a fact and degree basis, the predominant use of floor space is considered primarily as retailing. This would now be Class 1A of the GDPO. No pecuniary evidence has been provided to differentiate the proportion of retailing income against provision of classes/ workshops (Class 10, non-residential institution, use).

Compatibility

It is acknowledged that within the industrial estate there are some established businesses which have a retail element, however these sell bulky items that would not be appropriate or would be difficult to site within a town centre. These neighbours are considered as depots (Use Class 4, 5 or 6) with secondary/ ancillary retail counters which are predominantly for commercial/ account customers. The exception is Country Corner which is a long established retail use, 98/00016/COU. There is also a long established nursery facility in the surroundings, 07/00037/FUL. These neighbours should not be considered precedent to this application. This is a different site and different type of application combining both retailing and education/ congregation.

NPF4 identifies that business uses are only to be supported where they are compatible and will not prejudice the function of the area. The conclusion of the Planning Authority is that this business is not compatible with the business and industrial character of the area. Notwithstanding the two exceptions above, the wider site of Spylaw Road is characterised by both light and heavy industry. This retailing and congregation use is not compatible in the long term in that it is liable to detract from further industrial investment in the building and the surrounding area.

The Forward Planning Team have objected to the proposal as it does not comply with Policy ED1 of the adopted Local Development Plan. They highlight the updated version of Policy ED1 within the Proposed Local Development Plan 2020 strengthens the argument that retail uses should not be located on industrial estates. The policy states that 'Shops and outright retail activities which are not considered to be complementary nor ancillary uses to the estate will not be allowed'. As previously mentioned, this policy is subject to Examination with a decision expected in late spring/early summer, however it does indicate the direction of travel that the Council is taking to not allow retail uses within allocated business and industrial sites.

Policy 26 within NPF4 supports development proposals for business and industry uses on allocated sites. Safeguarding of allocated sites is intended to ensure adequate provision of employment generating land. It would be most undesirable if future Class 4, 5 and 6 businesses were detracted from locating and investing at Spylaw Road/Station Road due to there being insufficient space to accommodate them or because of an ever-widening variety of uses in the surroundings.

Kelso Town Centre

This application would set an undesirable precedent, especially at a time when the Council policies support town centres. On a fact and degree basis, the proportion of retailing space cannot be considered ancillary to the business. Furthermore, Class 10 use is not considered to be complementary to the predominantly industrial uses in the surroundings.

There are two similar businesses located within Kelso town centre and it is considered that this business could be located within a town centre retail unit and does not need to be located within the safeguarded business and industrial site (zEL205).

Policy ED3 identifies the extent of Kelso Town Centre where shopping development is to be located. Spylaw Road/Station Road Industrial Estate (zEL205) is not located within or adjacent to the town centre of Kelso, therefore this use is contrary to Policy ED1 and ED3.

Policy 27 of NPF4 identifies that proposals must be consistent with the Town Centre First Approach, which seeks to help town centres adapt positively to long term economic, environmental and social changes. Commercial uses that generate significant footfall will not be supported outwith those centres unless a Town Centre First Assessment demonstrates that all town centre and edge of centre options have been sequentially assessed; the scale of development cannot be altered to allow it to be accommodated in a centre; and the impacts on existing centres have been assessed and there will be no significant adverse effect on the vitality and viability of centres.

This site is not a retailing or commercial centre and does not have the character of such. Forward Planning colleagues identify that this proposal will set a precedent for Spylaw Road and will prejudice the long term provision of industrial space in Kelso.

The proposal does and will generate significant footfall therefore should be located in the local centre. No Town Centre First Assessment has been provided. No evidence has been provided that centre and edge of centre options have been sequentially assessed and discounted. It is considered that this scale of development can reasonably be accommodated in the Town Centre. No impacts on the centre have been assessed and an adverse effect on the vitality and viability of Kelso Town Centre is identified.

No site-specific justification has been advanced in the application. It has not been demonstrated that this proposal will create jobs, no marketing history has been provided to demonstrate any period of dormancy or vacancy in letting the buildings for Class 4, 5 or 6 uses nor has it been demonstrated that this retail use is a necessity to maintain viability of the site. The applicant has not set out any exceptional circumstances explaining why it would be necessary for the business to be located on an industrial estate.

Other Issues

The Contaminated Land Officer has identified the site is potentially contaminated owing to the previous use as a sawmill/ depot. A contaminated land investigation is a requirement of any permissions granted in future.

No residential amenity concerns are identified (policy HD3).

Conclusion

The proposals are contrary to national planning policy specifically Policy 26 of National Planning Framework 4 concerning protecting sites for business and industry and Policy 27 concerning the Town Centre First approach. Policies ED1 and ED3 of the Local Development Plan identify a town centric approach to retailing and requires proposals to be compatible with the predominant surrounding uses. This has not been demonstrated in the application.

REASON FOR DECISION :

The proposals are contrary to National Planning Framework 4 specifically Policy 26 concerning protecting sites for business and industry and Policy 27 concerning the Town Centre First approach. In addition, the proposals do not comply with Policy ED1 of the Local Development Plan in that the use is not compatible with the predominant surrounding uses and would dilute the industrial estate with other uses setting an undesirable precedent. The proposals are contrary to Policy ED3 which seeks to develop and enhance the town centre for retailing.

There are no material considerations identified which justify departure from these policies.

Recommendation: Refused

- 1 The proposal is contrary to National Planning Framework 4 Policy 26 as the proposal is not for business and industry uses on a site allocated for such uses in the Local Development Plan, and the Class 1 and Class 10 uses are not compatible with the business and industrial character of the area and would prejudice the function of the area.

In addition, the proposal is contrary to National Planning Framework 4 Policy 27 and the Town Centre First Approach, as it has not been adequately demonstrated that the proposed uses cannot be accommodated within the town centre or edge of centre or that there will be no significant adverse effect on the vitality and viability of the town centre; the proposal would set an undesirable precedent when town centres should be supported.

- 2 The proposal is contrary to Policy ED1 of the Local Development Plan 2016 in that the proposal would result in the loss of safeguarded business and industrial land and the Class 1 and Class 10 uses are not compatible with the predominant surrounding uses and would set an undesirable precedent for other retail uses, which are more suited to town centre locations, prejudicing the long term provision of business and industrial land in Kelso.

In addition, the proposal is contrary to Policy ED3 of the Local Development Plan 2016, which seeks to develop and enhance the role of town centres by guiding retail development to town centres.

“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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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 100618714-001

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 change of use for Units 8-2 & 8-3 to mixed use including Class 10

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

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): *

Please explain why work has taken place in advance of making this application: * (Max 500 characters)

There has been no physical change to the premises relating to this proposed change of use; this relates to a current tenant of two specified units & their business operations.

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:	Ray Cherry Architect		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Ray	Building Name:	Hillmount Cottage
Last Name: *	Cherry	Building Number:	1
Telephone Number: *	07800 749806	Address 1 (Street): *	Main Street
Extension Number:		Address 2:	Birgham
Mobile Number:		Town/City: *	Coldstream
Fax Number:		Country: *	Scotland
		Postcode: *	TD12 4NE
Email Address: *	info@raycherry-architect.co.uk		

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:	Unit 1
First Name: *		Building Number:	
Last Name: *		Address 1 (Street): *	Pinnaclehill Industrial Estate
Company/Organisation	U-Stor Business Uits Ltd	Address 2:	
Telephone Number: *		Town/City: *	Kelso
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	TD5 8DW
Fax Number:			
Email Address: *	info@raycherry-architect.co.uk		

Site Address Details

Planning Authority:

Scottish Borders Council

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

Address 1:

ANCROFT TRACTORS LTD

Address 2:

SPYLAW ROAD

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

KELSO

Post Code:

TD5 8DN

Please identify/describe the location of the site or sites

Northing

633073

Easting

372873

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

2088.00

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)

use classes 4,5 & 6. The units were previously used as workshops & storage / distribution

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

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)

This is not applicable: the application relates to the internal use of 2No units only & reflects a change of use that requires no additional disposal, or other, infrastructure.

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

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: Ray Cherry

On behalf of: U-Stor Business Uits Ltd

Date: 24/02/2023

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

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

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

Provide copies of the following documents if applicable:

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

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

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 Ray Cherry

Declaration Date: 24/02/2023

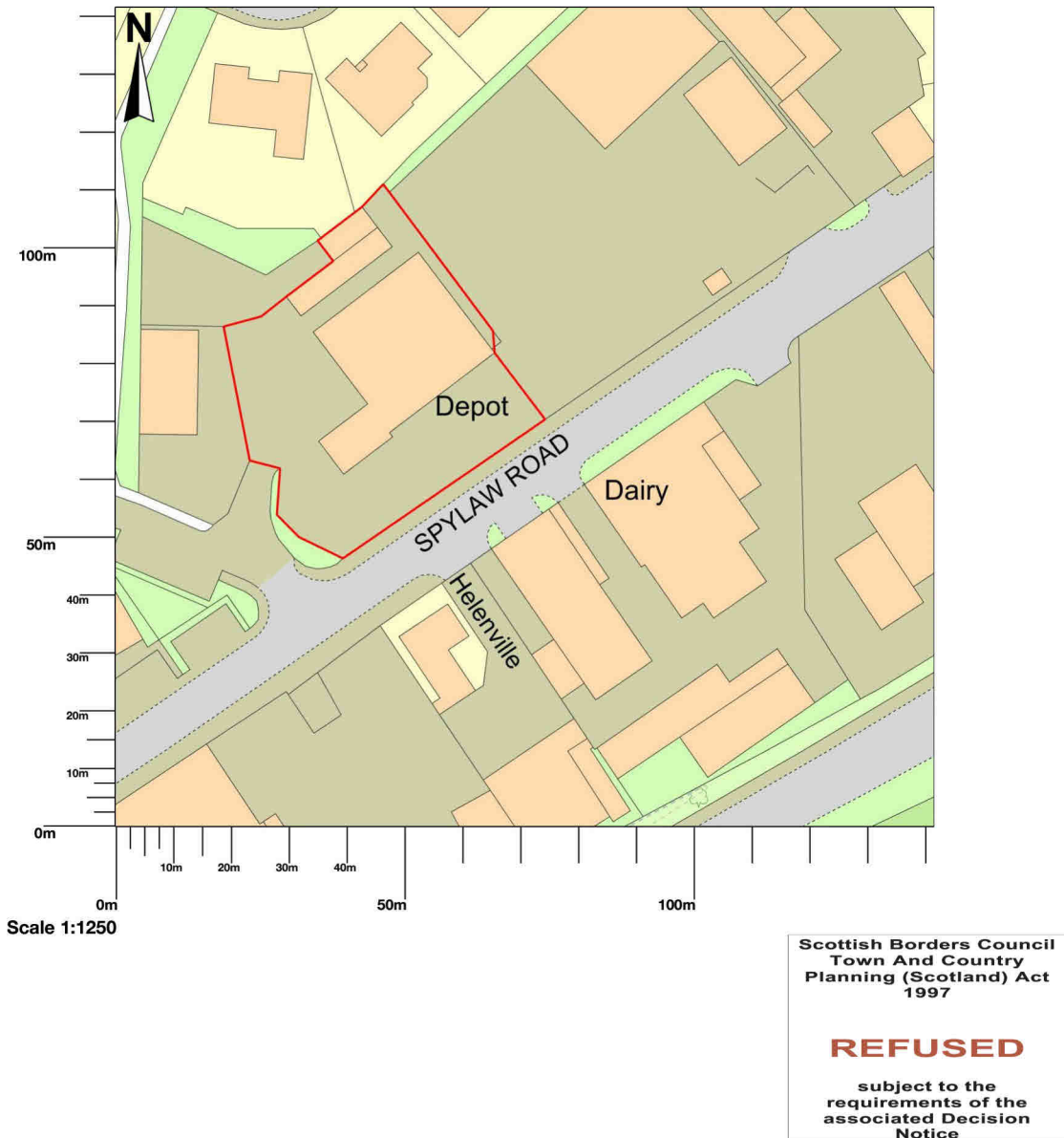
Payment Details

Online payment: XM0100006846
Payment date: 27/02/2023 11:32:00

Created: 27/02/2023 11:32

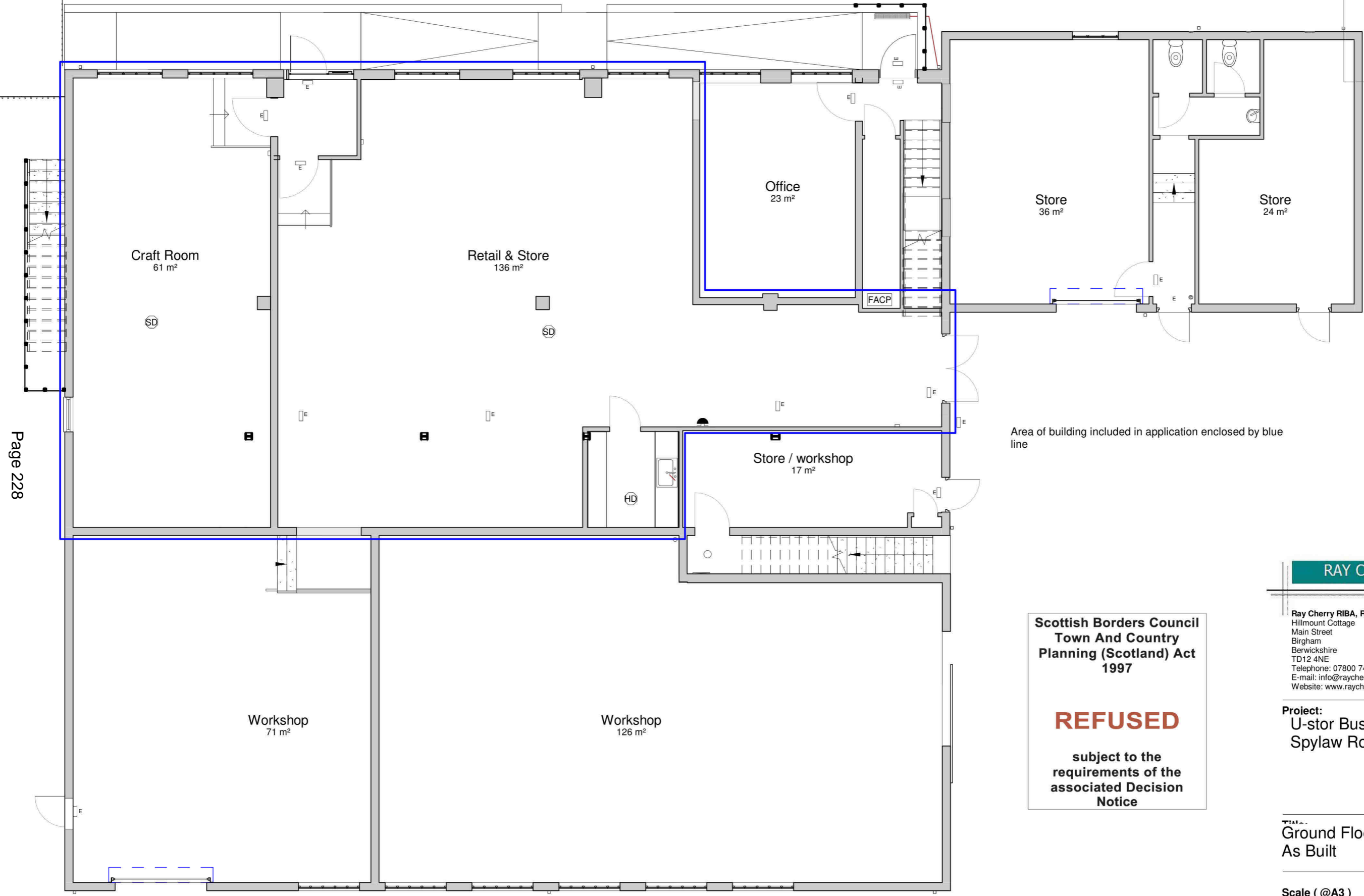
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Unit 9-6, U-Stor Business Units, Spylaw Road, Kelso, TD5 8DN



Map area bounded by: 372823,632987 372965,633129. Produced on 10 April 2021 from the OS National Geographic Database. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2021. Supplied by UKPlanningMaps.com a licensed OS partner (100054135). Unique plan reference: p2cuk/609816/827031

There are no issues associated with this drawing - information is generally "as-built"



Area of building included in application enclosed by blue line

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

REFUSED

subject to the
requirements of the
associated Decision
Notice

RAY CHERRY ARCHITECT

Ray Cherry RIBA, RIAS, IMAPS
Hillmount Cottage
Main Street
Birgham
Berwickshire
TD12 4NE
Telephone: 07800 749 806
E-mail: info@raycherry-architect.co.uk
Website: www.raycherry-architect.co.uk

Project:
U-stor Business Units Ltd
Spylaw Road, Kelso

Ground Floor Plan -
As Built

Scale (@A3) 1 : 100

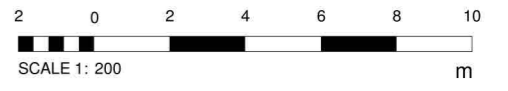
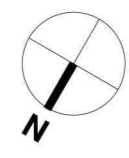
Date: February 2023	Project No.: 22-016
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Drg. No.: 201	Rev.: P1
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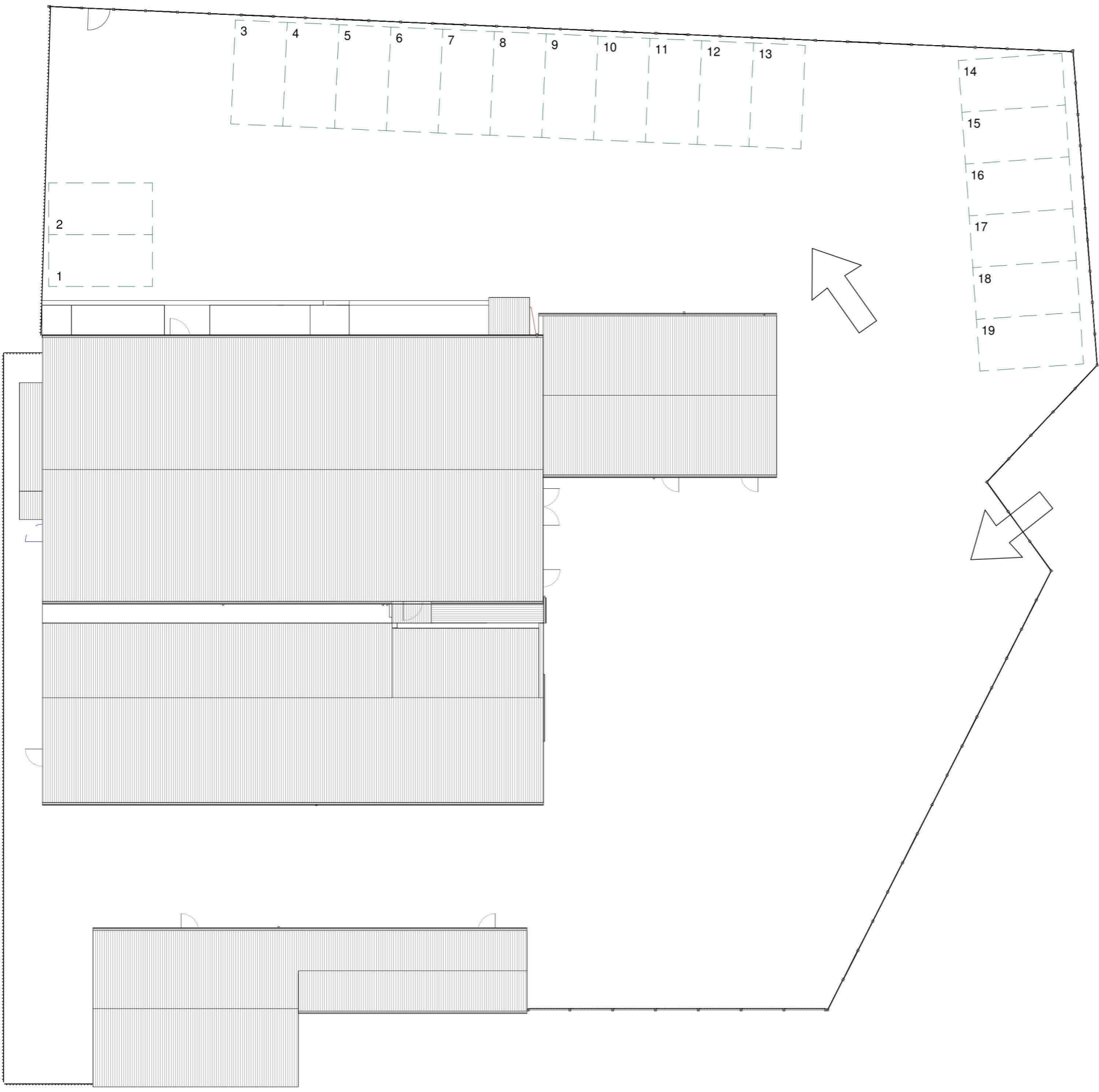
23/00325/FUL
26/04/2023

Health & Safety Information

There are no issues associated with this drawing - information is generally "as-built"



Car parking spaces shown.
NB some of this area was used previously for container storage which has since been removed.



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RAY CHERRY ARCHITECT

Ray Cherry RIBA, RIAS, IMApS
Hillmount Cottage
Main Street
Birgham
Berwickshire
TD12 4NE
Telephone: 07800 749 806
E-mail: info@raycherry-architect.co.uk
Website: www.raycherry-architect.co.uk

Project:
U-stor Business Units Ltd
Splylaw Road, Kelso

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

REFUSED

subject to the
requirements of the
associated Decision
Notice

**Site Plan Showing
Parking**

Scale (@A3) 1 : 200

Date: March 2023 Project No.: 22-016

Drg. No.: 301 Rev.: P1

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Regulatory Services

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference : 14/00712/FUL

To : U-Stor Business Units Ltd 12 Kings Croft Kelso TD5 7NU

With reference to your application validated on **24th June 2014** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Change of use and alterations to form storage area on ground floor and meeting area for amateur operatic society on first floor

at : Former Ancroft Tractors Ltd Spylaw Road Kelso Scottish Borders TD5 8DN

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

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

**Dated 22nd August 2014
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



.....
Service Director Regulatory Services

APPLICATION REFERENCE : 14/00712/FUL
Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
US-SP2 SHEET 1	Location Plan	Approved
US-SP2 SHEET 2	Floor Plans	Approved
US-SP2 SHEET 3	Elevations	Approved
STORE, YARDS AND PARKING	Floor Plans	Approved

REASON FOR DECISION

Subject to compliance with the noted planning conditions, the proposed development is considered to comply with relevant development plan policies pertaining to changes of use on allocated employment sites, and the display of advertisements, principally, policies.

SCHEDULE OF CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 2 The area identified on the first floor of the approved plans is to be used as storage, rehearsal and meeting space for an operatic society, and for no other purpose other than Class 6 (Storage) of the Town and Country Planning (Use Classes) (Scotland) Order, unless first subject to a successful application for planning permission.
Reason: To maintain effective control over the future use of this part of the application building, in the interests of ensuring that any future use remains compatible with adjoining storage use within the application building, and with adjoining land uses.
- 3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved details.
- 4 The area allocated for parking on the submitted plan shall be properly consolidated, surfaced and drained before the use of the site commences, and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.
Reason: To ensure there is adequate space within the site for the parking of vehicles clear of the highway.

FOR THE INFORMATION OF THE APPLICANT

It should be noted that:

Attention is drawn to the Consultation Reply of the Council Contaminated Land Officer, as follows:

" The site is recorded as having previously been operated as a sawmill and depot. This land use is potentially contaminative and may have resulted in land contamination which could affect the welfare of users, the value of the property, and the liabilities the owner/ occupier may have. The land is not currently identified as contaminated land and the Council is not aware of any

information which indicates the level of risk the potential contamination presents. The requirement for a full site assessment and potential remediation may not be practical or proportionate given the nature of the application and it is recommended that the applicant is advised of potential land contamination issues by way of an Informative Note. The historic use of the site is recorded within a Council database. This database is used to prioritise land for inspection within the Council's Contaminated Land duties. Should the applicant wish to discuss these duties their enquiry should be directed to Environmental Health. "

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

Notice of Initiation of Development

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

Notice of Completion of Development

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

When planning permission is granted for phased development then under section 27B(2) the permission is to be granted subject to a condition that as soon as practicable after each phase, other than the last, is completed, the person carrying out the development is to give notice of that completion to the planning authority.

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

Transco, Susiephone Department, 95 Kilbirnie Street, Glasgow, G5 8JD

Scottish Power, Riccarton Mains Road, Currie, Edinburgh, EH14 5AA

Scottish Water, Developer Services, 419 Balmore Road, Possilpark, Glasgow G22 6NU

British Telecom, National Notice Handling Centre, PP404B Telecom House, Trinity Street, Stoke on Trent, ST1 5ND

Scottish Borders Council, Street Lighting Section, Council HQ, Newtown St Boswells, Melrose, TD6 0SA

Cable & Wireless, 1 Dove Wynd, Strathclyde Business Park, Bellshill, ML4 3AL

BP Chemicals Ltd, PO Box 21, Bo'ness Road, Grangemouth, FK2 9XH

THUS, Susiephone Department, 4th Floor, 75 Waterloo Street, Glasgow, G2 7BD

Susiephone System – **0800 800 333**

If you are in a Coal Authority Area (Carlops or Newcastleton), please contact the Coal Authority at the following address: The Coal Authority 200 Lichfield Lane, Berry Hill, Mansfield, Nottinghamshire NG18 4RG.

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TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference : 14/01047/FUL

**To : U-STOR Business Units Ltd 12 Kingscroft Scottish Borders Kelso Scottish Borders
TD5 7NU**

With reference to your application validated on **18th September 2014** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Part change of use from storage to form furniture manufacturing unit


**at : Store 8 U-STOR Business Units Ltd Spylaw Road Kelso Scottish Borders
TD5 8DN**

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

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

**Dated 14th November 2014
Planning and Regulatory Services
Environment and Infrastructure
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed



.....
Head of Planning and Regulatory Services

APPLICATION REFERENCE : 14/01047/FUL

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
US-SP2 SHEET5	Block Plans	Approved

REASON FOR DECISION

Subject to compliance with the noted planning conditions, the proposed development is considered to comply with relevant development plan policies pertaining to changes of use on allocated employment sites.

SCHEDULE OF CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 2 The change of use to class 5 manufacturing hereby approved is limited to the area highlighted in red on approved plan US-SP2 SHEET 5.
Reason: To maintain effective control over the development, and to ensure compatibility with neighbouring uses.

FOR THE INFORMATION OF THE APPLICANT

It should be noted that:

- 1 It should be noted that:

1 Attention is drawn to the Consultation Reply of the Council Contaminated Land Officer, as follows:

"The site is recorded as having previously been operated as a sawmill and depot. This land use is potentially contaminative and may have resulted in land contamination which could affect the welfare of users, the value of the property, and the liabilities the owner/ occupier may have. The land is not currently identified as contaminated land and the Council is not aware of any information which indicates the level of risk the potential contamination presents. The requirement for a full site assessment and potential remediation may not be practical or proportionate given the nature of the application and it is recommended that the applicant is advised of potential land contamination issues by way of an Informative Note. The historic use of the site is recorded within a Council database. This database is used to prioritise land for inspection within the Council's Contaminated Land duties. Should the applicant wish to discuss these duties their enquiry should be directed to Environmental Health. "

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

Notice of Initiation of Development

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

Notice of Completion of Development

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

When planning permission is granted for phased development then under section 27B(2) the permission is to be granted subject to a condition that as soon as practicable after each phase, other than the last, is completed, the person carrying out the development is to give notice of that completion to the planning authority.

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

Transco, Susiephone Department, 95 Kilbirnie Street, Glasgow, G5 8JD
Scottish Power, Riccarton Mains Road, Currie, Edinburgh, EH14 5AA
Scottish Water, Developer Services, 419 Balmore Road, Possilpark, Glasgow G22 6NU
British Telecom, National Notice Handling Centre, PP404B Telecom House, Trinity Street, Stoke on Trent, ST1 5ND
Scottish Borders Council, Street Lighting Section, Council HQ, Newtown St Boswells, Melrose, TD6 0SA
Cable & Wireless, 1 Dove Wynd, Strathclyde Business Park, Bellshill, ML4 3AL
BP Chemicals Ltd, PO Box 21, Bo'ness Road, Grangemouth, FK2 9XH
THUS, Susiephone Department, 4th Floor, 75 Waterloo Street, Glasgow, G2 7BD
Susiephone System – **0800 800 333**

If you are in a Coal Authority Area (Carlops or Newcastleton), please contact the Coal Authority at the following address: The Coal Authority 200 Lichfield Lane, Berry Hill, Mansfield, Nottinghamshire NG18 4RG.

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

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

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TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference : 11/00028/FUL

**To : Merlin Veterinary Group per Edwin Thompson & Co (Berwick) 44/48 Hide Hill Berwick
Upon Tweed TD15 1AB**

With reference to your application validated on **12th January 2011** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Change of use from farm machinery sales and alterations to form veterinary practice

at : Ancroft Tractors Ltd Spylaw Road Kelso Scottish Borders TD5 8DN

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

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

**Dated 21st February 2011
Planning and Economic Development
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed

.....
Head of Planning and Regulatory Services

APPLICATION REFERENCE : 11/00028/FUL

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
M347(A).15	Elevations	Approved
M347.02	Existing Elevations	Approved
M347.100	Location Plan	Approved

REASON FOR DECISION

The proposed development is considered to comply with the provisions of the development plan permitting exceptional approvals on employment land. No matters have been raised during the processing of the application which would lead to a conclusion to refuse consent.

SCHEDULE OF CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 2 Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the buildings have been submitted to and approved in writing by the Local Planning Authority, and thereafter no development shall take place except in strict accordance with those details.
Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
- 3 Prior to application, the paint colour of the new timber window frames is to be submitted to and agreed in writing by the Planning Authority. Thereafter the development is to be carried out in accordance with the agreed details.
Reason: To maintain effective control over the development.
- 4 The premises shall be used for as a veterinary practice and for no other purpose (including any other purpose in Class 2 of the Schedule to the The Town and Country Planning (Use Classes) (Scotland) Order 1997, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).
Reason: To ensure that the use remains compatible within the site.
- 5 Prior to any development commencing on site, a scheme will be submitted by the Developer (at their expense) to identify and assess potential contamination on site.
No construction work shall commence until such scheme has been submitted to, and approved, by the Council, and is thereafter implemented to like satisfaction.
The scheme shall contain details of proposals to investigate and remediate potential contamination and must include:-
 - a) A desk study and development of a conceptual site model, measurement of pollutant linkages through a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents. The scope and method of

this investigation to be agreed in advance with the Council, and be undertaken in accordance with PAN 33 (2000) and BS10175:2001.

- b) 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).
- c) Submission of a Validation Report (should remedial action be required) by the competent person employed by the developer who will validate and verify the completion of works to a satisfactory standard as agreed with the Council.
- d) Submission, if necessary, of monitoring statements at periods to be agreed with the Council for such time period as is considered appropriate by the Council.

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

Reason: To ensure that the potential for health risk arising from any identified land contamination has been adequately addressed.

FOR THE INFORMATION OF THE APPLICANT

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

Notice of Initiation of Development

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

Notice of Completion of Development

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

When planning permission is granted for phased development then under section 27B(2) the permission is to be granted subject to a condition that as soon as practicable after each phase, other than the last, is completed, the person carrying out the development is to give notice of that completion to the planning authority.

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

Transco, Susiephone Department, 95 Kilbirnie Street, Glasgow, G5 8JD
Scottish Power, Riccarton Mains Road, Currie, Edinburgh, EH14 5AA
Scottish Water, Developer Services, 419 Balmore Road, Possilpark, Glasgow G22 6NU
British Telecom, National Notice Handling Centre, PP404B Telecom House, Trinity Street, Stoke on Trent, ST1 5ND

Scottish Borders Council, Street Lighting Section, Council HQ, Newtown St Boswells, Melrose, TD6 0SA

Cable & Wireless, 1 Dove Wynd, Strathclyde Business Park, Bellshill, ML4 3AL

BP Chemicals Ltd, PO Box 21, Bo'ness Road, Grangemouth, FK2 9XH

THUS, Susiephone Department, 4th Floor, 75 Waterloo Street, Glasgow, G2 7BD

Susiephone System – 0800 800 333

If you are in a Coal Authority Area (Carlops or Newcastleton), please contact the Coal Authority at the following address: The Coal Authority 200 Lichfield Lane, Berry Hill, Mansfield, Nottinghamshire NG18 4RG.

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

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

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference : 07/00037/FUL

To : Castlegate Nursery 161B Roxburgh Street Kelso Scottish Borders TD5 7DU

With reference to your application validated on **9th January 2007** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Change of use of factory to childrens nursery

at : Peter Scott & Co Ltd Spylaw Road Kelso Scottish Borders TD5 8DN

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

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

**Dated 21st March 2007
Planning and Economic Development
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed

.....
Head of Planning & Building Standards

Application reference : 07/00037/FUL

FOR THE INFORMATION OF THE APPLICANT

It should be noted that:

For the information of the applicant the Director of Technical Services stated that the applicant should take steps to ensure the children can be dropped off safely and be kept off the 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, 4th Floor, 75 Waterloo Street, Glasgow, G2 7BD

Susiephone System – **0800 800 333**



*Pinnaclehill Lodge
Sprouston Road
KELSO,
TD5 8ES*

*E-Mail :
kelsocommunityconcil@gmail.com*

18 April 2023

Planning Office
Scottish Borders Council
Council Headquarters
Newtown St Boswells
Melrose TD6 0SA

Dear Sirs

The following plan has been considered by the Kelso Community Council -

Planning 23/00325/FUL - Ancroft Tractors Ltd Spylaw Road Kelso Scottish Borders TD5 8DN. The Kelso Community Council supports the change of use of class 10 and class 1.

Yours sincerely

**Mrs S A Redgrave
KCC Councillor**

PLANNING CONSULTATION

To: EVH - Contaminated Land Officer

From: Development Management

Date: 20th March 2023

Contact: Euan Calvert ☎ 01835 826513

Ref: 23/00325/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 10th April 2023, 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 10th April 2023, 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: U-Store Business Units Ltd

Agent: Ray Cherry

Nature of Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Site: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

**CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Officer Name and Post:	Contact e-mail/number:		
	EVH - Contaminated Land Officer			
Date of reply	24 th March 2023	Consultee reference: 23/00502/PLANCO		
Planning Application Reference	23/00325/FUL	Case Officer: Euan Calvert		
Applicant	U-Store Business Units Ltd			
Agent	Ray Cherry			
Proposed Development	Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10			
Site Location	U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN			
<p><i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i></p>				
Background and Site description	The above application appears to be proposing the redevelopment of land which was previously operated as a saw mill and a depot. This land use is potentially contaminative and it is the responsibility of the developer to demonstrate that the land is suitable for the use they propose.			
Key Issues (Bullet points)				
Assessment	<p>It is recommended that planning permission should be granted on condition that development is not be permitted to start until a site investigation and risk assessment has been carried out, submitted and agreed upon by the Planning Authority.</p> <p>Any requirement arising from this assessment for a remediation strategy and verification plan would become a condition of the planning consent, again to be submitted and agreed upon by the Planning Authority prior to development commencing.</p>			
Recommendation	<input type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input checked="" type="checkbox"/> Do not object, subject to conditions	<input type="checkbox"/> Further information required
Recommended Conditions	<p>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.</p> <p>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.</p> <p>The scheme shall be undertaken by a competent person or persons in accordance</p>			

	<p>with the advice of relevant authoritative guidance including PAN 33 (2000) and BS10175:2011 or, in the event of these being superseded or supplemented, the most up-to-date version(s) of any subsequent revision(s) of, and/or supplement(s) to, these documents. This scheme should contain details of proposals to investigate and remediate potential contamination and must include:-</p> <ul style="list-style-type: none"> a) A desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of recommended further investigations shall be agreed with the Council prior to addressing parts b, c, d, and, e of this condition. <p>and thereafter</p> <ul style="list-style-type: none"> b) Where required by the desk study, undertaking a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents. c) Remedial Strategy (if required) to treat/remove contamination to ensure that the site is fit for its proposed use (this shall include a method statement, programme of works, and proposed validation plan). d) Submission of a Validation Report (should remedial action be required) by the developer which will validate and verify the completion of works to a satisfaction of the Council. e) Submission, if necessary, of monitoring statements at periods to be agreed with the Council for such time period as is considered appropriate by the Council. <p>Written confirmation from the Council, that the scheme has been implemented completed and (if appropriate), monitoring measures are satisfactorily in place, shall be required by the Developer before any development hereby approved commences. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Council.</p> <p>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.</p>
<p>Recommended Informatives</p>	

PLANNING CONSULTATION

To: Forward Planning Section

From: Development Management

Date: 20th March 2023

Contact: Euan Calvert ☎ 01835 826513

Ref: 23/00325/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 10th April 2023, 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 10th April 2023, 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: U-Store Business Units Ltd

Agent: Ray Cherry

Nature of Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Site: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

**CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Officer Name and Post:	Contact e-mail/number:
	Laura Bell (Planning Officer) Forward Planning Section	Laura.Bell@scotborders.gov.uk 01835 825064
Date of reply	28/03/2023	Consultee reference:
Planning Application Reference	23/00325/FUL	Case Officer: Euan Calvert
Applicant	U-Store Business Units Ltd	
Agent	Ray Cherry	
Proposed Development	Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10	
Site Location	U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN	
<p><i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i></p>		
Background and Site description	<ul style="list-style-type: none"> • The proposal is on an allocated business and industrial safeguarded site located within the Kelso development boundary • The site is classed as a 'local' site within Policy ED1 of the adopted Local Development Plan 2016 • The unit subject to this planning application is currently operating from the site and therefore this is a retrospective application 	
Key Issues (Bullet points)	<ul style="list-style-type: none"> • Compliance with adopted LDP (2016) Policy ED1 – 'Protection of Business and Industrial Land' • Consideration of Proposed LDP (2020) Policy ED1 'Protection of Business and Industrial Land' • National Planning Framework 4 (NPF4) Policy 26 • Other material considerations 	
Assessment	<p>This application is located at Spylaw Road/Station Road Industrial Estate, Kelso which is allocated as a Local Business and Industrial site (zEL205) within the Local Development Plan 2016 and is protected by Policy ED1 - Protection of Business and Industrial Land.</p> <p>This allocation has been carried forward into the Proposed Local Development Plan 2020 along with an updated version of Policy ED1. However there are a number of unresolved issues relating to Policy ED1 therefore the updated policy is not a material consideration at this stage consequently this application will be assessed against Policy ED1 contained within the adopted Local Development Plan 2016.</p> <p>In relation to the classification of this site, Policy ED1 states that '<i>development other than Classes 4, 5 and 6 are likely to be supported on local business and industrial sites</i>' and '<i>retail may be acceptable on local sites where they are located within or adjacent to town centres</i>'.</p> <p>Units 8-2 and 8-3 subject to this application are located on the ground floor and form part of a larger 'U-Stor' unit which has been subdivided over two floors to create a number of smaller individual units. It appears that there are a number of non-confirming uses within the building which do not appear to have planning consent including a beautician, sports massage therapist and various other office</p>	

	<p>accommodation.</p> <p>It should be noted that this is a retrospective planning application and the business is currently operating from these premises.</p> <p>This application proposes a change of use to class 1 and use class 10 uses. However the main use of the unit is retail with almost 70% of the total floor space being used for retail purposes. Whilst it is acknowledged some of the building is used for class 10 use, it is considered that overall the predominant use of the unit is use class 1.</p> <p>It is also acknowledged that within the industrial estate there are some established businesses which have a retail element however these sell bulky items that would not be appropriate or would be difficult to site within a town centre. It is not felt that the applicant has set out any exceptional circumstances explaining why it is necessary for the business to be located on an industrial estate.</p> <p>Although it is not yet a material consideration, the updated version of Policy ED1 within the Proposed Local Development Plan 2020 strengthens the argument that retail uses should not be located on industrial estates. The policy states that <i>'Shops and outright retail activities which are not considered to be complementary nor ancillary uses to the estate will not be allowed'</i>. As previously mentioned, this policy is subject to Examination with a decision expected in late spring/early summer however it does indicate the direction of travel that the Council are taking to not allow retail uses within allocated business and industrial sites.</p> <p>Policy 26 within National Planning Framework 4 (NPF4) supports development proposals for business and industry uses on sites allocated for those uses in the LDP. It is therefore important that such allocations are safeguarded for such uses as it would be most undesirable if future class 4, 5 and 6 businesses wished to locate and invest at Spylaw Road/Station Road and were unable to do so due to there being insufficient space to accommodate them.</p> <p>It is considered that by allowing a retail use within a safeguarded business and industrial site, it would set an undesirable precedent especially at a time when we are trying to support town centres. There are two similar businesses located within Kelso town centre and it is considered that this business could be located within a town centre retail unit and does not need to be located within the safeguarded business and industrial site (zEL205).</p> <p>As the location of this proposal is within a safeguarded business and industrial site which is not located within or adjacent to the town centre of Kelso it is contrary to Policy ED1.</p> <p>Consequently as the proposal does not comply with Policy ED1 of the adopted Local Development Plan, the Forward Planning Team cannot support the proposal.</p>			
Recommendation	<input checked="" type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input type="checkbox"/> Do not object, subject to conditions	<input type="checkbox"/> Further information required

Recommended Conditions	
Recommended Informatives	

**CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Roads Planning Service		
Officer Name, Post and Contact Details	Mark Payne Roads Planning Officer	mark.payne@scotborders.gov.uk 01835 825018	
Date of reply	15 th March 2023	Consultee reference:	
Planning Application Reference	23/00325/FUL	Case Officer: Euan Calvert	
Applicant	U-Store Business Units Ltd		
Agent	Ray Cherry		
Proposed Development	Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10		
Site Location	Ancroft Tractors Ltd Spylaw Road Kelso Scottish Borders TD5 8DN		
<i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i>			
Background and Site description			
Key Issues (Bullet points)			
Assessment	I have no objections to this proposal.		
Recommendation	<input type="checkbox"/> Object	<input checked="" type="checkbox"/> Do not object	<input type="checkbox"/> Do not object, subject to conditions
			<input type="checkbox"/> Further information required
Recommended Conditions			
Recommended Informatives			

Signed: AJS

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Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: A Stuber Rauch

Address: The Clayhouse, Friars, Jedburgh.

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
- 2 – Provides mental/education stimulation and therefore promotes well-being
- 3 – Accessible car parking making it easier for older patrons or those with heavy sewing machines to visit the premises.
- 4 – Beginning to encourage young people to attend, to learn skills which are being lost within main-stream education.
- 5 – Develops positive mental health as it is a warm, unbiased, safe place to have discussions.
- 6 – Toilet facilities provided when in group work
- 7 – Brings visitors from other areas to stay in hotels and B&Bs and to visit shops, restaurants and other small shops
- 8 – Sited within an already mixed location of retail sites and business units (many of which sell to the public)

9 – Precedent is already set business has been established for three years and is continuing to bring visitors to the area.

10 – Provides a warm welcome to all and promotes what all shops in a small borders town should be aiming to do

11 – Many of the patrons of the business have been involved in community projects which benefit Kelso

- A. Buying wool for poppies, then using the warm safe space to create items for the War Memorial
- B. Providing quilts to raffle which provide money/buy equipment for local causes, e.g. Borders Search and Rescue
- C. Involvement with making the Christmas decorations for the town hall and square. This would have been impossible without this space that this unit provides.

12 – Surely, closure is entirely contrary to the main purpose of SBC Planning Department which is to facilitate the business life of the area.

To this end I feel this application should be supported.

Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details: MRS & WI =

Name: MRS A WHITE

Address: 21 SPRINGWOOD BANK
KELSO.

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
- 2 – Provides mental/education stimulation and therefore promotes well-being
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25/3/23.

Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: AILEEN CALDER

Address: 19 WOODSIDE PARK
KELSO TD5 7RE.

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
- 2 – Provides mental/education stimulation and therefore promotes well-being
- 3 – Accessible car parking making it easier for older patrons or those with heavy sewing machines to visit the premises.
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To this end I feel this application should be supported.

Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mr Alan Cater

Address: 19 Cheviot View, Wark-on-Tweed TD12 4RF

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I believe the change of use of these two units to allow a retail and training amenity is to be welcomed. They are far enough away from the town centre to be of little detriment to existing businesses, and sit in an area where there are already trade and retail counters available in nearby operations. The current tenant has been able to increase her offer in a niche market, showing a positive trend, set against the current difficult market environment. I am sure that any landlord, allowed the opportunity to give choice in operational use to any future tenant would make renting easier and maintain occupancy. Surely this is better than empty units providing no income to anyone.

Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: ALAN COATES

Address: 55, THE AVENUE, EYEMOUTH, TD14 5EA

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
- 2 – Provides mental/education stimulation and therefore promotes well-being
- 3 – Accessible car parking making it easier for older patrons or those with heavy sewing machines to visit the premises.
- 4 – Beginning to encourage young people to attend, to learn skills which are being lost within main-stream education.
- 5 – Develops positive mental health as it is a warm, unbiased, safe place to have discussions.
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- A. Buying wool for poppies, then using the warm safe space to create items for the War Memorial
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12 – Surely, closure is entirely contrary to the main purpose of SBC Planning Department which is to facilitate the business life of the area.

To this end I feel this application should be supported.

Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mrs Alison Wilson

Address: 9 Broomlands Gardens, Kelso, Scottish Borders TD5 7SS

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I would like to add my name to the lengthy list of people who support this planning application.

Wonky Giraffe is a much needed and very busy outlet for crafters, quilters, knitters and crocheters alike. Whether for the experienced or for the novice, Wonky is a place where people can go to learn, share, discuss and show their ideas and projects.

Customers and friends of Wonky have been involved in many community projects which have promoted Kelso and generated a positive community spirit which is invaluable.

Louise has worked hard to stock her shop. She listens to what customers want and goes above and beyond to accommodate their needs. For these reasons I give my support for the application.

Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: ALLAN PETTIGREW

**Address: 23 ABBOTSCAT
KELSO
TD57LR**

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
- 2 – Provides mental/education stimulation and therefore promotes well-being
- 3 – Accessible car parking making it easier for older patrons or those with heavy sewing machines to visit the premises.
- 4 – Beginning to encourage young people to attend, to learn skills which are being lost within main-stream education.
- 5 – Develops positive mental health as it is a warm, unbiased, safe place to have discussions.
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- 8 – Sited within an already mixed location of retail sites and business units (many of which sell to the public)

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To this end I feel this application should be supported.



Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mr Andrew MacLean

Address: Unit 9-5, U-Stor Business Units, Spylaw Road Kelso, Scottish Borders TD5 8DN

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I am a tenant within the building where these changes are proposed. I see no material reason to object to these proposals. The business proposed provides two valuable services. One is that the retail element brings tourism to the area of Kelso, which has provided benefits to other businesses in the Town, where people have stayed overnight during visits.

Secondly, from being a tenant in the building I see people gathering socially and learning/doing a craft skill they enjoy. In a time of social mental health awareness bringing people together should be praised and not objected to. The customers of the business and the business owner are always polite and courteous, and I have never had any cause of concern with the use of the building.

The industrial area of Spylaw Road has a wide variety of businesses from offices, garages, a gym to retail ventures. This variety does not cause any material problems of access or traffic within the area, and USTOR Business Units has off-street parking, unlike other businesses on the Road. As a tenant I have never had an issue gaining access to the building or parking my vehicle in the off-street parking at the Unit.

I believe the change of use should be fully support as it benefits Kelso as a Town.

Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: ANN FORTUNE

**Address: 12 DEAN RD
SPROVSTON KELSO**

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
- 2 – Provides mental/education stimulation and therefore promotes well-being
- 3 – Accessible car parking making it easier for older patrons or those with heavy sewing machines to visit the premises.
- 4 – Beginning to encourage young people to attend, to learn skills which are being lost within main-stream education.
- 5 – Develops positive mental health as it is a warm, unbiased, safe place to have discussions.
- 6 – Toilet facilities provided when in group work
- 7 – Brings visitors from other areas to stay in hotels and B&Bs and to visit shops, restaurants and other small shops
- 8 – Sited within an already mixed location of retail sites and business units (many of which sell to the public)

9 – Precedent is already set business has been established for three years and is continuing to bring visitors to the area.

10 – Provides a warm welcome to all and promotes what all shops in a small borders town should be aiming to do

11 – Many of the patrons of the business have been involved in community projects which benefit Kelso

- A. Buying wool for poppies, then using the warm safe space to create items for the War Memorial
- B. Providing quilts to raffle which provide money/buy equipment for local causes, e.g. Borders Search and Rescue
- C. Involvement with making the Christmas decorations for the town hall and square. This would have been impossible without this space that this unit provides.

12 – Surely, closure is entirely contrary to the main purpose of SBC Planning Department which is to facilitate the business life of the area.

To this end I feel this application should be supported.

Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mrs ann gold

Address: 11 Ryecroft Park, Wooler, Northumberland NE71 6AS

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I fully support this application. The Wonky Giraffe is a very happy and friendly shop to visit. Louise is always so helpful and friendly. I would have to travel many miles to find the variety of craft materials she stocks. After a visit to the Wonky Giraffe I enjoy visiting the town centre to visit the shops, I don't think it would occur to me to make a specific visit to the shops in Kelso if I wasn't also making a trip to the Wonky Giraffe

Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: Anne Bird

**Address: 12 Queen's Road Wooler
NE71 6DR.**

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas**
- 2 – Provides mental/education stimulation and therefore promotes well-being**
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Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: ANNE DONALD

Address: 2 HARDY CLOSE

SWARLAND, NB UMBERLAND NE65 9PG

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
- 2 – Provides mental/education stimulation and therefore promotes well-being
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Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: *Barbara Edgar*

Address: *28 Beaumont Court
Samlaws
Heiton TD5 8JY*

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
- 2 – Provides mental/education stimulation and therefore promotes well-being
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5 Dornie Place,
Lochardil,
Inverness
IV2 4BY
Tel [REDACTED]

5th April 2023

Ewan Calvert, Esq.,
Planning Officer,
Scottish Borders Council,
St. Boswells.
TD6 0SA

Dear Sir,

Application Number 23/00325/FUL
U-Stor Business Units, Spylaw Road, Kelso.

I refer to the above application and wish to add my comments in support of the above application.

I regularly visit a friend in Jedburgh and look forward to a few trips to the Wonky Giraffe (business referred to in this application). I am made so welcome by the business owner. Groups were meeting there and the atmosphere was so warm and inviting. All age groups seem to be working and helping one another.

[REDACTED]

1. There is ample parking outside the facility, so no congestion on the road.
2. Other business are in the area, many of them with a retail element
3. I cannot see whose privacy is compromised.
4. Members of the groups meeting there told me that they also attended groups in Kelso and nearby villages.
5. Finally, I must add that visits to this business did not prevent me continuing into town for shopping and lunch.
I'm sure many others who come to shop there, do the same.

Yours faithfully,

[REDACTED] (CAR Page 277 DYER).

Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: *Catharina Laugstis*

Address: *2 Riverside Dr
Kelso
TD57RH*

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
- 2 – Provides mental/education stimulation and therefore promotes well-being
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Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mrs Chloe Brown

Address: Honeysuckle House, Teviot Road, Roxburgh Kelso, Scottish Borders TD5 8LZ

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I (28 year old female) attended a card making class at 'The Wonky Giraffe' with my 18 year old cousin which was brilliant. The tutors had come down from Edinburgh and commented they wouldn't have been able to run a class like this if it wasn't for the space available at 'The Wonky Giraffe'. It was a lovely relaxing environment and amazing to see women of all ages enjoying themselves. At the same time as this class was running I was introduced to a group of ladies who were part of a sewing group. I explained that I had been trying to get my sewing machine fixed for a while but Clothworks in town weren't able to help [REDACTED]

[REDACTED] my only option was to take it to Edinburgh which I hadn't had the time to do due to working full time. I was so very pleased to learn that this was something that 'The Wonky Giraffe' could help with.

On return to collect my machine a week later, I again met several women in the shop/ workshop who encouraged me to come along to the weekly drop-in session and offered to teach me how to sew.

I have learnt a new skill and it wouldn't have been possible without the combination of the shop and workshop space. The ladies have helped me to read patterns, purchase the right materials/ equipment and complete several projects.

This has been great for my mental health and one of the benefits of the shop being in the location it's in is it's easy to get parked making attendance stress free. I know this is also of benefit to some of the older users whose mobility isn't great, as the distance from the car park to the unit is short.

I do not believe that having this business out of the town centre is detrimental to the economic development of Kelso. In fact from what I have witnessed it is having the opposite effect. It is bringing people into the town. They are visiting and spending money on food & drink, accommodation and in other retail businesses. Kelso has a vibrant town centre with very few empty shops and to my knowledge none that would be a suitable size in comparison.

I have shopped at other retail businesses on this road - Country Corner (selling woman's and men's clothing, dog toys etc), Travis Perkins and Agriparts. There is also a food retailer, a gym and nursery so the argument that this is solely an industrial park is not true.

To refuse the change of use to this business would be a hypocritical decision and counterproductive to the ambition of fostering growth of local businesses.

Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: MISS DENISE McDONALD

Address: 17 EDENSIDE COURT
KELSO, TD5 7DQ

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
- 2 – Provides mental/education stimulation and therefore promotes well-being
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Comments for Planning Application 23/00325/FUL

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Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Diane Colvine

Address: 10 Gun Avenue, Earlston, Scottish Borders TD4 6EN

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I would like to support the planning application and was surprised to hear that there were objections to it.

Wonky Giraffe is a fantastic facility providing materials and accessories for many crafts and crafters. Louise provides a warm, friendly, welcoming environment to work or shop in and she is providing a haven for like minded crafters.

As someone who does not live in Kelso I enjoy coming to Wonky regularly to meet up with friends as part of a sewing group and I have participated in several of the classes provided by Louise, being introduced to new skills and crafts. Finally I must add that visits to this business does not prevent me continuing into the town centre for other items of shopping.

If Wonky Giraffe has to close it will be a great loss to Kelso and the surrounding community.

Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mrs Diane Garwood

Address: 34 Hendersyde Park, Kelso, Scottish Borders TD5 7TU

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: A valuable addition to Kelso offering retail and classes for all. In pleasant surroundings that are safe for all to use. It is already in a mixed location with varied other retail premises so cannot see the objection

Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details: 

Name: MRS. DOREEN HAVIS

Address: 6, BOWMONT COURT,
HEITON,
KELSO, TD5 8JY.

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
- 2 – Provides mental/education stimulation and therefore promotes well-being
- 3 – Accessible car parking making it easier for older patrons or those with heavy sewing machines to visit the premises.
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12 – Surely, closure is entirely contrary to the main purpose of SBC Planning Department which is to facilitate the business life of the area.

To this end I feel this application should be supported.

MRS. JOREEN HAVIS

6, BOWMONT COURT

HEITON

KELSO TD5 8JY



Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details: EDITH WATSON

Name: MISS EDITH WATSON

Address: GREENLEA,
FUYNDER PLACE
KELSO TD5 7EH.

Comment details:

Commenter type: Member of public (MEMBER OF QUIET GROUP. (ASBEY QUIGGERS))

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas ✓
- 2 – Provides mental/education stimulation and therefore promotes well-being ✓
- 3 – Accessible car parking making it easier for older patrons or those with heavy sewing machines to visit the premises. ✓
- 4 – Beginning to encourage young people to attend, to learn skills which are being lost within main-stream education. ✓
- 5 – Develops positive mental health as it is a warm, unbiased, safe place to have discussions. ✓
- 6 – Toilet facilities provided when in group work ✓
- 7 – Brings visitors from other areas to stay in hotels and B&Bs and to visit shops, restaurants and other small shops ✓
- 8 – Sited within an already mixed location of retail sites and business units (many of which sell to the public) ✓

9 – Precedent is already set business has been established for three years and is continuing to bring visitors to the area. ✓

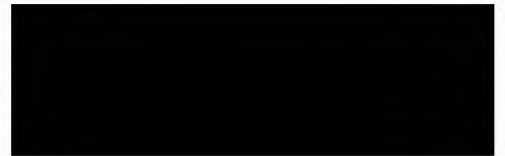
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Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details: ELAINE PETTIGREW.

Name: 23 ABBOTSEAT

Address: KELSO TD5 7LR

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
- 2 – Provides mental/education stimulation and therefore promotes well-being
- 3 – Accessible car parking making it easier for older patrons or those with heavy sewing machines to visit the premises.
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Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: *Mrs Eleanor Gibson*

Address: *61, Abbotseat, Kelso TD57LS.*

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
- 2 – Provides mental/education stimulation and therefore promotes well-being
- 3 – Accessible car parking making it easier for older patrons or those with heavy sewing machines to visit the premises.
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12 – Surely, closure is entirely contrary to the main purpose of SBC Planning Department which is to facilitate the business life of the area.

To this end I feel this application should be supported.

*Ms Eleanor Gibson,
61, Abbotsseat,
Kelso. TDS 725*

Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mrs Evelyn Ball

Address: Skirza House, Freswick, Wick KW1 4XX

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I would like to express my total support for this planning application. It is an amazing facility & hub for the local community from what I gather. For me it offered a weeks quilting retreat as well as encouraging me to experience everything else that Kelso and the Border region has to offer. I dined in some excellent restaurants, shopped in really lovely gift shops, sampled delicious local bakery treats & stayed in a most comfortable & welcoming B&B. I also found the Kelso Mill & took home two sacks of oatmeal & porridge oats, visited the wonderful Great Tapestry of Scotland's & was captivated by the stunning countryside. So from an online customer I discovered the joy of a visit to the Borders. This is not just a quilting heaven it is a great promoter of all that the Scottish Borders has to offer.

Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mrs Fiona Graham

Address: 9 Hendersyde Avenue, Kelso, Scottish Borders TD5 7TZ

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

- Contrary to Local Plan

Comment: I support this planning application for this business based on the following

The area that this business is in has businesses of mixed use including educational, health and well being and retail premises.

The business concerned has had a huge impact on the local community since Covid by offering a safe environment for people to gather and share a great knowledge of sewing and crafting. The workshops are supported not only by local residents but by people from far and wide who also spend time in town by staying over locally and using other facilities.

This facility has helped many people with their health and well-being by meeting up in groups that Louise has facilitated and to break this continuity would be traumatic for some of the ladies who come here for company as much as learning new crafts.

Louise has built this business through hard work. She has time for everyone and is always polite, encouraging and welcoming as well as assisting people with projects due to her vast range of knowledge and experience.

If this planning permission is not granted I feel it would be detrimental to my own mental health and well being as I myself have had issues in the past and the ladies who attended the classes, along with Louise, were of great support to me when needed and continues to be so.

Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: FIONA MURPHY

Address: 20 MERCERS COURT
KELSO
TD5 7NF

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
- 2 – Provides mental/education stimulation and therefore promotes well-being
- 3 – Accessible car parking making it easier for older patrons or those with heavy sewing machines to visit the premises.
- 4 – Beginning to encourage young people to attend, to learn skills which are being lost within main-stream education.
- 5 – Develops positive mental health as it is a warm, unbiased, safe place to have discussions.
- 6 – Toilet facilities provided when in group work
- 7 – Brings visitors from other areas to stay in hotels and B&Bs and to visit shops, restaurants and other small shops
- 8 – Sited within an already mixed location of retail sites and business units (many of which sell to the public)

9 – Precedent is already set business has been established for three years and is continuing to bring visitors to the area.

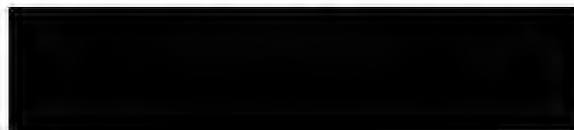
10 – Provides a warm welcome to all and promotes what all shops in a small borders town should be aiming to do

11 – Many of the patrons of the business have been involved in community projects which benefit Kelso

- A. Buying wool for poppies, then using the warm safe space to create items for the War Memorial
- B. Providing quilts to raffle which provide money/buy equipment for local causes, e.g. Borders Search and Rescue
- C. Involvement with making the Christmas decorations for the town hall and square. This would have been impossible without this space that this unit provides.

12 – Surely, closure is entirely contrary to the main purpose of SBC Planning Department which is to facilitate the business life of the area.

To this end I feel this application should be supported.



comment on or object to a planning app¹/
Scottish Border Council (scotborders.gov.uk)

Application number: 23/00325/FUL

(OY) ✓

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: FIONA WOOTTON

Address: 12 NORTHBURN VIEW
EYEMOUTH

} and a regular customer
of the Honky Giraffe.

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
- 2 – Provides mental/education stimulation and therefore promotes well-being
- 3 – Accessible car parking making it easier for older patrons or those with heavy sewing machines to visit the premises.
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To this end I feel this application should be supported.

Fiona Wootton

2.4.2023

In addition, I support a charity called 'Linus Project' which gives quilted blankets to sick children in hospital, and to disadvantaged children/children in refuges.

All my quilting materials are purchased at Monkey Giraffe.



Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: GEORGINA LAIRE

Address: BINNING HOUSE, DUNS ROAD
COLDSTREAM TD12 4DR

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
- 2 – Provides mental/education stimulation and therefore promotes well-being
- 3 – Accessible car parking making it easier for older patrons or those with heavy sewing machines to visit the premises.
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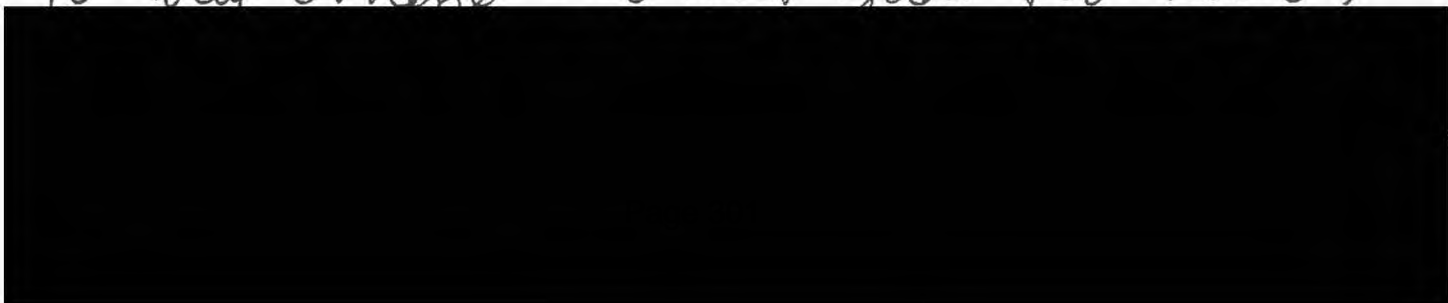
12 – Surely, closure is entirely contrary to the main purpose of SBC Planning Department which is to facilitate the business life of the area.

To this end I feel this application should be supported.



20/3/2023

If you close the Monkey Giraffe down you leave us with nowhere to buy supplies locally and we will be forced to buy online - is that good for Kelso?



Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: Proposed change of use for units 8-2 and 8-3 to mix use to include classes 1 and 10.

Case Officer: Euan Calvert

Customer details:

Gill Foggin
2 Greenhill Farm Cottages
Greenhill
Bamburgh
Northumberland
NE69 7AU

Comment details:

Comment Type: Member of the Public

Comment Reasons:

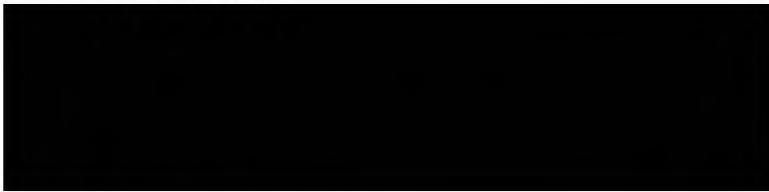
1. Supports local Kelso people and those from the surrounding areas.
2. Provides mental / education stimulation and therefore promotes well-being.
3. Accessible car parking making it easier for older patrons or those with heavy sewing machines to visit the premises.
4. Beginning to encourage young people to attend. To learn skills which are being lost in mainstream education.
5. Develops positive mental health and wellbeing as it is in a warm, unbiased, secure environment enabling a safe place to have discussions.
6. Toilet / washroom facilities provided when in group work.
7. Brings visitors from other areas into the locality encouraging inter-trading and visitor spend in the local area at hotels, B&Bs and spending in shops, restaurants and other providers.
8. Sited within an already mixed location of retail sites and business units (many of which sell to the public).
9. Precedent is already set as the business has been established for three years and is continuing to bring visitors to the area.
10. Provides a warm welcome to all and promotes what shops in a small Borders town should be aiming to do.
11. Many of the patrons of the business have been involved in community projects which benefit Kelso:

- Buying wool for poppies, then using the warm, safe space to create items for the War Memorial.
- Providing high-quality quilts to raffle which raises funds for local causes e.g. Borders Search & Rescue
- Involvement with making Christmas decorations for the Town Hall and Square. This would have been impossible without this space that the unit provides.

12. Surely closure is entirely contrary to the main purpose of the SBC Planning Department which is to facilitate the business life of the area.

To this I feel this application should be supported.

Yours faithfully,



Gill Foggin

Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: Hazel Nisbet

Address: Eids - Uis
Main Street
HEITON

KELSO

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
- 2 – Provides mental/education stimulation and therefore promotes well-being
- 3 – Accessible car parking making it easier for older patrons or those with heavy sewing machines to visit the premises.
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To this end I feel this application should be supported.



Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mrs Heather Skerven

Address: 3 Pinnaclehill Park, Kelso, Scottish Borders TD5 8HA

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

- Contrary to Local Plan

Comment: Support of planning application

It would be highly detrimental to many people, both locally and from further afield if this application were not supported.

Despite the fact that this facility is not in the town centre its impact is very positive

Ladies and partners, groups of ladies who have discovered the place on the internet travel to visit the shop, then "make a day " of it by going into Kelso for coffee, lunch etc, as do those who make a longer stay for a weekend.

Far from being detrimental, it brings further revenue into town shops, cafes, hotels etc, especially when small friendship groups have been formed and these ladies go from their class out for lunch or coffee on a weekly basis.

As a community one of the biggest considerations is the important role it plays in providing a safe warm space where people can meet, there are not many smaller local shops which can actually do this.

Because of its size and layout, it enables people to come, not only to shop and chat but also for mental stimulation through planned group workshops or through small informal weekly groups, where knowledge and skills are shared in a friendly, non-judgemental space, allowing those who may otherwise be alone to meet with others, be stimulated through crafts with like-minded people. Spylaw road itself has a wide variety of businesses, offices, garages, groomers, and sandwich shops all of which bring traffic to the area.

The U-Stor building has its own off-street parking which removes the need for parking on the road and therefore does not add any congestion to the area

As a visitor to any classes or groups toilets are provided and a small kitchen area is available for those simply wishing to chat and keep warm or to actually partake in a group activity

There are other shops of a similar nature in the town centre but whilst similar, are not providing

identical services, especially the socialisation aspect of the experience, which is so important for mental well-being,.Co-operation and tolerance between the shop owners should build on the experience for visitors and be an advantage not a detriment to those involved, this, in turn, should enhance the Kelso experience

To this end I believe a change of use should be fully supported as it draws people into the area from further afield, more visitors means more revenue for the local council and community.

For the attention of Euan Calvert

On behalf of the ladies who frequent The Wonky Giraffe we would like to add our individual support to Application number 23/00325/FUL.

Many of the ladies who attend The Wonky Giraffe do not have an email account or a computer and knew nothing of this. However, upon hearing about the application above they felt so strongly about it that they wanted to pass on their support, and have done so by individually signing the attached documents.

There are a wide range of business along Spylaw Road, including retail businesses and we do not see how this is any different to these. Country Corner, Travis Perkins, ABL, The Food Company, The Raw Company all sell to the public. Kelso Community Council has deemed this to be protected as an industrial site. How is this possible when you have approved a gymnasium and a nursery, which clearly aren't industrial. Country Corner has only recently opened its whole top floor to host a women's, men's and children's clothing sections, it is huge. It is a great asset to the town and people come from the surrounding area to visit here, Sainsburys, and then pop into the town for the rest of their shopping. There are also houses along this street. We understand the need to protect industrial areas, to create employment, but for Kelso they have a huge area behind Sainsburys and have recently built more units over the back. When Sainsburys was built there was a huge outcry that that would kill the town centre and it has done nothing of the sort. This retail business was approved to be built on 'industrial' land, but it fits in very well with the layout of Kelso. We feel very strongly that if this application was to be rejected then all the other business that claim to be non-retail (or a very small %) should be reviewed.

Heather Skerven
3 Pinnaclehill Park
Kelso
Scottish Borders
TD5 8HA

Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: Isa Scott

Address: 19, Blakenhope Court, Tweedbank Galashiels TD1 3RB

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
- 2 – Provides mental/education stimulation and therefore promotes well-being
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12 – Surely, closure is entirely contrary to the main purpose of SBC Planning Department which is to facilitate the business life of the area.

To this end I feel this application should be supported.



Isa. Scott.

19 Blakenhope Court.

Tweedbank,

Galashiels TD1 3RB

Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mrs Isobel Riley

Address: 2 East Haugh, Birgham, Coldstream, Scottish Borders TD12 4FG

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: The Wonky Giraffe is a huge asset for Kelso. The only other outlet in the area is only open for very restricted hours and the next available place is Melrose which is much smaller and cannot offer the range of goods or the use as an amenity for classes, workshops and get together of like minded people. It has grown in popularity and is no problem to access. There is easy parking too. There are other shops in the area and access whether in a car or on foot is easy. There is not the time restriction as in town which is great for the classes etc. Supplies for projects are on hand for or after workshops when one has been inspired to try something new which otherwise would require waiting for the town centre shop to be open or travelling 40 miles for me. I am quite sure that people travel a distance to this shop as its reputation grows. They will then go on into town to enjoy the rest of their day with the facilities in Kelso. I believe the Wonky Giraffe is an asset to Kelso and refusing the change of use of the unit is both short sighted and would be a great loss for many people.

Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: JACQUELINE PURVES

Address: 11, INCH PARK
KELSO TD5 7EQ

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
- 2 – Provides mental/education stimulation and therefore promotes well-being
- 3 – Accessible car parking making it easier for older patrons or those with heavy sewing machines to visit the premises.
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12 – Surely, closure is entirely contrary to the main purpose of SBC Planning Department which is to facilitate the business life of the area.

To this end I feel this application should be supported.



Piperwood
Monklaw,
Jedburgh,
Roxburghshire.
TD8 6SJ

Tel: [REDACTED]

Mob: [REDACTED]

Email [REDACTED]

3rd April 2023.

Euan Calvert, Esq.,
Planning Officer,
Planning Department,
Scottish Borders Council,
St. Boswells,
Scottish Borders

Dear Sir,

Re. Application No 23/00325.FUL
U-Stor Business Units, Spylaw Road, Kelso.
Proposed Change of use for Units, Spylaw Road, Kelso.

I refer to the above and wish to add my comments in support of the above application.

Firstly, I am surprised that anyone would object to a business which is such a bonus to a small town
[REDACTED]

- 1) This business is situated in an area where there are several other business with a retail element.
- 2) There is ample off road parking and so causes no congestion.
- 3) There does not appear to be much nearby private housing to cause a privacy problem.
- 4) I understand that toilet facilities are available when classes are being held.
- 5) There do not appear to be many retail outlets in the Borders selling similar goods and training opportunities and therefore Kelso is well able to support this business [REDACTED]
- 6) As far as I am aware the customers of this business who attend her classes also attend the classes held in Abbey Row and the village halls, so none of these suffer.

Finally, I must say that this lady's business provides not just a shopping trip but an experience! She is an extremely pleasant lady, so enthusiastic about what she offers and is encouraging young and old to come together to enjoy needlework in a warm welcoming environment. If she closes it will be Kelso's loss!

[REDACTED]
Jane C. Stuart.

Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mrs JANET RAMSDEN

Address: Kaimridge Kaimflat, Kelso, Scottish Borders TD5 7QN

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I would like to give my full support to the application there is no reason why the premisses cannot be retail and education, there are examples of this already on that road notably country corner and Agriparts which sell many of the same things sold in the town centre including clothes pet food and supplies and footwear and hardware. There is plenty of parking which is an issue in Kelso, people come from all over the Borders and beyond to the wonky Giraffe so it brings people to Kelso they often go into town to shop at the same time, there is nothing like it in the town there are no wool shops or shops dedicated to the sale and repair of sewing machines not to mention the classes she puts on for many different crafts, It is an asset to the town, In my opinion if Sainsburys can operate in that area with retail then how can you say no to a good local business that also supports lots of other businesses such as craft teachers, and sells local products from around the borders local crafters. It would be an absolute shame if it was not allowed to carry on.

Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mrs Janine Wilson

Address: Cairns House, Main Road, Stichill Kelso, Scottish Borders TD5 7TB

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I have been going to Wonky Giraffe since it opened and feel so lucky to have such a wonderful shop so close to where I live!

It's so lovely to be able to see and touch so many fabrics and haberdashery items instead of shopping online.

Louise has created a friendly bright spacious area where you can go and browse, shop or take a craft class.

It brings like minded people to the premises and provides a meet up point with friends and then coffee or lunch in the town.

We need to support Louise's wonderful business and all her hard work.

Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mrs Jennifer Redpath

Address: 14 High Croft, Kelso, Scottish Borders TD5 7ND

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I fully support this business.

I think the art of sewing is something that has been forgotten about in mainstream education. This lady has promoted well being and provided a safe space for people when sometimes they have felt lost. She has also supported various activities in the town such as the poppies and the Christmas decorations.

This unit is fantastic and it is full of businesses, who need more space, and gives them the chance to trade.

This business is still part of the town and Spylaw Road has many thriving businesses which I am sure this one only adds to. Kelso is more than the high street and like any thriving town, it is diverse and open to healthy competition within it.

Good luck to Louise and I really hope she is successful in her application.

Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: JOSIE SMEATON

**Address: 74 BRIDGEND PARK
WOOLER
NORTHUMBERLAND NE71 6QG**

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas**
- 2 – Provides mental/education stimulation and therefore promotes well-being**
- 3 – Accessible car parking making it easier for older patrons or those with heavy sewing machines to visit the premises.**
- 4 – Beginning to encourage young people to attend, to learn skills which are being lost within main-stream education.**
- 5 – Develops positive mental health as it is a warm, unbiased, safe place to have discussions.**
- 6 – Toilet facilities provided when in group work**
- 7 – Brings visitors from other areas to stay in hotels and B&Bs and to visit shops, restaurants and other small shops**
- 8 – Sited within an already mixed location of retail sites and business units (many of which sell to the public)**

9 – Precedent is already set business has been established for three years and is continuing to bring visitors to the area.

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- A. Buying wool for poppies, then using the warm safe space to create items for the War Memorial**
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12 – Surely, closure is entirely contrary to the main purpose of SBC Planning Department which is to facilitate the business life of the area.

To this end I feel this application should be supported.

Application number: 23/00325/FUL

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Proposal: Proposed change of use for units 8-2 and 8-3 to mix use to include classes 1 and 10.

Case Officer: Euan Calvert

Customer details:

Joy Massey
3 Greenhill Farm Cottages
Greenhill
Bamburgh
Northumberland
NE69 7AU

Comment details:

Comment Type: Member of the Public

Comment Reasons:

1. Supports local Kelso people and those from the surrounding areas.
2. Provides mental / education stimulation and therefore promotes well-being.
3. Accessible car parking making it easier for older patrons or those with heavy sewing machines to visit the premises.
4. Beginning to encourage young people to attend. To learn skills which are being lost in mainstream education.
5. Develops positive mental health and wellbeing as it is in a warm, unbiased, secure environment enabling a safe place to have discussions.
6. Toilet / washroom facilities provided when in group work.
7. Brings visitors from other areas into the locality encouraging inter-trading and visitor spend in the local area at hotels, B&Bs and spending in shops, restaurants and other providers.
8. Sited within an already mixed location of retail sites and business units (many of which sell to the public).
9. Precedent is already set as the business has been established for three years and is continuing to bring visitors to the area.
10. Provides a warm welcome to all and promotes what shops in a small Borders town should be aiming to do.
11. Many of the patrons of the business have been involved in community projects which benefit Kelso:

- Buying wool for poppies, then using the warm, safe space to create items for the War Memorial.
- Providing high-quality quilts to raffle which raises funds for local causes e.g. Borders Search & Rescue
- Involvement with making Christmas decorations for the Town Hall and Square. This would have been impossible without this space that the unit provides.

12. Surely closure is entirely contrary to the main purpose of the SBC Planning Department which is to facilitate the business life of the area.

To this I feel this application should be supported.

Yours faithfully,



Joy Massey

Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mrs Judith Ziolkowski

Address: 50 Inchmead Crescent, Kelso, Scottish Borders TD5 7LN

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Surely as per the Councils Economic Strategy small businesses such as this should be encouraged so as to promote economic growth and stability in Kelso and the Borders which is stated as being at the heart of your strategy and not obstructed

Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: MRS JUNE BARGH

Address: 16, RUTHERFORD SQUARE
KELSO TD5 7DD

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
- 2 – Provides mental/education stimulation and therefore promotes well-being
- 3 – Accessible car parking making it easier for older patrons or those with heavy sewing machines to visit the premises.
- 4 – Beginning to encourage young people to attend, to learn skills which are being lost within main-stream education.
- 5 – Develops positive mental health as it is a warm, unbiased, safe place to have discussions.
- 6 – Toilet facilities provided when in group work
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Comments for Planning Application 23/00325/FUL

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Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mrs June Bradley

Address: Bowmont Villa, Dean Road, Sprouston Kelso, Scottish Borders TD5 8HN

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I wish to support this application for change of use. The business using the units listed in the application is a major asset to the town of Kelso both as a community resource, as a draw to visitors from outside the area and to businesses within the town who benefit from extra trade generated by those drawn to visit by the growing reputation of this new business. Were this business put in a position of having to close its retail arm then I believe this would be entirely contrary to one of the main purposes of Scottish Borders Planning Department, which is to promote and facilitate the business life of the area.

The area in which the business is situated is in an area which already has a mixed range of businesses, including retail. The business does not constitute a departure from the character of the built environment in which it sits. In my view it would constitute a major injustice if a thriving business was truncated in its growth because of a refusal of change of use.

No objection has been raised by roads to the change of use. No objections have been raised by nearby businesses. The objections seem to constitute a feeling that an unfair competitive advantage is being gained. Competition is part of business. In the current economic climate it is for each business to find its way to thrive and make a profit. It is unfair to try to hamper a business from doing so on the basis that it competes with other similar businesses.

I strongly support this application for change of use.

Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: Karen Matthews

Address: 3, Pinnacle Farm Cottage
Ancrum
Jedburgh TD8 6UP

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
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To this end I feel this application should be supported.

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Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: *KAY BELL*

Address: *27 Liddesdale Crescent, Hawick TD9 0EX*

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
- 2 – Provides mental/education stimulation and therefore promotes well-being
- 3 – Accessible car parking making it easier for older patrons or those with heavy sewing machines to visit the premises.
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Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: MRS KAY MATTHEWS
Address: TEVIOTCLER, LANTON
JEDBURGH TD8 6SU

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
- 2 – Provides mental/education stimulation and therefore promotes well-being
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Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: Kirsten McNiff

Address: Walled Garden, Caerlee Estate
Inverleith EH44 6PX

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
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Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mrs Kirsty Robb

Address: 6 Pinnaclehill Park, Kelso, Scottish Borders TD5 8HA

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I am fully supportive of the applications as the services currently supplied within the two units are a real asset to the town of Kelso. They bring in visitors from out with the town and Borders area. These visitors also take the opportunity to visit our lovely town centre, thus bringing in extra much needed trade to the town. The facility is now known across the crafting community as a place to visit and has been featured in a number of magazines, promoting both the facilities and the wider town of Kelso

The facilities are also used by a wide variety of groups (both within and out with the town) providing a safe and welcoming place to visit and craft. There is a real sense of welcome and community, which is greatly needed with current mental health crises. The groups using the facilities have undertaken a number of community projects on behalf of the town and other charities. The town of Kelso has directly benefited from the hard work of the groups and individuals, without this facilities these projects may not have been possible.

As a visitor to the premises and someone who regularly walks around the area I have not experienced any difficulties with parking or noticed any traffic congestion or unsafe conditions. I have found the routes into the premises safe, with a gate in from the main road to provide pedestrians with easy access.

I also note within many of the industrial estates across the Borders are a real mix of and variety of business, which allows the Borders economy to flourish.

Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: Lesley Moir

Address: 11 Bell Tower Park, Berwick upon Tweed, TD15 1ND

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
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Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mrs Lorraine Elliot

Address: Ellwood, 12 Spylaw Park, Kelso, Scottish Borders TD5 8DS

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I fully support this business for several reasons. It is accessible for all age groups but particularly those in the upper age group, parking is easy and safe with no time limit. Louise has worked very hard indeed to make this a beautiful and friendly place to visit, as people now do from areas outwith The Borders, parking being one of optimal points. Can't image customers coming to somewhere where the parking is limited (if even available) and would of necessity incur walking from public parking which for some is very difficult, especially carrying goods back to your vehicle. Also there is the high rent and rates to be considered. Louise, in this venture, has given a lot of women a place to go and befriend others of a like-minded nature and she is to be applauded for this.

Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mrs Lorraine Young

Address: 6 Barony Park, Kelso, Scottish Borders TD5 8DJ

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:1 - Supports local Kelso people and those from surrounding areas

2 - Provides mental/education stimulation and therefore promotes well-being

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Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mrs Louise Whittle

Address: 56 Wallaceneuk, Kelso, Scottish Borders TD5 8BF

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

- Contrary to Local Plan

Comment: As the tenant of a premises currently under review, I feel it is important to highlight and clarify a few things. It is, after all, my livelihood and business that are at stake and it would be reckless of me to allow a decision to be made about it based on comments and misinformation from others.

I opened the business in 2020, primarily as an online retailer of quilting and haberdashery products. All my initial plans and proposals indicated as such, but it soon became apparent that it needed to be more than just an online shop. It very quickly evolved into what it is now and I have spent the last few years building a community. 'The Wonky Giraffe' is more than a provider of products; it's a place for people to socialise when they otherwise wouldn't; it's a place to meet new people and form friendships that will last a lifetime; it's a place to escape the normal every day and switch off for a couple of hours. We have toilet facilities for those who stay a long time. At a time when mental health is more of a priority than it ever has been, a space that provides all of this should be supported without question.

Classes are held regularly at 'The Wonky Giraffe'. All of the classes are organised and coordinated by self-employed tutors who simply want to share their craft. Local, independent talent is supported throughout the year as a result of this, and many of the tutors return month after month to repeat classes that are in demand. I provide a place for them to build their confidence and generate an income that they wouldn't otherwise have.

In addition to the social aspect of 'The Wonky Giraffe', there is no denying that I am a retail premises. I offer a range of products, the vast majority of which are different to those offered by other shops in town. Some of my suppliers have in excess of 25,000 products available to buy;

there is no way there are exact overlaps between similar businesses in the town. As a perfect example, I was recently approved as an outlet for popular branded sewing machines; the nearest location outside of Kelso that stocks these is Edinburgh. I, along with other retail business along Spylaw Road, hope to encourage people to 'Shop Local' rather than venture to the big cities by stocking a wide range of products.

Quite the opposite to 'The Wonky Giraffe' pulling business away from the town, the classes and sewing retreats held at 'The Wonky Giraffe' often result in business and revenue being driven back into the town. Attendees 'make a day of it' and venture into Kelso for lunch or coffees, and those who have travelled from further afield have stayed in local Bed and Breakfasts and Hotels. Visitors from as far away as Thurso, Caithness, Dumfries, Glasgow, Aberdeen and Edinburgh have travelled specifically to visit 'The Wonky Giraffe', and it could be strongly argued that they'd never have come to Kelso otherwise. It is also worth noting that some of these visitors are the partners of fishermen, who now regularly visit the town whilst their other half is on the water. And, having posted orders to places as far away as Germany, Canada and Abu Dhabi, who knows if we might even end up with some international visitors coming to our town soon! Moreover, as a result of some of the events organised by 'The Wonky Giraffe', I too have driven revenue back into local retailers and businesses. For example, I've purchased numerous buffets from a local cafe for in house events, and I've repeatedly employed a local bus company to take groups of ladies through to Glasgow for big events.

In addition to supporting local businesses, I have worked closely with a range of charities to raise funds for their projects: MacMillan Cancer, Cancer Research UK, Maggies, The Ukraine Appeal, One Million Steps for Ellie, and The Poppy Appeal to name a few. In collaboration with another business in the town, the customers of 'The Wonky Giraffe' raised enough money for the Borders Search and Rescue Team to buy a new monitor for their command vehicle. I am a central collection point for handmade quilts that are donated to local hospitals and care homes. I support local fundraisers by donating raffle prizes, and have supported local schools and colleges by donating resources for small projects that the young people wouldn't have the chance to do otherwise.

Far from being away from the hustle and bustle of the town, 'The Wonky Giraffe' has played an important role in many community projects. We were an integral part in the creation of 'The Great Tapestry of Scotland'; several of the panels were stitched here, and many of the pieces were put together using the training space tables. Displays around the centre of Kelso have been possible because of resources provided by 'The Wonky Giraffe', not to mention because of the good will of the ladies who spend time here. It is only because of them that the town looked as great as it did at Christmas time and that we have an ever growing Remembrance Day display each year.

Perhaps most notably, I have worked hard to generate publicity around 'The Wonky Giraffe', which in turn has generated publicity for our town. I have been mentioned in magazine articles and worldwide publications, and I was the location for a news piece about 'The Great Tapestry of

Scotland'. Far from pulling the focus away from the town itself, I have actively sought to publicise the town I am proud to call my home.

'The Wonky Giraffe' has been running in its current location for just shy of two years, and all of the above has been achieved in that time alone. It is only by having relocated to the larger premises on the ground floor that I have been able to create what it is now. Far from pulling business away from the town, 'The Wonky Giraffe' brings people to the town, supports local businesses and pulls together to work on community projects enjoyed by all. The fact that the retail side of the business, specifically, is being questioned is absurd to me, especially when other retail businesses have been operating along Spylaw Road for years, and are most certainly not 'industrial' as it is claimed. On this point, it is also worth noting that there have been a lot of new industrial units built recently up and around Solomon Way, which is great for Kelso and employment for within town. However, there are industrial units within the Pinnaclehill Industrial site that have been empty for years. Therefore, if there is not a great demand for industrial units to be used as such, surely it is better to have them occupied rather than sitting empty?

As a side note, whilst writing this letter a lady has just this minute popped into the shop. Her and her husband have come all the way from Hexham. She has come to Kelso to visit The Wonky Giraffe, which she found out about from a friend. Her and her husband has spent a lovely day in the town, before coming to The Wonky Giraffe.

It is without surprise that I finish by saying I strongly support the application to change the use of the premises, for the community that has been built more than anything else that's at stake.

Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: MS M MITCHELL

**Address: THE CLAYHOUSE, FELIARS, JEDBURGH
TD8 0BN**

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
- 2 – Provides mental/education stimulation and therefore promotes well-being
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Case Officer: Euan Calvert

Customer Details:

Name: MARGARET ADAMS

Address: 2, KNOWE HEAD
CORNHILL-ON-TWEED
NORTH → TD12 4UA.

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

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- 1 – Supports local Kelso people and those from surrounding areas
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- A. Buying wool for poppies, then using the warm safe space to create items for the War Memorial
- B. Providing quilts to raffle which provide money/buy equipment for local causes, e.g. Borders Search and Rescue
- C. Involvement with making the Christmas decorations for the town hall and square. This would have been impossible without this space that this unit provides.

12 – Surely, closure is entirely contrary to the main purpose of SBC Planning Department which is to facilitate the business life of the area.

To this end I feel this application should be supported.

Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: MARGARET MACKAY

Address: CONIFER COTTAGE 5 HUME HOLDING
GREENHAW BY DUNS TD10 6UW

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
- 2 – Provides mental/education stimulation and therefore promotes well-being
- 3 – Accessible car parking making it easier for older patrons or those with heavy sewing machines to visit the premises.
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- 5 – Develops positive mental health as it is a warm, unbiased, safe place to have discussions.
- 6 – Toilet facilities provided when in group work
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Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: Margaret Thompson

Address: 2 Downham Farm Cottages, Mindrum Cornhill-on-Tweed, TD12 4QJ.

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

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Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: Mrs. MAREKKI WANKEL.

Address: CALENHINA, 1 CHRISIELS BRAE
CHRISIELS, HANICK, TD9 8TQ

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
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Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details: MARILYN JACK

Name: WISMORE, NO 12 BROOMLEA

Address: COURT, KELSO TD5 7RD.

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
- 2 – Provides mental/education/stimulation and therefore promotes well-being
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Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mrs Mary Dryburgh

Address: The Roan, Lauder, Scottish Borders TD2 6SA

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: This is an absolutely fantastic local independent business offering quality products and fabulous workshops to all. It brings people from all over the Borders and beyond to Kelso, and they return again and again as it is such a super place. Surely we want small local businesses to have the opportunity to grow and thrive. They not only generate business for themselves, but they also bring business and opportunities to other places in the town.

Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: MOIRA MACMILLAN
Address: LYCH VIEW, FOFO, DVNS, TD11 3RA

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

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If this business closes I will again be doing all my business in Melrose. The other businesses in the centre of town has NEVER since the day of opening kept to the advertised opening times therefore I stopped driving to Kelso. Whilst I fully sympathise with illness in a family a business should be open when advertised. The other business was so keen for quilters to visit it was ALWAYS closed on a Monday the day the quilters met. Since the day of opening the Wanky Giraffe has gone out of its way to cater to the needs & wishes of its customers. For me personally it means I spend in at least 5 other businesses in the town when I visit Kelso



Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: MOIRA PRENTICE

**Address: 71, CROFT Road
Kelso TD5 7EP.**

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
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Comments for Planning Application 23/00325/FUL

Application Summary

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Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Wonderful asset to the community, would be a great shame to lose it.

Application number: 23/00325/FUL

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Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: MRS P. BLACKLOCK

Address: 5 THE YETT
KIRK YETHOLM
KELSO TD5 8PL.

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

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Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: P Marshall

Address: 22 Bowmont Court, Kelso, TD5 8JY

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

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Comments for Planning Application 23/00325/FUL

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Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mrs Patsy Macaskill

Address: Sharvedda, Strathy Point, Thurso KW14 7RY

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I whole heartedly support this planning application. The locals are very fortunate to have such a great facility like this on their door step. It's a wonderful space for ladies getting together for sharing their crafts with each other and most importantly their mental health and wellbeing especially in these times. My highlight of the year is coming to Wonky Giraffe for a craft retreat. There is nowhere like it that offers wonderful surroundings, wonderful atmosphere and always meet delightful ladies. I take the opportunity to visit the Border Mill at Duns, to deliver my alpaca fleeces to be processed into wool. Kelso offers excellent accommodation, and restaurants also wonderful shopping experience. I hope this application gets approval as hope to return to Wonky Giraffe for craft retreat in the autumn.

Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mrs Polly Fraser

Address: Steading Bank House, Overwells, Jedburgh, Scottish Borders TD8 6LT

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I support the Wonky Giraffe business it is a unique shop in the Borders. It offers classes encouraging more people to Kelso and a good variety of fabrics and haberdashery as well as yarn and knitting supplies. The unit is big enough for groups to meet and craft together very useful for mental wellbeing

There is nowhere else that provides the depth and breath of fabric wool's haberdashery and learning courses in the Borders. It would be an enormous loss to the crafting community.

Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include

Case Officer: Euan Calvert

Customer Details:

Name: Rhona Rafferty

Address: 5 Keirhill gardens, westhill, Aberdeenshire
TD11 2 6AZ.

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

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Comments for Planning Application 23/00325/FUL

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Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mr richard lindsley

Address: Kaimknowe Farmhouse, Kaimknowe, Kelso, Scottish Borders TD5 7NX

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I regard this businesses an asset to the Kelso community as it encourages tourists to the town and provides craft skills in needlecraft.

It provides a welcome meeting place with adequate parking facilities for crafters to further enrich their skills.

Invaluable support is given to many and diverse charities and deserves the support of the Kelso community.

Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mr Robin Dodyk

Address: Ruskin, 19 Broomlands, Kelso, Scottish Borders TD5 7PR

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I make comment in full support of the change-of-use of the [part] building at the above.

Spylaw Road, is already a street of mixed use, from dwellings, gymnasiums, nurseries, merchants and indeed other existing retail outlets, all of which co-exist and thrive with no detriment to the surroundings and each with many of these 'a change...' away from industrial use.

Precedent has been set all along this road resulting in almost 100% occupancy of buildings which would otherwise have fallen into disrepair and eventual demolition: you need to look around other less fortunate towns in the Borders to see the problem.

The business operates in a unique way offering the handy-craft community a Borders facility to meet, learn and share ideas, and yes, with a chance to see and buy materials [also offered on-line] to boot.

People travel to this facility AND also spend time and money in Kelso itself. No doubt they will also visit the other craft shops and businesses in the town as well as cafes, pubs and hotels.

The proprietor, other crafters [and others] also contribute and provide to the community at large: displaying their handy work during the year - Remembrance, Christmas and the like.

Finally, not many moons ago, the building of Sainsbury's was mooted to be the death knell of the town center and yet, this has not proved to be the case.

Granting permission for this [or any] change-of-use is within the Councils remit for Planning & Business Development and trust approval will be given.

Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name:

HAI SSELL
34 BOWMONT COURT

Address:

MILFON
UGL
TD5 8JY.

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

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Application number: 23/00325/FUL

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Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: ROSA LIA ESPINOSA

Address: BINNING HOUSE, DUNS ROAD
Coldstream TD12 4JR

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
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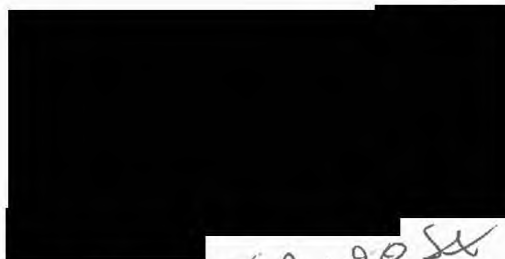
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R.H. 259 100 St
30-3-2023

Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mrs Rose Weaver

Address: 21 Gowanlea, Coldstream, Scottish Borders TD12 4NU

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I am in full support of this application for change of use.

I believe the change of use of these two units to allow a retail and training amenity is to be welcomed. They are far enough away from the town centre to be of little detriment to existing businesses, (the other similar businesses within the town have a different offering), and sit in an area where there are already trade and retail counters available in nearby operations. The current tenant has been able to increase her offer in a niche market, showing a positive trend, set against the current difficult market environment. I am sure that any landlord, allowed the opportunity to give choice in operational use to any future tenant would make renting easier and maintain occupancy. Surely this is better than empty units providing no income to anyone.

Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mrs Ruth Ellison

Address: 1 Bellshiel Farm Cottage, Duns, Scottish Borders TD11 3JA

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Love this shop, real sense of community and in my opinion is an asset to the town.

Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mrs Samira Hill

Address: 9 Park Avenue, Newtown St Boswells, Melrose, Scottish Borders TD6 0QU

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

- Contrary to Local Plan

Comment: As a local, self employed professional teacher and crafter I strongly support the change of use application. I completely disagree with the argument that it draws customers from the town centre, I know people who visit the premises regularly and always meet and have lunch in the town first, or coffee and cake afterwards, as well as a browse around the high street shops. The current premises offers mostly unique products that are not available locally in such a broad range, and therefore are not in direct competition with other retailers. The educational premises are also not available elsewhere, and whilst not competing with any other business in the town in this capacity, it also draws a large crowd from most corners of the Borders. I totally agree with looking after the growth of high street / town centre shops, but I really do not think that, in this instance, the change of use for this application goes against this. If anything, it is a positive asset to the town.

Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: Sandra Clark

Address: 25 The Yelt
Kirk Yetholm, Kelso
TD5 8PL

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
- 2 – Provides mental/education stimulation and therefore promotes well-being
- 3 – Accessible car parking making it easier for older patrons or those with heavy sewing machines to visit the premises.
- 4 – Beginning to encourage young people to attend, to learn skills which are being lost within main-stream education.
- 5 – Develops positive mental health as it is a warm, unbiased, safe place to have discussions.
- 6 – Toilet facilities provided when in group work
- 7 – Brings visitors from other areas to stay in hotels and B&Bs and to visit shops, restaurants and other small shops
- 8 – Sited within an already mixed location of retail sites and business units (many of which sell to the public)

9 – Precedent is already set business has been established for three years and is continuing to bring visitors to the area.

10 – Provides a warm welcome to all and promotes what all shops in a small borders town should be aiming to do

11 – Many of the patrons of the business have been involved in community projects which benefit Kelso

- A. Buying wool for poppies, then using the warm safe space to create items for the War Memorial
- B. Providing quilts to raffle which provide money/buy equipment for local causes, e.g. Borders Search and Rescue
- C. Involvement with making the Christmas decorations for the town hall and square. This would have been impossible without this space that this unit provides.

12 – Surely, closure is entirely contrary to the main purpose of SBC Planning Department which is to facilitate the business life of the area.

To this end I feel this application should be supported.

Application number: 23/00325/FUL

**Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders.
TD58DN**

**Proposal: proposed change of use for units 8-2 and 8-3 to mix use
include classes 1 and 10**

Case officer: Euan Calvert

Customer Details:

Mrs. Sharon Mackenzie

Aloha, Lanton, Jedburgh, TD8 6SU

Comment Details:

Comment Type: Member of the public

Stance: My comments are in support of the planning application.

First of all, I was shocked to hear that we might lose this facility in Kelso. Since I discovered this workshop 2 years ago I have completely changed my shopping regime now combining my weekly shop with a visit to the units where the crafting groups are held together with the shop which supplies a large variety of crafting materials needed for our hobbies. Our alternative would be to buy a lot of these materials online, taking away business from the Borders and, not everyone is online!

Contrary to comments made earlier about taking away business from the town centre, I now spend more time in Kelso visiting other shops in Kelso town centre, eating there and supporting one of the other retail businesses in Spylaw road.

Many people now come from all over the country and from abroad and with the activities that happen annually at the show ground i.e. the Border Union Championship dog show, many visitors spend at least a week in Kelso, and visit the crafting venues while they are here.

There is easy parking, disabled access into the unit and the warmest, friendliest welcome at all times. I have joined workshops, and met many new friends while learning new skills along the way. It is a haven for like minded crafters when relaxation and mindfulness is necessary at these times.

I fully support this application and feel it would be detrimental to Kelso to refuse this application.

Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: Stanley Thompson

**Address: 2 Mindrum Farm Cottages, Mindrum
Cornhill, TD12 4QJ**

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people both male and female and those from surrounding areas
- 2 – Provides mental/education stimulation and therefore promotes well-being
- 3 – Accessible car parking making it easier for older patrons or those with walking difficulties to visit the premises.
- 4 – Encourages young people to attend, to learn skills which are being lost within main-stream education.
- 5 – Develops positive mental health as it is a warm, unbiased, safe place to have discussions, it has been invaluable to myself and my wife during our recent bereavement.
- 6 – Brings visitors from other areas to stay in hotels and B&Bs and to visit shops, restaurants and other small shops

7 – Sited within an already mixed location of retail sites and business units (many of which sell to the public)

8 – Precedent is already set business has been established for three years and is continuing to bring visitors to the area.

9 – Provides a warm welcome to all including men and promotes what all shops in a small border's town should be aiming to do, I cannot drive and get around very well so a Men's shed is not on my agenda, but because of the size of the premises I am able to visit and socialize with other husbands whilst my wife shops. We then go into town for lunch and shopping and have a grand day out, none of the similar shops in the town centre can provide this and this has been an absolute life saver for me.

10 – Many of the patrons of the business have been involved in community projects which benefit Kelso

- A. Buying wool for poppies, then using the warm safe space to create items for the War Memorial
- B. Providing quilts to raffle which provide money/buy equipment for local causes, e.g. Borders Search and Rescue
- C. Involvement with making the Christmas decorations for the town hall and square. This would have been impossible without this space that this unit provides.

11 – Surely, closure is entirely contrary to the main purpose of SBC Planning Department which is to facilitate the business life of the area.

To this end I feel this application should be supported.

Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: Sue B. Fox

Address: DANSON COTTAGE
TREATY PARK
BIRGHAM
BERWICKSHIRE
TD12 4NG

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
- 2 – Provides mental/education stimulation and therefore promotes well-being
- 3 – Accessible car parking making it easier for older patrons or those with heavy sewing machines to visit the premises.
- 4 – Beginning to encourage young people to attend, to learn skills which are being lost within main-stream education.
- 5 – Develops positive mental health as it is a warm, unbiased, safe place to have discussions.
- 6 – Toilet facilities provided when in group work
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Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details: Susan Fields

Name: Susan Fields

Address: 2 Station Cottages
Belford
Northumberland NE70 7DU

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
- 2 – Provides mental/education stimulation and therefore promotes well-being
- 3 – Accessible car parking making it easier for older patrons or those with heavy sewing machines to visit the premises.
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Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mrs Susan Finlayson

Address: Belmont, Wellogate Brae, Hawick, Scottish Borders TD9 9NE

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: As a freelance embroidery tutor I have run a number of classes at these premises. A great deal of thought and work has gone into ensuring that the space is suitable for craft workshops and I have been unable to find other premises of such a high standard in the Kelso area.

The workshops I run give people the chance to learn new skills but more importantly they offer the opportunity for likeminded people to come together in a safe space, something which is increasingly important as we place more emphasis on mental and well as physical well-being. A number of community projects have been co-ordinated from these premises in recent years which have benefitted residents and visitors alike.

I know that other tutors and participants travel from neighbouring counties because the accommodation, access, parking and facilities are second to none.

Refusal of this change of use application would force individuals to move elsewhere for classes.

The retail space provides not just a much larger range of products than other similar retail outlets but also different ranges of fabrics, threads, yarns and haberdashery which would otherwise have to be purchased online.

Far from taking business away from the town centre the goods and services provided from these premises actually enhance and complement retailers, food outlets and attractions within Kelso. Many visitors choose to make a day of their visit and spend additional revenue in other outlets throughout the town. The business has been featured in a number of local and national magazines and media outlets further spreading the positive image of Kelso to crafters and visitors.

I can see no material reason for refusing this application.

[REDACTED]

From: Calvert, Euan
Sent: 24 March 2023 08:57
To: Planning & Regulatory Services
Subject: Fwd: Ancroft tractors Spylaw road

Please upload acknowledge
Mithanks

Sent from [Outlook for iOS](#)

From: Weatherston, Tom [REDACTED]
Sent: Thursday, March 23, 2023 5:08:16 PM
To: Calvert, Euan <ECalvert@scotborders.gov.uk>
Subject: Ancroft tractors Spylaw road

Euan
I can't get logged onto the portal can I comment this way please.

I would like to support this application for mixed use, as Spylaw Road is already very much a mixed-use area with a wide range of businesses and housing.
I support the principle of Industrial provision, but now Pinnacle hill is very much that area.
Spylaw road over many years has been allowed to develop into a mixed-use area with many well used businesses employing many people.
As well as housing there are retail businesses, garage workshops, car sales, hot food takeaway, a nursery and several more.
As things currently stand on this street, I can't see this new proposal causing a problem being mixed use, as that's exactly what currently exists on Spylaw road already.

Tom Weatherston
Elected Member
Kelso and District

Sent from [Outlook for iOS](#)

Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: Valerie A. Tail

Address: 3. East ord Gardens
Berwick upon Tweed
TD15 2LS

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
- 2 – Provides mental/education stimulation and therefore promotes well-being
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To this end I feel this application should be supported.

Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mrs Victoria Denley Spencer

Address: Braehour Farmhouse, Scotcalder, Halkirk KW12 6XJ

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I would like to express my complete support for this planning application. This is a fantastic facility and hub for the local community as on my initial holiday I went quilting. I met some very lovely local people, who enjoyed not only the shops merchandise, but also the classes and the friendships shared. The quilting greatly encouraged me to experience everything else that Kelso & the Borders region has to offer. I dined in some excellent Kelso restaurants, went shopping in really lovely gift shops, and A. Hume was a great find. I sampled delicious local bakery treats and stayed in a wonderful, welcoming B&B. We also found the Kelso Mill and took home sacks of oatmeal & porridge oats. On my first visit, I went to the wonderful Great Tapestry of Scotland, where this is stunning countryside wherever we went. I visited an Alpaca trekking centre not far from the town. I discovered the joy of a visit to the Borders. Six months later, I revisited Kelso, primarily to go to Wonky Giraffe shop but also headed into the town to shop the gift shops in town. They are so great and I got lots of birthday presents, stocking up with porridge oats too. I look forward to my visits to the Scottish Borders and Kelso has so much to offer but if had not been for this wonderful facility I was recommended to visit I would not have visited.

Application number: 23/00325/FUL

Address: U-Stor Business Units, Spylaw Road, Kelso, Scottish Borders, TD5 8DN

Proposal: proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10.

Case Officer: Euan Calvert

Customer Details:

Name: Victoria McNeill

Address: The Walled Garden, Coerlee Estate
Inverlathar, EH44 6QX

Comment details:

Commenter type: Member of public

Stance: customer made comments in support of the planning application

Comment Reasons:

Comment:

- 1 – Supports local Kelso people and those from surrounding areas
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12 – Surely, closure is entirely contrary to the main purpose of SBC Planning Department which is to facilitate the business life of the area.

To this end I feel this application should be supported.

Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mrs Wendy Guthrie

Address: 4 Hillview, Coldstream, Scottish Borders TD12 4ED

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Sir

I am in support for this application for proposed change of use for units 8-2 and 8-3 to mix use include classes 1 and 10. for the following reasons

- 1 - Supports local Kelso people and those from surrounding areas
- 2 - Provides mental/education stimulation and therefore promotes well-being
- 3 - Accessible car parking making it easier for older patrons or those with heavy sewing machines to visit the premises.
- 4 - Beginning to encourage young people to attend, to learn skills which are being lost within main-stream education.
- 5 - Develops positive mental health as it is a warm, unbiased, safe place to have discussions.
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- 10 - Provides a warm welcome to all and promotes what all shops in a small borders town should be aiming to do
- 11 - Many of the patrons of the business have been involved in community projects which benefit Kelso
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C. Involvement with making the Christmas decorations for the town hall and square. This would have been impossible without this space that this unit provides.

12 - Surely, closure is entirely contrary to the main purpose of SBC Planning Department which is to facilitate the business life of the area.

To this end I feel this application should be supported.

Wendy Guthrie

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Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Brenda Forder

Address: 27 Eschiehaugh, Kelso, Scottish Borders TD5 7SJ

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan

Comment: The proposed retrospective planning application will have a detrimental impact to Kelso Town centre and other towns further down the line.

Retail businesses pay a premium to operate from a high street than from an industrial unit. There are currently two established businesses within the town centre who are at a disadvantage if this application is granted.

All retail business small or large should all be playing to the same rules why should one benefit over others.

Do we want Kelso high street to go the way of other borders town I sure don't.

Having retail trading out of industrial brings in less monies to the council is that what we want.

If all industrial unit owners started to follow the same path of this application

- 1 - new industries will have nowhere to trade from
- 2 - The high streets will become ghost towns
- 3 - SBC will have less monies.

A lose,lose,lose.

Carol Brydon
17 Redpath Crescent
Galashiels
TD1 2QG

23 April 2023

Reference:

- A. 23/00325/FUL | Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10 | U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

I wish to object to the above planning permission on the following grounds:

To permit the planning permission to go ahead would be in contradiction to the SBC Local Development Plan, Policy ED1 – Protection of Business and Industrial Land. The use of industrial estate is not acceptable use for retail and the application does not demonstrate how it is appropriate within the local category classification. In addition to permit this planning permission would appear to be contradictory to Policy ED3 which aims to protect and enhance the vitality and viability of town centres.

The application states “There has been no physical change to the premises relating to this proposed change of use; this relates to a current tenant of two specified units and their business operations. Originally the business began operation as an online store in the second half of 2020 and therefore the use of the premises may have been aligned to the permitted use of the unit e.g. Class 6 which I believe can only be changed to class 4. By December 2020 as evidenced by their website they acknowledged themselves as a “non essential shop” and would be closed as per the Government COVID requirements and have since expanded to include facilities for training, classes and group sessions. Clearly defining them as a Class 1 business.

Kelso is one of the few thriving town centres within the Borders. With many high streets offering more than adequate high street retail facilities in which businesses can be operating from should the council not be encouraging them to set up in the town centres?

I understand that the Kelso Community Council is moving to support this application on the basis that there has been a great deal of support for the application. Since when did points make prizes over local policy? On that basis I would encourage each business in the Kelso Town Centre to draft a form for their loyal customers to complete in objection of this planning request to even the playing field.

It's important that local policy is complied with to ensure that our local businesses and town centres thrive on a fair and level playing field. Allowing businesses who have not complied with planning permission, whether by design or ignorance (which is no defence), retrospective planning permission on the basis of having traded for a period of time should not be permitted.

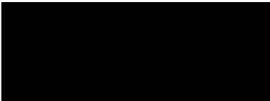
By permitting this planning permission to proceed, SBC are encouraging current businesses and new businesses to leave the high street and move to cheaper industrial facilities. I overheard the owner of one businesses owner currently trading in the industrial estate, state this as the very reason for them leaving their facility in Kelso Town Centre. Businesses in the town centres who play by the rules and incur higher operating costs are being penalised for playing by the rules.

For each argument in support of this application the same can be said of many businesses not just in Kelso Town Centre but in all our town centres. Each town centre business owner supports the local people and those from surrounding areas. Many town centre business owners provide education and stimulation and support mental health and wellbeing for young and old. What about the mental health and wellbeing of the town centre business who have managed to survive COVID and are struggling like everyone else to continue to operate in such a difficult financial climate? Town centres have accessible parking for all.

I would argue that given the out-of-town location, it isn't a given that the wider town centre benefits. The tenant referred to in the application provides refreshments for those attending classes therefore it could be argued negating a need for its customers from visiting the town centre, rather than encouraging it. In addition, one would question if there is adequate public transport between this site and the town centre to ensure a symbiotic relationship exists for the whole community.

I understand that support has been given on the basis that there are other retail businesses operating from this site, thereby setting a precedent. I would advise that it would be prudent of SBC to carry out its due diligence on these "retail" business to ensure they are compliant with the ED1 Policy.

Carol Brydon



Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mr C R Jamieson

Address: 25 Queens Acre, Kelso, Scottish Borders TD5 7UN

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan

Comment: This is a retail outlet out with the town centre within an industrial environment, it does not have the infrastructure of public transport and amenities available to its end users. It fails to even have a sole user toilet facility for the general public. Trade businesses within this area do not relate to the retail change of use the premises owner is applying for. It is on these basis that I strongly oppose this planning application. When do we stop damaging our high streets and start protecting them?

Wasn't this the site also former saw mill which means it comes under contaminated land??... I'm sure there was a furniture maker that came up against this issue.

Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mrs Eileen Gilchrist

Address: 2 Mellerstain Mill Cottages, Kelso, Scottish Borders TD5 7SB

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan

Comment: This would be a retail facility in an area whose purpose is to be used for industrial facilities therefore the expectation would be that the general public would not be in and around the area on a regular basis. There are no toilet facilities for the public nor even a cafe. That's what the high street shops are for. To allow a retail business to trade here would open the floodgates to other retail businesses leaving the high street for larger cheaper premises leaving the town centre like so many others in the borders a ghost town. Let's keep the town centre for retail as it should be and the industrial sites as just that.

Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Ms Lynne Wotherspoon

Address: Unit 1 Ground Floor, 36 - 40 Horsemarket, Kelso, Scottish Borders TD5 7HD

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Health Issues
- Increased traffic
- Land affected
- Noise nuisance
- Privacy of neighbouring properties affected
- Road safety

Comment: I object to this application for change of use to mixed retail; the area of Spylaw Road is not within the strategic plan of the town centre of Kelso which is where the town's retail shops are situated. Unit 8-2, which is the larger of the two units, measuring 153.8m², is predominantly retail and has been operating since 2020 with a smaller unit of 68.96m², that has been rented since last year to be used for classes. The trading of this business from these premises has already had a knock on effect for the Towns Abbey Row Centre as it used to host some of the classes that are now held at the U-Stor premises. Sadly this has an impact on the ongoing viability of community led hubs such as the Abbey Row Centre and other village halls that have been/could have housed community groups that use such amenities for group learning purposes, whereas this learning area is being run as a business for personal gain and it is attached to non-compliant retail premises thus leaving the viability of the community hubs in limbo.

If Mr Beveridge is successful with this application to change the two areas of this building, where does he stop applying for retail status on the multiple remaining units he owns and rents in the same building/street creating an out of town shopping centre. It is not the current tenant that has retail rights it the owner, this then means that any subsequent tenants may also trade as retail from these premises. A quick look on the Scottish Assessors Website shows that Mr Beveridge owns a total of 18 Units within these premises and those are only the units listed under his business name of U-Stor Business Units. Mr Beveridge also owns multiple sites where he has

sited storage containers but when does he decide to apply for planning permission to build on these plots of land.

The businesses with existing mixed retail status on this same street are as follows:

Travis Perkins- Builders merchants to the trade, this has a small retail trade counter area dedicated to b2b sales

ABL Agriparts Borders Ltd- Agricultural Tools and Welding Supplies to trade services

Crop Services/ Country Corner- Agricultural feed suppliers, Horsewear suppliers and outdoor wear

Some of the other businesses on this same street which are unable to trade from retail premises on the high street are :

Tweedside Light Commercials Ltd - Commercial Vehicle Sales / Commercial Garage Services

Spylaw Motors - Vehicle Sales and Garage services

Bordaloo Ltd - Commercial Portable Toilet Rental

Border Mouldings Ltd - Trade B 2 B Business

Day Nursey - Child Care

The Muscle Factory - Gym

Borders Ornamental Iron - wrought iron metal works

Other businesses within the U-Stor Premises

George W Cockburn Ltd - Water & Sewerage Ground workers

Michael Noon - Noon Entertainment Hire (Bouncy Castles, DJ)

Darren Paxton - Plumbing and Heating Supplies

Nurture Landscapers Ltd - Landscaping services

Douglas Home & Co - Accountants

Not one of these trade businesses relate to the tenants proposed retail use, who's customer demographic is completely the opposite of tradespeople/Agricultural workers or Service orientated businesses. Instead, their customer demographic is predominantly elderly/retired people. On viewing this street on Google Earth, an agricultural Fertiliser trailer/container attached to a tractor is parked opposite the Crop Services/Country Corner entrance and a large Green agricultural farming vehicle parked within their car parking area so this business is clearly not geared up for the general public but rather to those who deal with agricultural/livestock/ Horses and Working Animals even although they have a small area dedicated to retail it has a trade counter operating and its retail area outdoor wear/ wellingtons. Businesses on Spylaw Road are grossly different to those of the Market Town centre of Kelso, which has conservation status and is a place brimming with diverse shops and cafes, views of the river and Floors Castle , The Kelso Abbey, stunning architecture and of course the largest cobbled market square in Scotland. The hotels and B&B's are all within the town centre. There are no notable places for the general public on or near Spylaw Road, no cafes (the one that was in Sainsbury's has since closed down), no public toilets, Gift Shops, Shoe Shops, Cookware/ homeware shops, Art Galleries, Butchers, men and women's wear clothing shops, florists, hairdressers, Toy Shops, Furniture Shops, Charity shops. Does Kelso and the people of Kelso want visitors lasting memories to be that of an industrial estate? The premises are also quite a distance up the hill from the town centre and as such with its customers being primarily elderly and/or retired, for those that don't drive it is quite a trek and once they get there, there are no facilities like cafes or other businesses that would compliment this

businesses and its customer demographic. There is certainly no seated covered bus shelters to wait for a bus or taxi.

I also do not believe that the premises are wholly suitable either to accommodate classes or large groups in that there is no dedicated toilet facility within either of these units 8-2 & 8-3. As per the plans attached to this application, to make use of the toilet facilities you need to leave the unit premises and walk outside into another part of the building, in order to access the shared mix use toilets with the 18 other unit tenants. Are there not planning regulations in force that determine the required number of toilets based on the numbers of people visiting these premises? Photographs from the current business tenants' and the major driving force for this application, Facebook and Instagram page, clearly show more than 40 women in one photo alone, all of whom are eating and drinking. Therefore, I do not believe the toilet facilities meet the current planning regulations, taking into account the numbers of other users within the remaining units as well as the large numbers this business has over its threshold at any one time. There is also no provision for disabled users should they need to use the toilet as it is up 4 steps according to the plans include in this application.

The previous occupant of both these units was Tom Butler Furniture maker, who had constraints imposed on his planning application as the property has previously been listed on the Contaminated Land Register, surely it would require soil and core testing to be carried out to ensure the safety of the multiple people this business may have over its doors. Tom Butlers application to turn it into furniture manufacturing is available for the general public to see as is the notification of it being listed on the contaminated land registry via this portal. There is currently land that has lain derelict for years on the Station road side of the junction and has been like this for sometime due to it also being on the Contaminated Land Register.

The existing business clearly shows on it's Social Media page, that they have two dedicated car parking spaces for their patronage within the U-Stor car park, with the only other alternative parking being on street. There are some laybys on the side of the road for parking as there are often large articulated vehicles going to the stone/concrete works at the very end of this street and it therefore allows safe passage. However bringing more vehicles into this street will only add to the congested parking bays outside Tweedside Commercials and the full parking bays outside the dog groomers and the other industrial units within the old Scotmas premises. This in turn compromises the safety of the users of other businesses within the environs and more so that of the children's nursery as it is bringing more vehicular traffic and creating issues with congestion due to extra vehicles being brought into the area, bearing in mind a daytime class may mean all day parking required for anywhere from 12-50 people. (I am sure they are not arriving in just two vehicles). Not to mention the additional people visiting the shop/ retail aspect of this business at the same time classes are on. There are also private residences on this street, it is not always easy as a property owner to voice views on planning as they are then potentially targeted as being difficult, these homeowners will be impacted when large numbers of patrons park up to get on a bus trip and leave their vehicles there all day or come along to a class/ group meet. There are also evening classes as well which means the parking issue and noise does not simply disappear at 5pm when most of these businesses close their doors.

Had this business opened its doors within the town centre it would have access to the many car

parking facilities within the town centre and also many disabled spaces for its disabled patronage just the same for any other business trading locally. The shops patronage would shop within the existing thriving town centre shops and cafes etc, as its patrons would be passing by multiple businesses open to the general public to get from parking areas to their shop premises. However this is not the case.

The area of Kelso has always had the Retail element of businesses serving the general public within the Strategic plan for Kelso, which has always been within the conservation town centre area, keeping the industrial zoned areas as predominantly Spylaw Road, Pinnaclehill Industrial estate and the area behind the old Pinnaclehill Industrial Estate forming the new industrial units where Tim Burton Wines has their warehouse. This planning application is detrimental to this structure, one that has served Kelso so well, stopping our town becoming like many of the others, Galashiels, Hawick and Duns. Kelso is a historic town with many diverse shops within its town centre, to allow this application to go ahead jeopardises the stability and structure of the town centre moving forward for years to come. People come to Kelso because it's high street has survived but for how long if we allow planning applications such as this to go ahead. Not only that, it is removing valuable smaller industrial spaces for industrial/trade businesses that cannot operate from a retail unit or a massive industrial site. I believe that John Lamont has already been involved with another party that had shown interest in these premises prior to the current tenant and that their business was of a B2B nature. The current premises owner IS aware that planning permission must be sought for change of use as he has supported other businesses in the past in seeking change of use applications, which can also be downloaded read on the Scottish Borders Planning Portal. So one has to ask the question why is this planning is being sought retrospectively and nearly 2.5 years after this tenant initially moved in and started trading?

Comments for Planning Application 23/00325/FUL

Application Summary

Application Number: 23/00325/FUL

Address: U-Stor Business Units Spylaw Road Kelso Scottish Borders TD5 8DN

Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10

Case Officer: Euan Calvert

Customer Details

Name: Mrs MELANIE BURTON

Address: Paddington, Cliftonhill, Ednam Kelso, Scottish Borders TD5 7QE

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This is a retail premises in an industrial area. It has gained financial advantages over those similar retail ventures within the town by operating illegally. All businesses should be entitled to a level playing field.

As a customer of these types of shops I would say that the shop does not offer anything that is not available in the town itself.

As a cafe owner in the town I appreciate the town businesses bringing customers to my premises, which this business will not.

Sue Fox.
Damson Cottage,
Treaty Park,
Birgham,
Coldstream,
Scottish Borders.
TD12 4NG.

Planning Ref: 23/0034/RREF
18.7. 2023

Agenda Item 5g

Dear Sir,

In response to your letter of 11.7.2023 I am writing to make further representations in respect of the review of change of use for Units 8-2 and 8-3, Spylaw Road, Kelso.

These Units were set up as a venue for supplying the local community- and from afar - with the requirements for crafters of all disciplines --Quilters, sewers, embroiderers, knitters etc,etc. But what is as important, it is a Hub for people, mostly women, lonely, widowed or anyone just wanting a chat and a coffee in a lovely setting with like minded people, all doing there own thing. Many of them have shown large improvements in their mental health and once again are enjoying life having taken up an old skill or learnt a new one.

At this venue there is ample car parking, a toilet, coffee making facilities and space and congenial company in a beautifully set out airy, spacious welcoming atmosphere. The choice of lovely material and other requirements are huge.

If Kelso were to lose this facility it would be tragic, so much effort has been put into getting this retail outlet up and running in an area where there are many other retail outlets.

The possibilities for children and adults in this place are enormous. Knowledgeable speakers and demonstrators are on an extensive timetable.

Many people come to this venue from the surrounding countryside, spend time there and then go into Kelso and spend time there as well, so it is an asset all round.

The proprietor is the most delightful person who welcomes one and all.

So please give what I, and I am sure what many others have said, a favourable outcome at The Review at the end of October.

Yours faithfully,



18/07/2023, 17:48

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**Local Review Body – List of Policies
23rd October 2023**

Local Review Reference: 23/00034/RREF

Planning Application Reference: 23/00325/FUL

Development Proposal: Proposed change of use for Units 8-2 and 8-3 to mixed use include Classes 1 and 10 at U-Stor Business Units

Location: U-Stor Business Units, Spylaw Road, Kelso

Applicant: U-Store Business Units Ltd

National Planning Framework 4

Policy 26: Business and industry

Policy 27: City, town, local and commercial centres

Scottish Borders Local Development Plan 2016 (LDP)

PMD2: Quality Standards

ED1: Protection of Business and Employment Land

ED3: Town Centres and Shopping Development

HD3: Protection of Residential Amenity

IS7: Parking Provision and Standards

Other Material Considerations:

- SBC Supplementary Planning Guidance on Placemaking and Design 2010

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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 100640206-001

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="Ferguson"/>	Building Name:	<input type="text" value="Shiel House"/>
Last Name: *	<input type="text" value="Planning"/>	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="tim@fergusonplanning.co.uk"/>		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<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="Shiel House"/>
First Name: *	<input type="text" value="Peter (Susan)"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Caunt (Kinnear)"/>	Address 1 (Street): *	<input type="text" value="54 Island Street"/>
Company/Organisation	<input type="text" value="per Agent"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="01896809456"/>	Town/City: *	<input type="text" value="Galashiels"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="TD1 1NU"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="tim@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="Application site 23/00331/FUL"/>
--

Northing	<input type="text" value="620293"/>	Easting	<input type="text" value="368786"/>
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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)

We have provided an 'Option B – Site Layout/Drawing' it is there as a response to comments made by the Case Officer. The Appellant was not informed or made aware of the comments during the application and, as such, this is in direct response. We consider the lodged plans to be compliant to planning policy but Option B is for the LRB's consideration and if considered preferable the Appellant is willing to accept the related amendment.

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.

23/00331/FUL

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

28/02/2023

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

26/05/2023

Review Procedure

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

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

Yes No

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

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

Yes No

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

Yes No

Checklist – Application for Notice of Review

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

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

Yes No

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

Yes No

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

Yes No N/A

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

Yes No

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

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

Yes No

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

Declare – Notice of Review

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

Declaration Name: - Ferguson Planning

Declaration Date: 24/08/2023

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Proposal Details

Proposal Name	100640206
Proposal Description	Notice of Review for Planning Application at Netherwells
Address	
Local Authority	Scottish Borders Council
Application Online Reference	100640206-001

Application Status

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

Attachment Details

Notice of Review	System	A4
CD1 Appeal Statement	Attached	A4
CD2 Location Plan	Attached	A4
CD3 Site Plan	Attached	A4
CD4 House Elevations	Attached	A4
CD5 Site Survey	Attached	A4
CD6 Roads Planning Consultation	Attached	A4
CD7 Report of Handling	Attached	A4
CD8 Decision Notice	Attached	A4
CD9 Option B Drawing	Attached	A4
CD9 Option B Drawing 2	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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APPEAL STATEMENT (CD1)

REF: 23/00331/PPP

**ERECTION OF DWELLINGHOUSE AND FORMATION
OF ACCESS, LANDSCAPING, AND ASSOCIATED
WORKS**

**LAND SOUTH OF 1 NETHERWELLS, JEDBURGH,
SCOTTISH BORDERS**

ON BEHALF OF: PETER CAUNT (SUSAN KINNEAR)

AUGUST 2023

Main Office:

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- 1.0 INTRODUCTION
- 2.0 REFUSAL OF APPLICATION BY SCOTTISH BORDERS
COUNCIL AND PLANNING POLICY CONTEXT
- 3.0 GROUNDS OF APPEAL AND CASE FOR THE APPELLANT
- 4.0 CONCLUSIONS



EXECUTIVE SUMMARY

This Appeal Statement is submitted on behalf of Peter Caunt (Susan Kinnear) “the Appellant” against the decision of Scottish Borders Council to refuse Planning Permission for the erection of a dwellinghouse on land to the south of 1 Netherwells, Jedburgh (reference 23/00331/PPP).

The Appellant seeks permission for a modest and sustainable self-build property. Part of the lands are brownfield and part scrubland/paddock.

It is agreed between the planning authority and the Appellant that there is a Building Group comprising three or more existing dwellings at Netherwells. Disagreement centres on whether the appeal site is well related to the existing Building Group.

In addition to the Appellant’s home at 1 Netherwells there is a further adjoining / neighbouring cottage to the north and beyond this the local farmhouse (on the opposite side of the road) together with significant agricultural sheds.

There are then a further two dwellings located opposite the subject site and which breach further south west of the site. In all there are a group of five dwellings adjacent to or near the subject site.

The subject site is located extremely close and clearly relates to the sense of place at Netherwells. It would address the street much like the adjacent cottages and further dwellings opposite.

The Case Officer, in our opinion, verges too far in the reasoning for refusal placing much on the siting and design. The Appellant had little to no opportunity to engage and discuss the design matters detailed. We have addressed the matters further within this statement and denoted a willingness to amend certain placement or design detailing should members deem them necessary.

The proposed house is modest in scale and designed for someone to be able to build an affordable home in a rural area. Self-provided homes and rural revitalization is strongly promoted by the recently adopted National Planning Framework 4 (NPF4).



Reasons for Refusal

Two reasons were cited for the refusal of the Application.

1 It is considered that the proposals are contrary to National Planning Framework 4 policy 17 and policy HD2 of the Local Development Plan 2016 and Supplementary Planning Guidance New Housing in the Borders Countryside (2008) in that the proposed development would be sited within a previously undeveloped field, beyond the natural and man-made boundaries of the Netherwells building group, outwith the sense of place of the building group and out of keeping with the character of the building group resulting in an unacceptable adverse impact on the landscape and amenity of the surrounding area.

Accordingly, the proposed development would represent a sporadic and unjustified form of development in the countryside, which would set an undesirable precedent for similar unjustified proposals.

2 The proposal would be contrary to policy PMD2 of the Local Development Plan 2016 as the poor quality design, over development of the site and inappropriate ribbon development would not be compatible with or respect the character of the surrounding area or building group to the detriment of the character and amenity of the building group.

As set out within our Grounds of Appeal (GOA) the Appellant does not accept the reasons for refusal. The key points of rebuttal being:

Grounds of Appeal 1

- a. The proposal sits immediately adjacent and opposite a building group of three or more dwellings and thus a building group clearly exists and thus the principal is deemed acceptable under Policy HD2 a). There are two cottages that sit directly adjacent to the subject site on the same side of the road and two further bungalows located opposite. There are further agricultural sheds and farmhouse which again further the focal point of built form in this area.
- b. The subject site would read as part of the building group and overall sense of place. Contrary to assertions made the site is part brownfield and part on scrubland/paddock. It has no real agricultural value and relates to the neighbouring cottage and garden area as shown on the aerial photographs.



Further, there is no one form or style to the dwellings that exist. They all differ in form, age and architectural style. This proposal has sustainable principles at its heart and one where it seeks to take influence from the adjacent cottages but bring them up to modern day living standards.

The Appellant would be content, if sought, to pull the dwelling further forward closer to the road and which would be predominantly sited on the brownfield part of the site with reduced garden/containment (as shown in Core Document 9).

The Appellant's Architect had no opportunity to respond to the design points made and this is the first opportunity to do so. His response and design suggestions/solutions on the current proposal and suggested amendments are for the LRB to consider (but would be deemed an acceptable compromise by the Appellant).

- c. The Aerial and images provide greater context and show how it would sit within the local landscape. It cannot, in our opinion, be considered as sporadic development.
- d. It is clear, that the modest home in this location, relates well to existing and adjoining built form and would have no significant landscape or environmental impacts. There is an existing landscape/planted mound along the sites southern boundary which provides biodiversity gain and would contain it. That boundary / landform also assists to address any concerns on ribbon development. Which, in our opinion, will not occur as there are houses located opposite and thus one would argue rounds off the building group not elongates it.
- e. Again, the appellant has proposed further landscape containment and is happy to have a smaller/defined garden area. The remaining paddock area would remain in situ and thus minimal landscape impact will be had. There will be a net biodiversity gain in the provision of new landscaping and planting and retention of the majority of the paddock area in its current form. Man-made "means of enclosure" are acceptable as established in 2.b.1 of the New Housing in the Borders Countryside Supplementary Guidance.
- f. It is again strongly rebutted that this would provide an undesirable precedence. Firstly, each application should be deliberated on its own merits and, secondly, we have detailed how this site sits directly adjacent to an existing building group and built form. It can be deemed in no way to be sporadic nor will it provide negative precedence.

We have also detailed other cases that are similar to this one and approved by the LRB.



The proposal is deemed to be compliant with Policy HD 2 and NPF4 principle policies.

Grounds of Appeal 2

- a. The assertion that the subject site would represent a form of ribbon development is not accepted. When one refers to the current built form it is clear that there are dwellings on both sides of the road. There are two dwellings located opposite the site and indeed further south than the site. It will address that existing streetscape. The built form isn't only on one side of the road which could have given rise to such concerns. In this case it doesn't.

As noted, there is already existing landscape containment on the southern boundary together with the brownfield/hardstanding to the front of the site which forms part of the subject site.

- b. The property is modest in scale and designed to relate and read as part of the adjacent cottages streetscape. It would be sustainable built, using a rural palette of materials and seeks to adhere to passive house standards and support renewable technologies where possible.
- c. As the site clearly forms part of a Building Group, there is no requirement for the proposed dwelling to be tied to adjoining or any other agricultural land. The impact of the proposal on the landscape character would be limited and the design reflects and respects the local built character. No dwellings have been approved or constructed within the current LDP period and so capacity exists for the expansion of the Building Group.
- d. There was **no objections from any statutory consultee and with no objection from the Roads Department**. There are no further material considerations that would warrant a refusal in this instance.

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 Appeal.



1.0 PROPOSAL SUMMARY

- 1.1 This Statement is submitted to Scottish Borders Council on behalf of the Appellant, Peter Caunt (Susan Kinnear), against the delegated decision to refuse to grant planning permission for the erection of a dwellinghouse at Netherwells, Jedburgh.
- 1.2 The Agent/Architect, by accident, denoted themselves as Applicant. To clarify they are not the applicant/appellant that would be Ms Susan Kinnear.
- 1.3 The appeal site lies adjacent and to the south of the Appellant's existing dwelling at 1 Netherwells Cottages. There is then a further adjoining cottage to the north with two detached properties located opposite to the west.
- 1.4 The site comprises part hardstanding adjacent to the road and part paddock area which aligns largely to the paddock/garden area used by the neighbouring cottage (2 Netherwells).
- 1.5 The site layout places the new dwelling within close proximity of the existing cottages and faces the road to provide a form of natural continuation of the built form. It would again sit opposite to a number of detached dwellings.
- 1.6 On site provision has been allowed for two cars together with the relevant servicing arrangements. The dwelling is modest in scale and aimed at providing an affordable rural home for someone to build and live in. It provides for modest living accommodation comprising: livingroom, kitchen, three bedrooms and bathrooms on both levels.
- 1.7 It is intended that the property would have natural slate, timber windows and white lime render. The materiality is accepted in rural areas and purposefully simplistic to ensure that it sits well within its context and keeps the build process affordable.
- 1.8 Figure 1 below provides some aerial pictures followed by the site plan and dwelling elevations for context.

Figure 1: Photographs, Site & House Plans

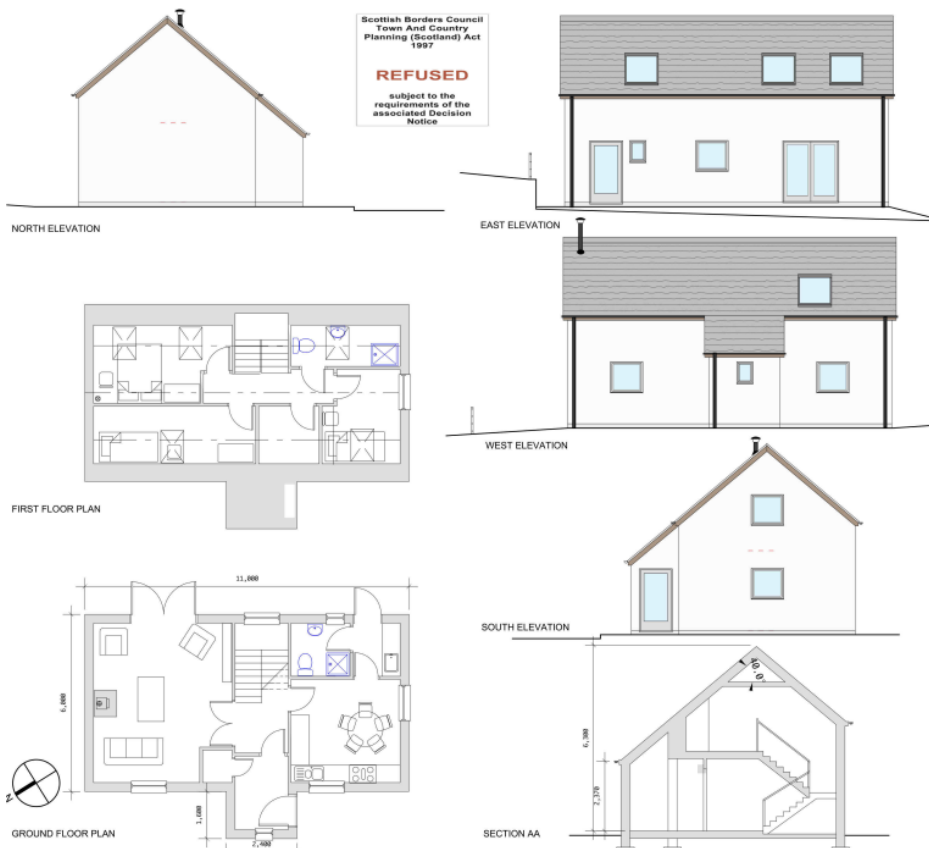


FERGUSON PLANNING





PLANNING





- 1.9 The proposed drive and hardstanding apron provide sufficient space on-site for parking and the Roads Planning Officer has not objected to the proposal.
- 1.10 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.
- 1.11 A number of comments has been made with regard to the water pressure in the area. While that is a Scottish Water matter to resolve the Appellant would be happy to put in place a water tank which would draw water (via a timer mechanism) during the hours of 1am to 6am. This this would mean that the property would take its water from the tank during daytime hours and not impact on the water pressure.
- 1.12 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.



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

2.1 Planning Application 23/00331/FUL was refused on 26th May 2023. The Decision Notice cited two reasons for refusal, set out below:

1 It is considered that the proposals are contrary to National Planning Framework 4 policy 17 and policy HD2 of the Local Development Plan 2016 and Supplementary Planning Guidance New Housing in the Borders Countryside (2008) in that the proposed development would be sited within a previously undeveloped field, beyond the natural and man-made boundaries of the Netherwells building group, outwith the sense of place of the building group and out of keeping with the character of the building group resulting in an unacceptable adverse impact on the landscape and amenity of the surrounding area.

Accordingly, the proposed development would represent a sporadic and unjustified form of development in the countryside, which would set an undesirable precedent for similar unjustified proposals.

2 The proposal would be contrary to policy PMD2 of the Local Development Plan 2016 as the poor quality design, over development of the site and inappropriate ribbon development would not be compatible with or respect the character of the surrounding area or building group to the detriment of the character and amenity of the building group.

Scottish Borders Local Development Plan

- 2.2 Policy HD2 (Refer to Figure 2) permits the expansion of existing Building Groups, which comprise at least three houses, by an additional 2 dwellings or a 30% increase of the building group, whichever is the greater over the LDP period.
- 2.3 The Appellant’s submission is that the application was made in accordance with section (A) of the Policy in that the appeal proposal represents the enlargement of an existing Building Group in the countryside by a single dwelling. Therefore section (F) – “economic or operational need” – is not considered to be relevant.

(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.

Figure 2: Policy HD2 Extract

2.4 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.



- 2.5 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.
- 2.6 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.”
- 2.7 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.

National Planning Framework 4

- 2.7 Policy 17 of the NPF4 sets out eight situations for which development proposals for new homes in rural areas will be supported. Although ‘extension to an existing building group’ is not one of the situations specifically listed, Policy 17 does direct that LDPs should reflect locally appropriate delivery approaches.
- 2.8 This makes clear that there is an allowance for local Planning Authorities to detail their own acceptable means for rural homes to be developed, such as SBC has with Policy HD2 of the LDP. NPF4 strongly support the revitalization of rural communities and provision of new homes in those areas. It also supports the use of brownfield land where possible.
- 2.9 Some of the NPF 4 key principles and our response are detailed in Table 1 below.



Table 1: NPF 4 key principles

Policy Principle	How the Proposal Complies
Giving due weight to net economic benefit;	The proposal will deliver much needed investment and delivery of housing that is fit for purpose within a part brownfield plot within an existing Building Group at Netherwells. The appellant 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 through the creation of jobs during the construction, whilst ensuring there is a generous supply of housing land that is fit for purpose to cater for the increase in people and families living in rural parts of the Scottish Borders.
Supporting good design and the six qualities of successful places;	The proposal will deliver a high quality residential dwelling, utilising sustainable technologies and materials. It seeks to apply or as close to passive house standards.
Making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;	The proposal will seek to locate close to existing dwellings, on part brownfield lands and seek to minimise environmental impacts where possible.
Supporting delivery of accessible housing, business, retailing and leisure development.	The proposal will form a much-needed and modest/affordable family dwelling that meets the growing demand in this rural part of the Scottish Borders.
Supporting delivery of infrastructure, for example transport, education, energy, digital and water.	The proposal will contribute to local infrastructure through entering into a financial contribution legal agreement. It will also support sustainable build techniques and technologies.
Supporting climate change mitigation and adaptation including taking account of flood risk.	The proposed residential property will capitalise on renewable technologies and is not within a flood zone.



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 property is situated within an existing building group and within close proximity to rural paths supporting social interaction and leisure.
Having regard to the principles for sustainable land use set out in the Land Use Strategy;	As previously mentioned the proposal is contained within a building group, on part brownfield land and will support sustainable building techniques and technologies.
Protecting, enhancing and promoting access to cultural heritage, including the historic environment.	The sensitive approach to the design seeks to safeguard the character of its surroundings with no significant impacts on heritage assets.
Protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment.	The proposal is largely positioned on part brownfield part shrub land adjacent to built form. It is not considered to result in the loss of prime agricultural land. Landscape boundary planting/hedging will result in a net biodiversity gain.
Reducing waste, facilitating its management and promoting resource recovery; and	Suitable provision for waste collection can be demonstrated and recycling will be encouraged at every stage from the build and living within the house.
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.



3.0 GROUNDS FOR APPEAL AND CASE FOR THE APPELLANT

3.1 Two reasons were cited for the refusal of the Application.

1 It is considered that the proposals are contrary to National Planning Framework 4 policy 17 and policy HD2 of the Local Development Plan 2016 and Supplementary Planning Guidance New Housing in the Borders Countryside (2008) in that the proposed development would be sited within a previously undeveloped field, beyond the natural and man-made boundaries of the Netherwells building group, outwith the sense of place of the building group and out of keeping with the character of the building group resulting in an unacceptable adverse impact on the landscape and amenity of the surrounding area.

Accordingly, the proposed development would represent a sporadic and unjustified form of development in the countryside, which would set an undesirable precedent for similar unjustified proposals.

2 The proposal would be contrary to policy PMD2 of the Local Development Plan 2016 as the poor quality design, over development of the site and inappropriate ribbon development would not be compatible with or respect the character of the surrounding area or building group to the detriment of the character and amenity of the building group.

3.2 As set out within our Grounds of Appeal (GOA) the Appellant does not accept the reasons for refusal. The key points of rebuttal being:

GROUND OF APPEAL (GOA) 1

3.3 The proposal sits immediately adjacent and opposite a building group of three or more dwellings and thus a building group clearly exists and therefore the principal is deemed acceptable under Policy HD2 a). There are two cottages that sit directly adjacent to the subject site on the same side of the road and two further bungalows located opposite. There is also a farmhouse making up 5 dwellings in this location together with further agricultural sheds (which again further the focal point of built development in this area).

3.4 The subject site would read as part of the building group and overall sense of place. Contrary to assertions made the site is part brownfield and part on scrubland/paddock. It has no real agricultural value and relates well to the neighbouring cottages and garden area as shown on the aerial photographs shown in Figure 1 and 3 below.

Figure 3: Aerial Photography of Existing Building Group

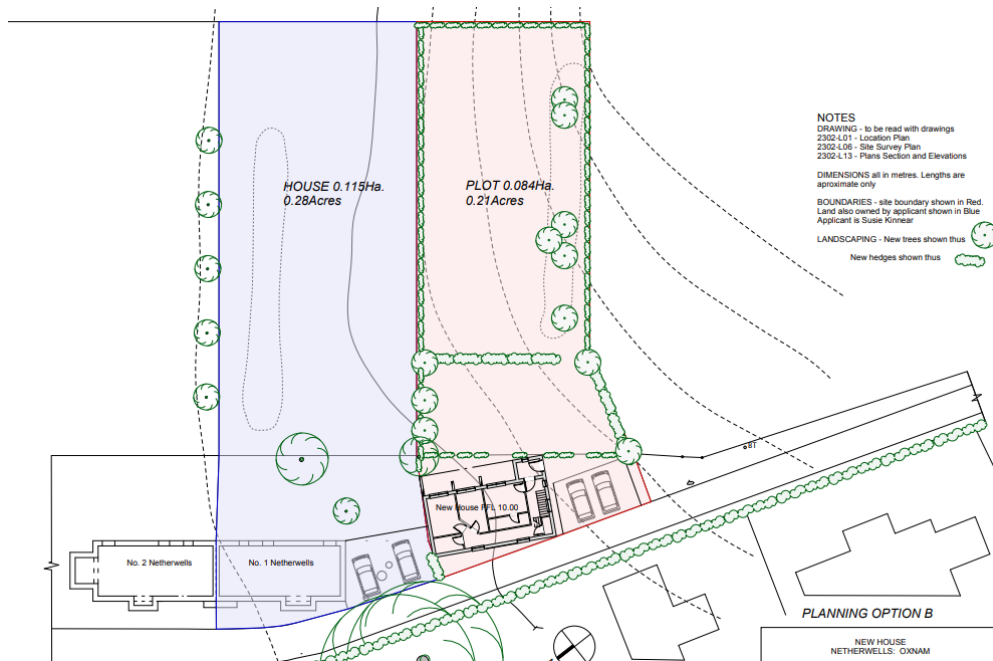




- 3.5 The images provide greater context and show how it would sit within the local landscape it in no way be considered sporadic in our opinion.
- 3.6 It is clear that the modest home in this location relates well to existing and adjoining built form and would have no significant landscape or environmental impacts. There is an existing landscape/plant mound boundary along the sites southern boundary which provides biodiversity gain and would contain it. That boundary landform also assists to address any concerns on ribbon development. Which is further denied given there are actually houses located opposite and thus one would argue rounds off the building group not elongates it.
- 3.7 Again, the appellant has proposed further landscape containment and is happy to have a smaller/defined garden area. The remaining paddock area would remain in situ and thus minimal landscape impact will be had. There will be a net biodiversity gain in the provision of new landscaping and planting and retention of the majority of the paddock area in its current form. Man-made “means of enclosure” is acceptable as established in 2.b.1 of the New Housing in the Borders Countryside Supplementary Guidance.
- 3.8 It is strongly rebutted that this would provide an undesirable precedence. Firstly, each application should be deliberated on its own merits and, secondly, we have detailed how this site sits directly adjacent to an existing building group and built form. It can be deemed in no way to be sporadic nor will it provide negative precedence.
- 3.9 We again have assessed the policy principles and shown how the proposal is compliant with LDP Policy HD 2 and NPF4.
- 3.10 Regarding design matters the proposal has sought to use a building material palette suitable to rural areas (eg. Natural slate, timber windows). There is no one form or style to the dwellings that exist in this building group. They all differ in form, age and architectural style. This proposal has sustainable principles at its heart and one where it seeks to take influence from the adjacent properties.
- 3.11 The property is modest in scale and designed to relate and read as part of the adjacent cottages streetscape. The style is in keeping with cottages nos. 1 & 2 being of white rendered duo pitch design. The three cottages share the same roof material, a natural slate which will help bind them together as a group. The ridge height is similar to the neighbouring properties and there are no issues of overlooking or privacy. In time the landscaping will obscure some of the impact of the new building but it will sit as a gateway on the right hand side of the road just as the Bungalow does on the left.

3.12 The Appellant would be content, if sought, to pull the dwelling further forward closer to the road and which would be predominantly sited on the brownfield part of the site with reduced garden/containment as shown in Core Document 7 and Figure 4 below.

Figure 4: Updated- Option B Site Plan / Elevations (for consideration)





3.13 The Appellant’s Architect had no opportunity to respond to the design points made by the case officer and this is the first opportunity to do so. The Appellant believes the site layout and design layout works and fits this area. However, should the plans denoted ‘Option B’ be considered preferable the Appellant would be willing to accept that and for that be referred to within any decision.

3.14 We wish to highlight should members welcome an amendment then we would be happy to substitute drawings 2302-L03B & L05B with drawings 2302-L12 & L13, as Option B. We have altered the windows proportion and fenestration to meet the design guidance for New Housing in the Borders Countryside. The render colour has been offered as cream to match better with the gable stonework of no. 1 which it sits beside. Whilst the form and materials of the building match its neighbours as in the original design, the south east elevation to the garden side displays a more modern approach with more glazing and a balcony to the upper level.



GROUNDINGS OF APPEAL (GOA) 2

- 3.15 The assertion that the subject site would represent a form of ribbon development is not accepted in any shape or form. When one refers to the current built form it is clear that there are dwellings adjacent to the site and on both sides of the road. There are two dwellings located opposite the site and indeed further along the road than the site. It will address that existing streetscape and those houses opposite. The built form isn't only on one side of the road which could have given rise to such concerns. In this case it does not.
- 3.16 As noted, there is existing landscape containment on the southern boundary together with the brownfield/hardstanding to the front of the site which forms part of the subject site.
- 3.17 It would be sustainable built and seeks to adhere to passive house standards and will support renewable technologies where possible.
- 3.18 The site forms part of the existing Building Group defined by the cottages directly adjacent to the subject site and two bungalows situated opposite. As the site clearly forms part of a Building Group, there is no requirement for the proposed dwelling to be tied to adjoining or any other agricultural land.
- 3.19 The impact of the proposal on the landscape character would be limited and a detailed design which reflects and respects the local built character can be secured by condition. No dwellings have been approved or constructed within the current LDP period and so capacity exists for the expansion of the Building Group.
- 3.20 There was **no objections from any statutory consultee (including the Roads Department)** on this application and thus beyond the reasons for refusal stated by the case officer there are no further material considerations that would warrant a refusal in this instance.
- 3.21 Policy 9 of NPF4, criteria (b) states that, *“proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal site is explicitly supported by policies in the LDP”*. As we have outlined above, the proposals are compliant with LDP Policy HD2 Part A, and therefore it follows that the proposals are compliant with Policy 9 and there is no conflict. The proposal is planned to be primarily placed on brownfield or low quality land with adjoining garden area holding no significant agricultural value.



- 3.22 Policy 16 (part c) states that, *“development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported. This could include: (i) self-provided homes”*.
- 3.23 It is considered that there is no prospect of the proposed dwelling being delivered by a housebuilder or other corporate developer. Development of the new dwelling would be delivered on self-build basis – by the appellant. Therefore, the proposed dwellings are considered to satisfy item (i). of criterion c) as it represents a *‘self-provided home’*.
- 3.24 We therefore do not consider Policy 17 is justified grounds for refusal due to the lack of an economic case, as the proposal satisfies other housing policies of NPF4. It is not a requirement for proposals to meet all policies of NPF4 to be acceptable where they overlap in this way, or where proposals comply with the LDP.
- 3.25 Notwithstanding, we do consider that the proposals are fully compliant with the stated policy intent of Policy 17 which is, *“to encourage, promote and facilitate the delivery of more high quality affordable and sustainable rural homes in the right locations”*.
- 3.26 Furthermore the ‘policy outcomes’ of Policy 17 are defined as:
- *“Improved choice of homes across tenures so that identified local needs of people and communities in rural and island areas are met.*
 - *Homes are provided that support sustainable rural communities and are linked with service provision.*
 - *The distinctive character, sense of place and natural and cultural assets of rural areas are safeguarded and enhanced”*.
- 3.27 We consider the proposals satisfy both the ‘policy intent’ and will deliver the ‘policy outcomes’ of Policy 17 for the reasons already stated.
- 3.28 The proposals are supported by NPF4 which supports *“rural revitalisation”*. The latter is defined in NPF4 as *“sustainable development in rural areas, recognising the need to grow and support urban and rural communities together”*.
- 3.29 NPF4 seeks to *“support development that helps to retain and increase the population of rural areas of Scotland”*.



3.30 The site offers the opportunity to deliver a landscape-led design solution for a bespoke dwelling, which complements, rather than competes with the existing landscape character and allows the appellant to remain on their farm long term.

Similar Applications

Application 20/00013/RREF– Land North of Ramsacre, Thickside, Jedburgh

3.31 We consider it pertinent to raise the above application/appeal which was approved at LRB. It is not only the closest in terms of distance but considered very similar matters to this Appeal. The key extracts/conclusions of this LRB decision are provided below:

The Review Body noted that the application was for the erection of a dwellinghouse and formation of access, landscaping and associated works on a site at Thickside, Jedburgh.

Members firstly considered whether there was a building group in the vicinity under Policy HD2 and also whether there was capacity for addition to any such group. They noted that there were three existing houses in the immediate vicinity, including one opposite the site. Members also noted that there were no existing permissions for any further houses at the group. They concluded that there was a building group present and that there was capacity for the addition of one house, in compliance with Policy HD2 and the relevant SPG.

Members then considered the relationship of the site with the group and whether it was within the sense of place and in keeping with its character, whilst noting that the application was for planning permission in principle and that the suggested precise position and design of house remained indicative. In this respect, they had regard to the positions of other houses in the group, especially “Ramsacre”. They considered that the character of the group was one where houses were not particularly well related to each other and that the site was no less related in that respect. They concluded that the site was within the sense of place and an appropriate addition to the building group.

The planted boundary between the site and Thickside House was then considered but the Review Body felt this was not a strong division or edge to the group, being a single line of trees within a domestic garden. With appropriate new planting to the south-western edge of



the site, Members felt that the site could balance with “Ramsacre” and provide a finished edge to the building group towards Oxnam Road.

Members then considered the potential visual and landscape impact of the house and recognised the challenging nature of the site in terms of rising levels. They also noted that a neighbour has sought a single storey design. The sketch layout and design of the dwellinghouse provided Members with some assurance that, on such a sloping site, the height would be restricted and the parking would be provided adjoining the road. Nevertheless, they considered it important that the height of the design should be restricted to no more than 1½ storeys and that it was designed to be in character with the group and landscaped surroundings. The Review Body recommended a condition on the height and an applicant informative relating to appropriate supplementary planning guidance.

The Review Body finally considered other material issues relating to the proposal including tree protection, access improvement, water and drainage but were of the opinion that appropriate conditions could address them satisfactorily. They also noted that development contributions for education were not required at this location.

CONCLUSION

After considering all relevant information, the Local Review Body concluded that the development was consistent with Policy HD2 of the Local Development Plan and relevant Supplementary Planning Guidance. The development was considered to be an appropriate addition to an existing building group with impact on the landscape that can be mitigated by new planting and attention to height and design of the house. Consequently, the application was approved.



Application 18/01712/PPP – Land North of Leader House, Oxton

3.32 This application was approved by the Planning Committee for the erection of two houses on part of an agricultural field situated to the north of the Carfraemill Hotel, to the north of Lauder.

3.33 This application is of relevance as the officer considered that, ***“It is accepted that the approved SPG on new housing in the countryside states that sites should not normally break into undeveloped fields particularly where there exists a definable natural boundary between the building group and the field. The use of the words ‘not normally’ is particularly relevant in this case as this suggests that there may be situations where it is acceptable for sites to break into previously undeveloped fields, as is the case here. There is a minor road to the east of the application site which helps define the western edge of the group however this is a man-made boundary, and the guidance makes specific reference to natural boundaries taking precedence over man-made boundaries when defining the extent of a building group. The application site and land to the west rises from the road to a ridge beyond the application site boundary, helping to contain the site within an identifiable sense of place. Proposed indicative planting as shown on the site plan would further assist in assimilating the development into the group. The precise details of structure planting can be covered by condition in the event of an approval. Furthermore, the proposed units would be located within a reasonable distance of the existing properties within the group and would be consistent with the spacing between these properties, consistent with supplementary guidance”.***

3.34 As described in the appeal statement above, additional boundary planting is proposed in this case, helping to enhance the natural boundaries that already exist and helping to contain the site and it is clear from this example, that this approach has already been accepted elsewhere. The appellant would be happy to accept a condition that required details of structure planting to be submitted, like in this instance.



4 CONCLUSION

4.3 The submitted appeal, supported by this statement, seeks the Local Review Body's approval for the following key reasons:

- The proposed site is fully contained within the natural landforms of the area, sited within the existing building group at Netherwells and respecting the established setting and sense of place.
- The proposed dwelling would be enclosed by existing planting and new tree planting, defining the boundaries of the site. The proposed tree planting also provides a distinctive landscape feature precluding further development beyond the boundary it creates.
- The design of the property takes note of the external materials used in the properties within the group, and is of consistent size, scale, and massing.
- The development has no adverse impacts on the amenity of the nearby properties or landscape setting.
- The proposal will provide a high quality, self-build home that that is highly energy efficient using Passivehaus detailing and responds to climate change with the provision of solar panels.
- It will allow a family to build and live within an affordable rural home.
- The proposal will add to economic activity in the Scottish Borders area during construction and will provide a valuable addition to the housing stock.

4.4 In contrast to the officer's report, we consider the proposals are in fact fully compliant with LDP Policies HD2 Part A and PMD2, the New Housing in the Borders Countryside Supplementary Guidance and NPF4 Policies 9 and 17. We respectfully request that this appeal is therefore allowed by the Local Review Body.



APPENDIX 1

Core Documents

The following drawings, documents, and plans have been submitted to support the appeal:

- Notice of Review Form;
- CD1 Local Review Statement;
- Application Form;
- CD2 2302-L01 Location Plan, prepared by Quercus;
- CD3 2302-L12 Site Plan, prepared by Quercus;
- CD4 2302-L13 Plan, Sections, and Elevations, prepared by Quercus;
- CD5 2302-L02(A) Site Survey Plan, prepared by Quercus
- CD6 Planning Application 23/00331/FUL consultation response of Roads Planning team;
- CD7 Report of Handling 23/00331/FUL;
- CD8 Decision Notice 23/00331/FUL; and
- CD9 Option B Site Plan&Elevations, prepared by Quercus (for consideration).

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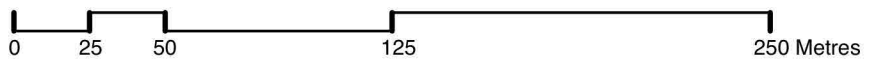
SITE LOCATION PLAN
AREA 16 HA
SCALE 1:2500 on A4
CENTRE COORDINATES: 368762, 620211



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

REFUSED

subject to the
requirements of the
associated Decision
Notice

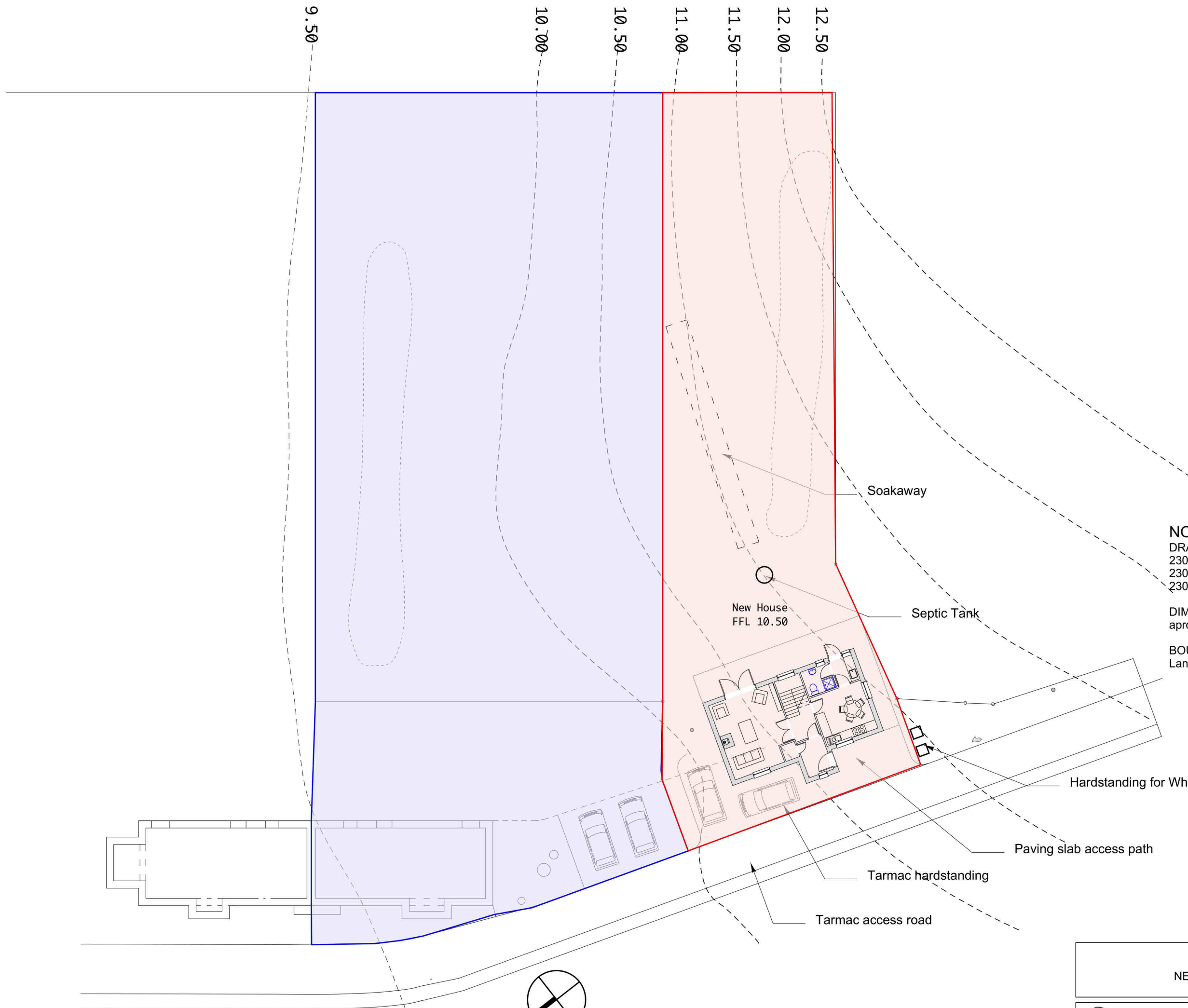


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Town And Country
Planning (Scotland) Act
1997

REFUSED

subject to the
requirements of the
associated Decision
Notice



NOTES

DRAWING - to be read with drawings
2302-L01 Location Plan
2302-L03 Site Survey Plan
2302-L05- Plans section and elevations

DIMENSIONS all in metres. Lengths are
approximate only

BOUNDARIES - site boundary shown in Red.
Land also owned by applicant shown in Blue

New House
FFL 10.50

Soakaway

Septic Tank

Hardstanding for Wheelie bins

Paving slab access path

Tarmac hardstanding

Tarmac access road

PLANNING

NEW HOUSE
NETHERWELLS: OXNAM

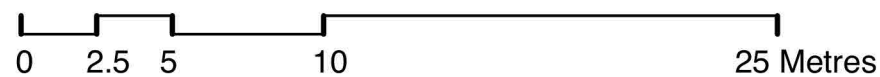
Quercus
RURAL - URBAN - DESIGN

Sunnyside Studio
Heriot, Midlothian
Scotland EH38 5YE
Tel. 01875 835220
Mob. 07941 757382
Email peter@quercus.scot

Scale 1:250 Feb 2023 PC

SITE PLAN

2302-L03revB

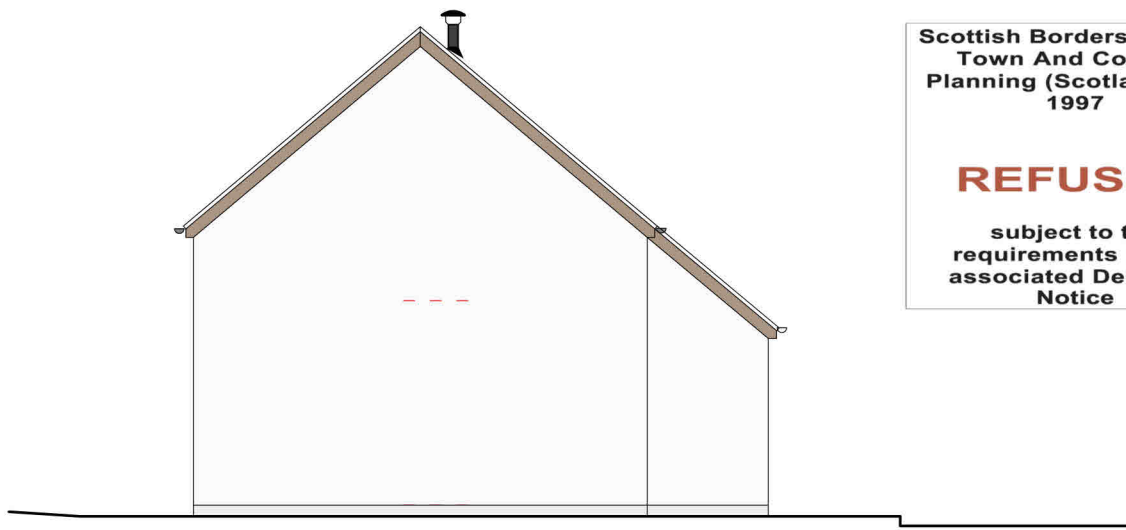


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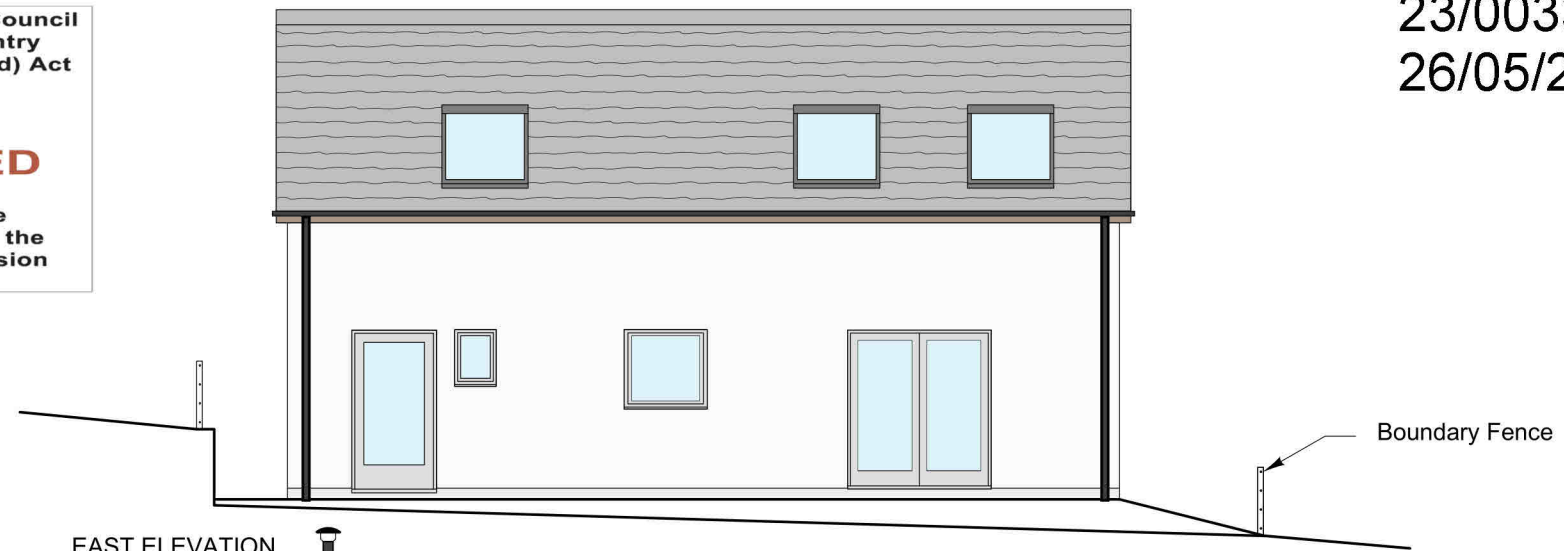
Scottish Borders Council
Town And Country
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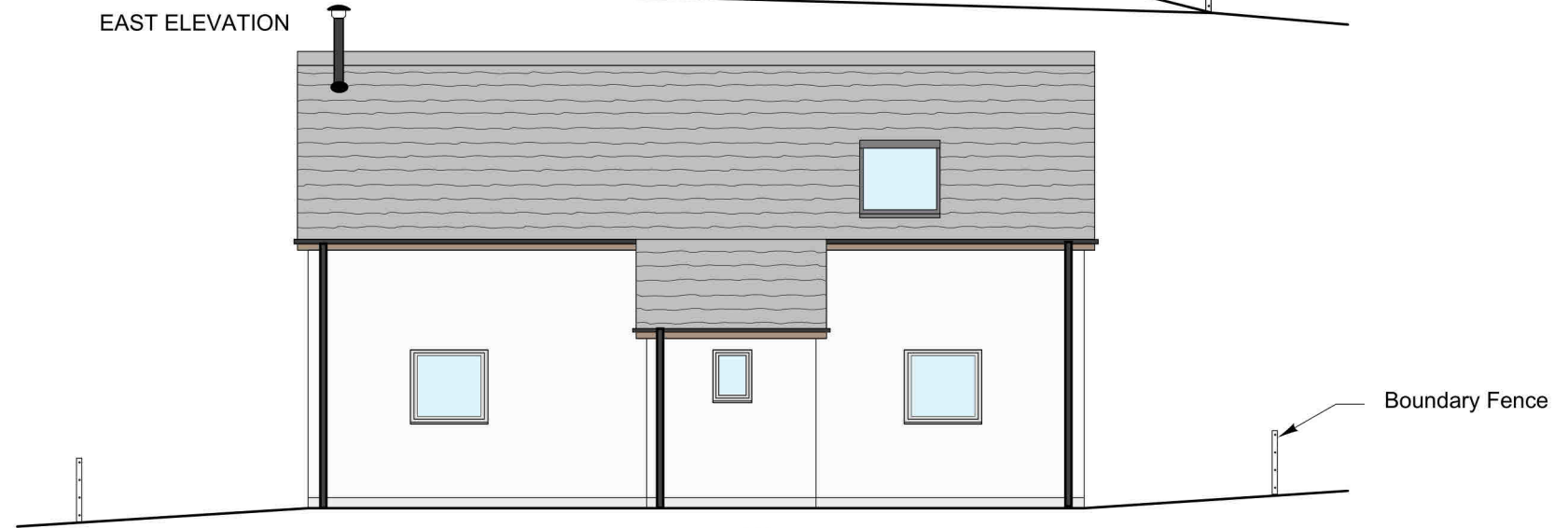
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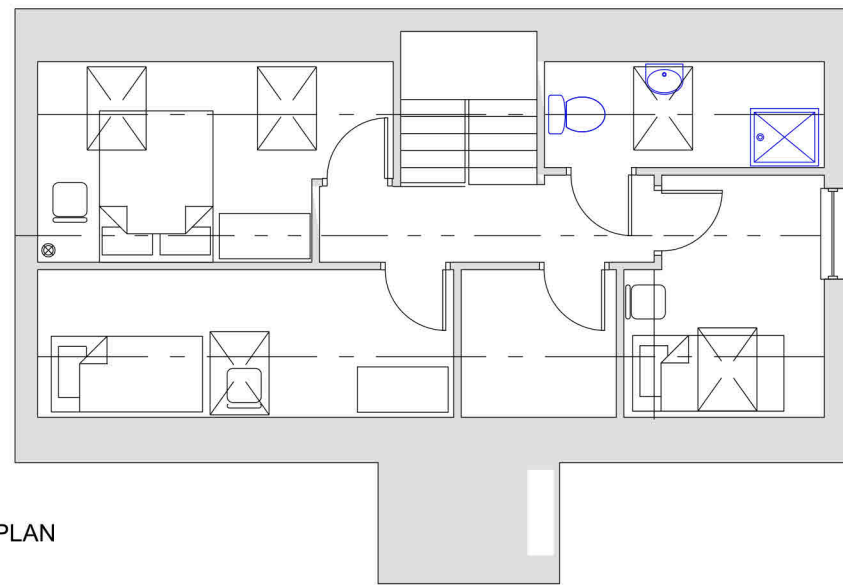
NORTH ELEVATION



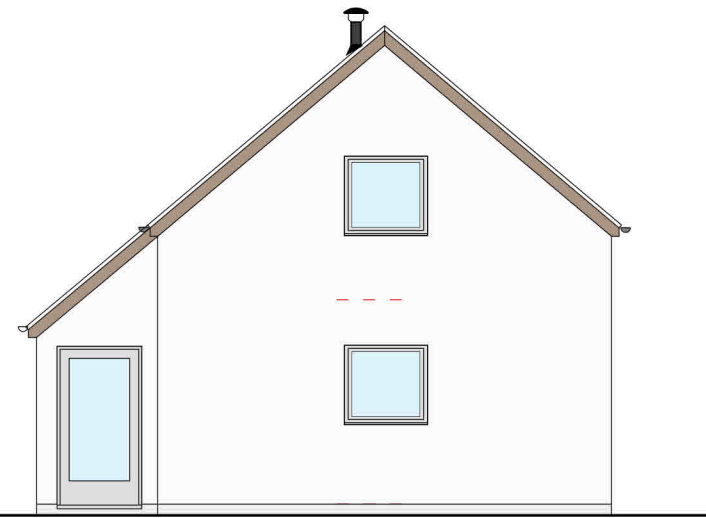
EAST ELEVATION



WEST ELEVATION



FIRST FLOOR PLAN



SOUTH ELEVATION

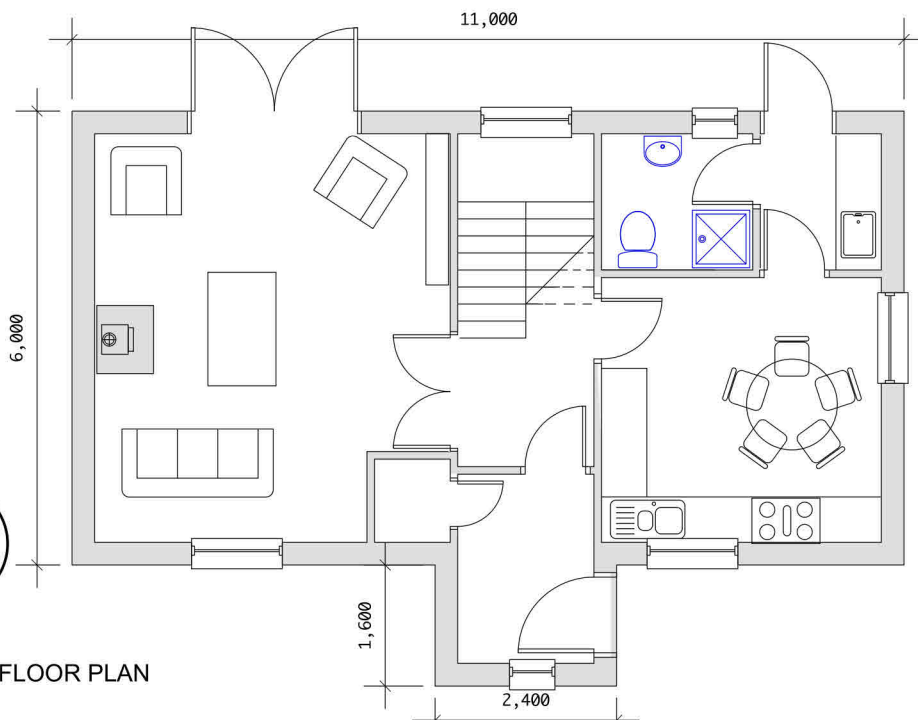
NOTES

DRAWING - to be read with drawings
2302-L01 Location Plan
2302-L02 Site Survey Plan
2302-L03 Site Plan

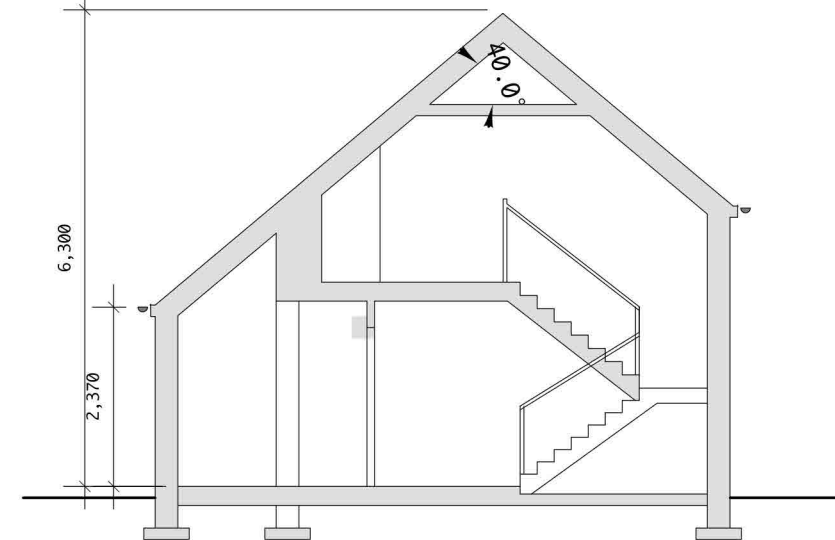
DIMENSIONS all in metres. Lengths are
approximate only

MATERIALS

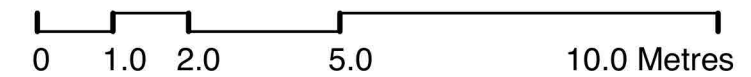
Roof: Natural slate colour: blue grey
Walls: Lime render colour: white
Windows & Doors: Timber stained grey
Rainwater: Steel colour: black
Stove: Pipe steel: colour: black



GROUND FLOOR PLAN



SECTION AA



PLANNING

NEW HOUSE
NETHERWELLS: OXNAM

Quercus
RURAL DESIGN STUDIO

Sunnyside Studio
Heriot, Midlothian
Scotland EH38 5YE
Tel. 01875 835220
Mob. 07941 757382
Email peter@quercus.scot

Scale 1:100 Feb 2023 PC

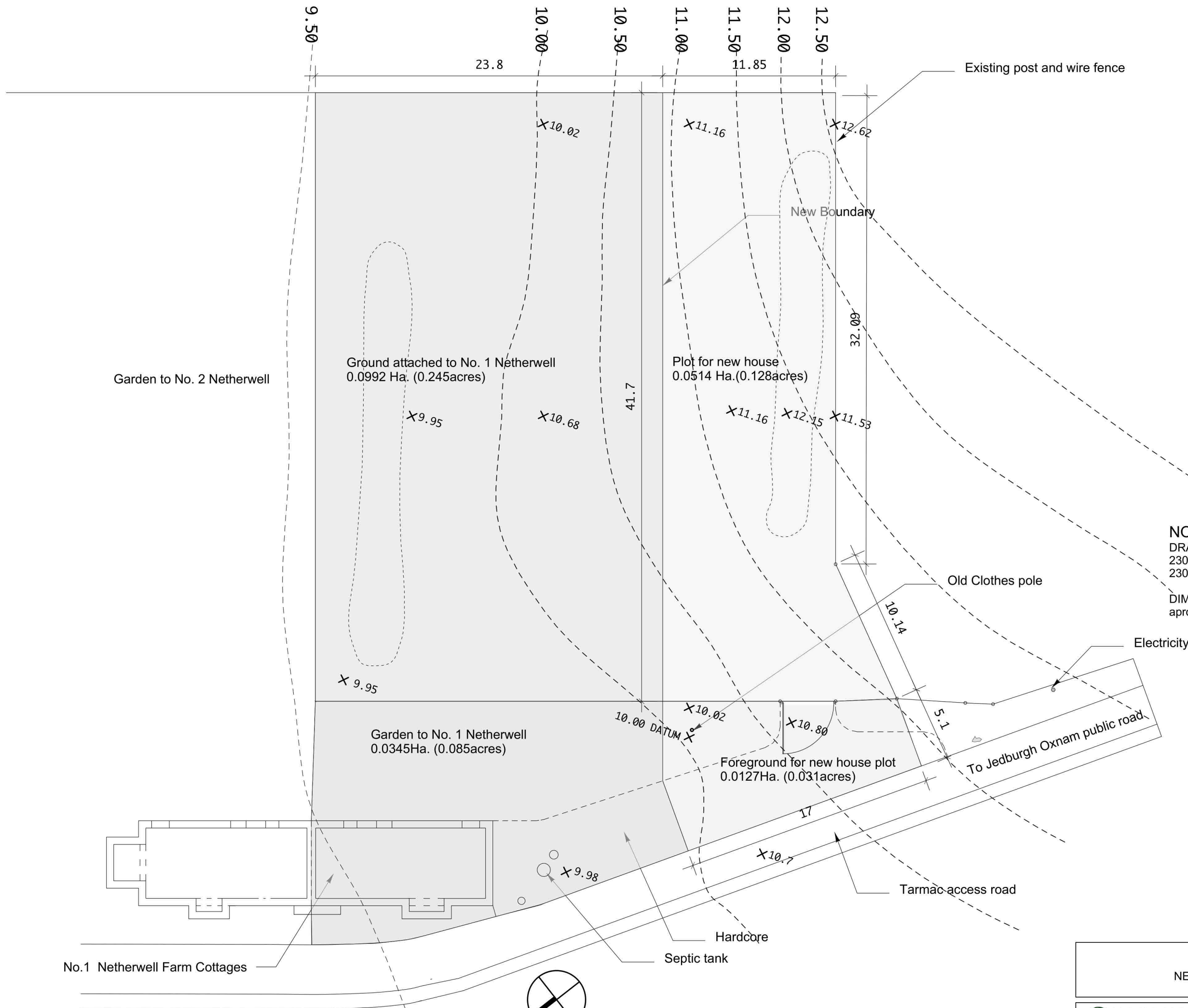
PLAN SECTIONS &
ELEVATIONS
2302-L05

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

REFUSED

subject to the
requirements of the
associated Decision
Notice

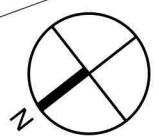


NOTES
DRAWING - to be read with drawings
2302-L01 Location Plan
2302-L04- Plans section and elevations
DIMENSIONS all in metres. Lengths are
approximate only

PLANNING

NEW HOUSE
NETHERWELLS: OXNAM

Quercus <small>RURAL SURVEYING SECTION</small> Sunnyside Studio Heriot, Midlothian Scotland EH38 5YE	Tel. 01875 835220 Mob. 07941 757382 Email peter@quercus.scot	Scale 1:250 Feb 2023 PC SITE SURVEY PLAN 2302-L02revA



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**CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Roads Planning Service		
Officer Name, Post and Contact Details	Mark Payne Roads Planning Officer		mark.payne@scotborders.gov.uk 01835 825018
Date of reply	9 th March 2023	Consultee reference:	
Planning Application Reference	23/00331/FUL	Case Officer: Euan Calvert	
Applicant	Mr Peter Caunt		
Agent	N/A		
Proposed Development	Erection of dwellinghouse		
Site Location	Land South Of 1 Netherwells Jedburgh Scottish Borders		
<i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i>			
Background and Site description	No previous applications / approvals		
Key Issues (Bullet points)			
Assessment	<p>The dwelling is served by a private access road leading to Netherwells Farm. There are a number of dwellings along this road prior to reaching the farm. The proposal allows for 2no. parking spaces within the curtilage of the dwelling with a further 2no. spaces provided in adjacent land owned by the applicant.</p> <p>It would be preferable to allow for turning so that any vehicles can enter and exit the site in a forward gear. Given the constraints of the site boundaries and that traffic along this private road will primarily be from the farm and residents, nose in parking would however be acceptable as shown. I would anticipate that with the road terminating at the farm, being narrow and passing a number of established dwellings prior to reaching the proposed dwelling, speed of traffic would be relatively low.</p> <p>I therefore have no objections to this proposal.</p>		
Recommendation	<input type="checkbox"/> Object	<input checked="" type="checkbox"/> Do not object	<input type="checkbox"/> Do not object, subject to conditions
			<input type="checkbox"/> Further information required
Recommended Conditions			
Recommended Informatives			

Signed: AJS

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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 : 23/00331/FUL
APPLICANT : Mr Peter Caunt
AGENT :
DEVELOPMENT : Erection of dwellinghouse
LOCATION: Land South Of
1 Netherwells
Jedburgh
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
A LOCATION PLAN	Location Plan	Refused
SITE SURVEY PLAN	Topographical Plan	Refused
2302-L05	Proposed Plans, Sections & Elevations	Refused
2302-L03REVB	Proposed Site Plan	Refused

NUMBER OF REPRESENTATIONS: 4
SUMMARY OF REPRESENTATIONS:

Four neighbours were notified and adverts placed in the Southern Reporter and tellmescotland.gov.uk.

There were four objections received raising the following issues:

- o Inadequate access.
- o Increased traffic/ road safety concerns.
- o There is already a house for the applicant on this site.
- o Water supply issues.
- o Communication cables on site.
- o Bio security

Consultations:

Community Council: No response.

Access Officer: No response.

Environmental Health: No response.

Roads Planning Service: No objection. The dwelling is served by a private access. The proposal allows for 2 parking spaces within the curtilage of the dwelling with a further 2 spaces provided in adjacent land owned by the applicant. It would be preferable to allow for turning so that any vehicles

can enter and exit the site in a forward gear. Given the constraints of the site boundaries and that traffic along this private road will primarily be from the farm and residents, nose in parking would however be acceptable as shown. Speed of traffic would be relatively low.

Scottish water: A public water supply is 650 meters east of site. There is no public waste water infrastructure.

PLANNING CONSIDERATIONS AND POLICIES:

National Planning Framework 4

Policy 1: Tackling the Climate and Nature Crises

Policy 2: Climate Mitigation and Adaptation

Policy 17 Rural Homes

Local Development Plan 2016

PMD1: Sustainability

PMD2: Quality Standards

HD2: Housing in the Countryside

HD3: Protection of Residential Amenity

IS2: Developer Contributions

IS7: Parking Provision and Standards

IS9: Waste Water Treatment and Sustainable Urban Drainage

Supplementary Planning Guidance

Placemaking and Design (2010)

Development Contributions (Revised 2023)

New Housing in the Borders Countryside (2008)

Landscape and Development (2008)

Householder Development (incorporating Privacy and Sunlight Guide) (2006)

Recommendation by - Euan Calvert (Assistant Planning Officer) on 25th May 2023

This is a full planning application for a dwellinghouse at Netherwells, Jedburgh.

Site Description

This site is located 2 miles east of Jedburgh. Netherwells Farm is located at the end of a 600m long surfaced drive. There are a total of 5 houses in this location; two houses are located on the north western side of the access road, The Bungalow and The Paddock; a pair of semi-detached cottages on the south eastern side of the road, no 1 and 2 Netherwells Cottages and the farmhouse at the termination of the road to the north east.

This is a chicken breeding farm with five sheds forming an agricultural complex which is located to the north west of the road. A further complex of sheds are located off to the north east of the Farm house.

Proposal

The site for consideration is adjacent to the access road and no1 Netherwells Cottage. The proposal is to be sited partially on land which is contiguous with the cottage. A triangular roadside strip adjacent to the gable functions as garden ground/ car parking and is occupied by a septic system. The majority of the proposed site would be located in a portion of the paddock which is behind and adjacent to no1. The proposal is to form a site approximately 10.7m in width by 50m in length within a post and wire fence. The site plan demonstrates a modest house, 1.5 storey in height, 6m by 11m in footprint, under a dual gabled pitched roof. The frontage would include a porch (2.4m by 1m) and this would address the road. The house would be set back from the road edge by a space wide enough to accommodate a parallel parking space. A second parking space would be located adjacent to the north east gable. Levels have been provided. A

private septic system is proposed in the private garden ground. This garden would be rectangular in shape approximately 35m by 11m or 0.128 acre. The ground rises gently.

Planning Policy

NPF4 Policy 17 identifies support for Rural Homes. "a) Development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area.... " and the development meets the criteria listed within the policy.

The principle of development is assessed against policy HD2 of the Local Development Plan 2016 and the Supplementary Planning Guidance on New Housing in the Borders Countryside, 2008. This policy allows for new housing associated with existing building groups, conversion of suitable buildings, and in cases where economic justification is present.

Planning History

There is no history on this site.

Assessment

Policy Principle

Policy 17 of National Planning Framework 4 seeks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable rural homes in the right locations. Proposals will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area. The policy contains a number of criteria by which to assess proposals.

Development proposals for new housing will consider how the development will contribute to towards local living, take account of local housing needs (including affordable housing), economic considerations and the transport needs of the development as appropriate for the rural area.

In respect of the criteria within policy 17 part a), the site is not allocated for housing in the Local Development Plan; the proposal will not use brownfield land; the proposal does not relate to the use of a historic environment asset; the proposal does not support the sustainable management of a viable rural business and there is no essential need for a worker to live permanently at or near their place of work; the proposal is not a single home for the retirement succession of a viable farm holding; and the proposal is not for the subdivision of an existing dwelling and does not reinstate a former dwelling or replace an existing dwelling.

The proposal does not meet any of the above criteria.

The application also requires to be assessed against policy HD2 of the Local Development Plan on housing in the countryside unless material considerations indicate otherwise.

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.

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. Existing groups may be complete and may not be suitable for further additions.

It is accepted that there is a building group at this location comprising of more than three houses, however, it is considered that the current planning application site is not well related to it. The proposed site would not respect or reflect the character and amenity of the group. The chosen site would be located predominantly in the paddock and not within any strong natural boundaries.

The site appears as a portion of grass paddock, which has no natural boundaries to provide enclosure. It would not make a cohesive addition and would not assimilate well with the group. Elongation of the garden into a grass enclosure would not reflect the neighbouring pattern of development.

This chosen layout and size of site appears contrary to the established pattern of development outwith the "sense of place."

The chosen modest scale of development does not address the fundamental issue that this chosen site breaks into an undeveloped field and would be absent of the sense of enclosure and landform which surrounds other neighbouring dwellings. This site, unlike the neighbouring dwellinghouse plots, has historically been part of the wider field system. Enclosure of the grass paddocks to the rear of no 1 and 2 is a relatively recent pattern. Giving a strip of this paddock over to a house and garden would appear discordant with the historical pattern of development. The proposal is considered to be roadside ribbon development and should be avoided in this location.

In this instance, there is no overriding reason to sever/ break the containment of garden which is contiguous with No1. This garden is an important visual feature at the entrance to the group.

Policy HD2 (F) allows housing in the countryside provided that the development is a direct operational requirement of an enterprise appropriate to the countryside and 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. No appropriate site should exist within a building group and there should be no buildings capable of conversion for the required residential use.

I do not identify any justification for a dwellinghouse on this particular site. No direct operational requirement has been substantiated. Even if one had been presented, the site is still at odds with Policies HD2 and PMD2 in that the choice of layout makes little cognisance to sense of place of Netherwells.

To conclude, Policy HD2 promotes appropriate sites which do not affect character of a group or the surrounding area. A dwellinghouse on this site would not be well related leading to adverse impacts to the group and area. Development would unacceptably adversely impact the landscape and amenity of the surrounding area (policy HD2 (A) criterion b).

Siting and Design

Policy 14 of NPF 4 requires development proposals to be designed to improve the quality of an area, whether urban or rural locations and regardless of scale. Proposals will be supported where they are consistent with the 6 qualities of successful places: healthy, pleasant, connected, distinctive, sustainable and adaptable.

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 proposed size and form of dwelling would mirror the basic dual pitched form of no1 and 2 but the development site would appear contrary to the natural setting and pattern of development of Netherwells. The new dwelling would be visually prominent and dominant on the approach to the group. Whilst the scale can be accepted, the design is lacking in architectural interest and quality; the fenestration (poorly proportioned windows) and poor wall-to-window ratios would be a disappointing contribution to the building

group, detracting from the character of this group. The chosen roadside layout and narrow plot width would leave little space for necessary landscape containment, reading as overdevelopment. The proposal would be out of keeping with other houses and plot sizes within the building group.

Impact on Residential Amenity

Policy HD3 and Supplementary Planning Guidance on Householder Development, 2006 sets out standards for protection of neighbours. There are no significant amenity concerns in terms of overlooking, privacy, overshadowing or loss of light.

Concerns have been raised by neighbours regarding bio-security at the farm. In principle, I do not identify this choice of site to conflict with the direct operation of the farm. The adjacent cottages are not related to the operation of the farm. An additional house at this site would not create greater bio-security concerns than these neighbouring dwellings.

Access, parking and Road Safety

Road safety and design standards have been considered by the Roads Planning Officer. They have no objections to the choice of parking layout provided this was retained in perpetuity. They do have preference for a layout which would provide in-curtilage turning but this is not a mandatory requirement on a private road.

I acknowledge the concerns of objections but the additional traffic and parking layouts are deemed to satisfy minimum requirements in this instance.

Policy IS7 can be met concerning safety and parking provision albeit to a minimum standard.

Water Supply and Drainage

Scottish Water confirm a public water supply is available in the public road verge 650m away. Proposals for foul water to a septic/ treatment plant and soakaway would require standard planning conditions to ensure details are considered in terms of protecting the water environment and public health (policy IS9).

Developer Contributions

The property would be within catchment of Jedburgh High School. No contributions are required.

No affordable housing contribution would be due.

Conclusion

It is considered that the proposals are contrary to National Planning Framework 4 policy 17 and policy HD2 of the Local Development Plan 2016 and Supplementary Planning Guidance New Housing in the Borders Countryside (2008). No material considerations are identified which outweigh requirement for the Planning Authority to determine otherwise in strict accordance with policy.

REASON FOR DECISION :

It is considered that the proposals are contrary to National Planning Framework 4 policy 17 and policy HD2 of the Local Development Plan 2016 and Supplementary Planning Guidance New Housing in the Borders Countryside (2008) in that the proposed development would be sited within a previously undeveloped field, beyond the natural and man-made boundaries of the Netherwells building group, outwith the sense of place of the building group and out of keeping with the character of the building group resulting in an unacceptable adverse impact on the landscape and amenity of the surrounding area.

Accordingly, the proposed development would represent a sporadic and unjustified form of development in the countryside, which would set an undesirable precedent for similar unjustified proposals.

In addition, the proposal would be contrary to policy PMD2 of the Local Development Plan 2016 as the poor quality design, over development of the site and inappropriate ribbon development would not be compatible with or respect the character of the surrounding area or building group to the detriment of the character and amenity of the building group.

No material considerations are identified to make this the subject of any exceptional approval.

Recommendation: Refused

- 1 It is considered that the proposals are contrary to National Planning Framework 4 policy 17 and policy HD2 of the Local Development Plan 2016 and Supplementary Planning Guidance New Housing in the Borders Countryside (2008) in that the proposed development would be sited within a previously undeveloped field, beyond the natural and man-made boundaries of the Netherwells building group, outwith the sense of place of the building group and out of keeping with the character of the building group resulting in an unacceptable adverse impact on the landscape and amenity of the surrounding area.

Accordingly, the proposed development would represent a sporadic and unjustified form of development in the countryside, which would set an undesirable precedent for similar unjustified proposals.

- 2 The proposal would be contrary to policy PMD2 of the Local Development Plan 2016 as the poor quality design, over development of the site and inappropriate ribbon development would not be compatible with or respect the character of the surrounding area or building group to the detriment of the character and amenity of the building group.

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

Mr Peter Caunt
Sunnyside Studio
Next To The Ponds
Heriot
Scottish Borders
EH38 5YE

Please ask for: Euan Calvert
01835 826513
Our Ref: 23/00331/FUL
Your Ref:
E-Mail: ecalvert@scotborders.gov.uk
Date: 29th May 2023

Dear Sir/Madam

PLANNING APPLICATION AT Land South of 1 Netherwells Jedburgh Scottish Borders

PROPOSED DEVELOPMENT: Erection of dwellinghouse

APPLICANT: Mr Peter Caunt

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 : 23/00331/FUL

To : Mr Peter Caunt Sunnyside Studio Next To The Ponds Heriot Scottish Borders EH38 5YE

With reference to your application validated on **2nd March 2023** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

Proposal : Erection of dwellinghouse

at : Land South of 1 Netherwells Jedburgh Scottish Borders

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

**Dated 26th May 2023
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

**John Hayward
Planning & Development Standards Manager**

APPLICATION REFERENCE : 23/00331/FUL

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
Location Plan	Location Plan	Refused
Site Survey Plan	Topographical Plan	Refused
2302-L05	Proposed Plans, Sections & Elevations	Refused
2302-L03REVB	Proposed Site Plan	Refused

REASON FOR REFUSAL

- 1 It is considered that the proposals are contrary to National Planning Framework 4 policy 17 and policy HD2 of the Local Development Plan 2016 and Supplementary Planning Guidance New Housing in the Borders Countryside (2008) in that the proposed development would be sited within a previously undeveloped field, beyond the natural and man-made boundaries of the Netherwells building group, outwith the sense of place of the building group and out of keeping with the character of the building group resulting in an unacceptable adverse impact on the landscape and amenity of the surrounding area.

Accordingly, the proposed development would represent a sporadic and unjustified form of development in the countryside, which would set an undesirable precedent for similar unjustified proposals.

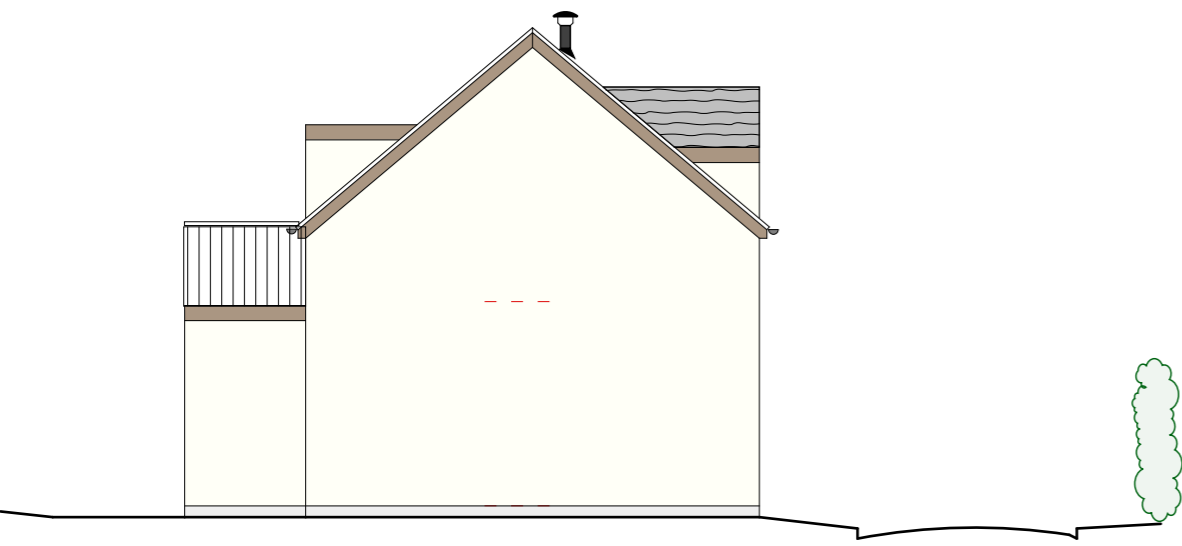
- 2 The proposal would be contrary to policy PMD2 of the Local Development Plan 2016 as the poor quality design, over development of the site and inappropriate ribbon development would not be compatible with or respect the character of the surrounding area or building group to the detriment of the character and amenity of the building group.

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. To seek a review of the decision, please complete a [request for local review](#) form and return it to the Clerk of the Local Review Body, Democratic Services, 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).

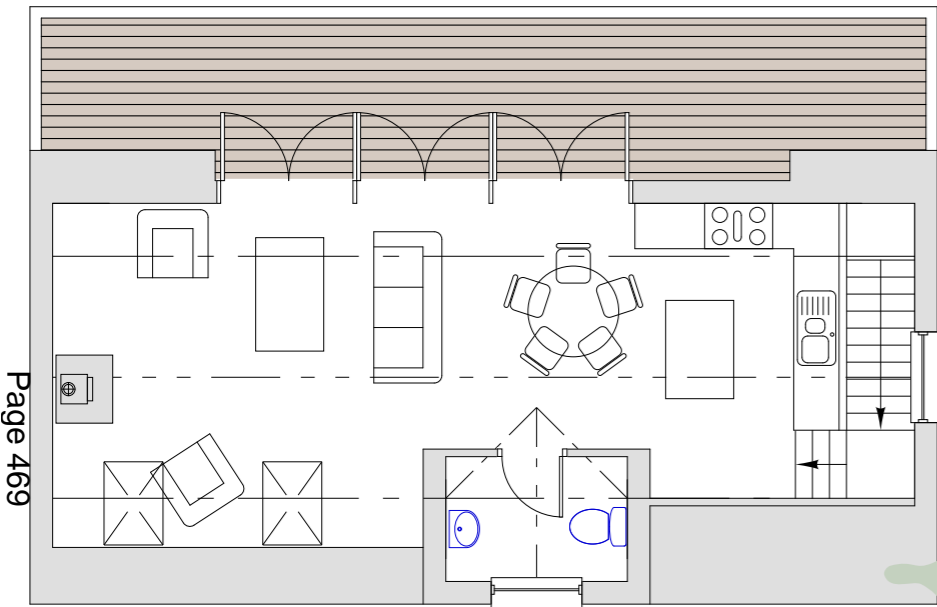
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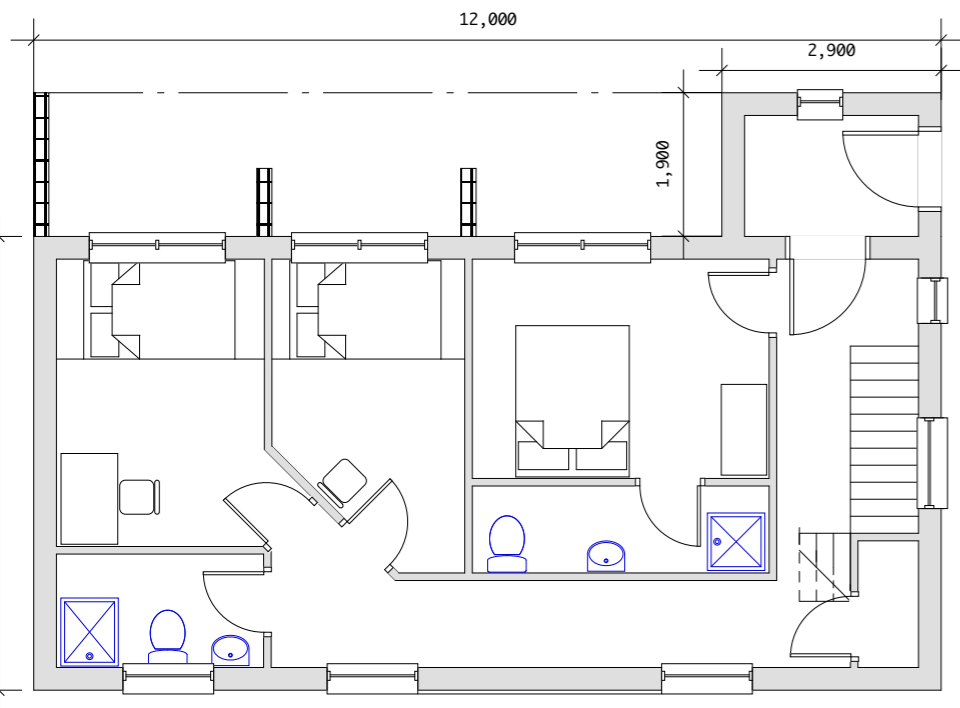
NORTH ELEVATION



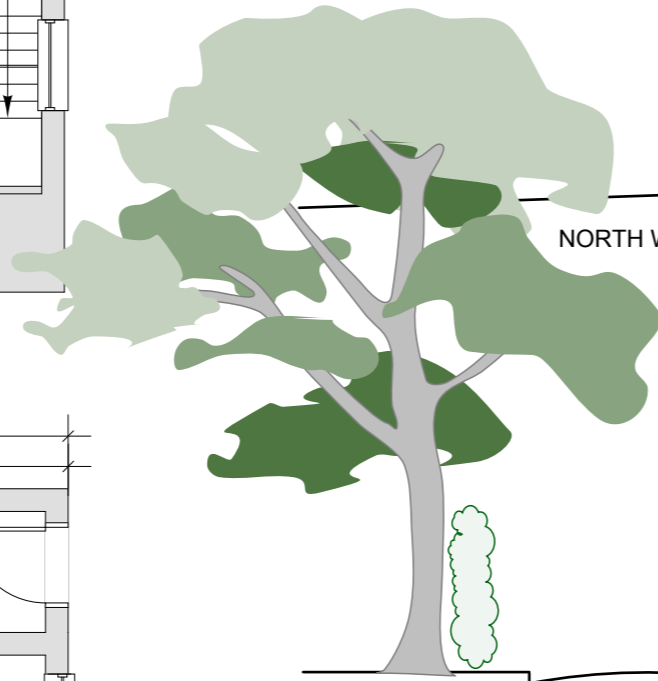
SOUTH EAST ELEVATION



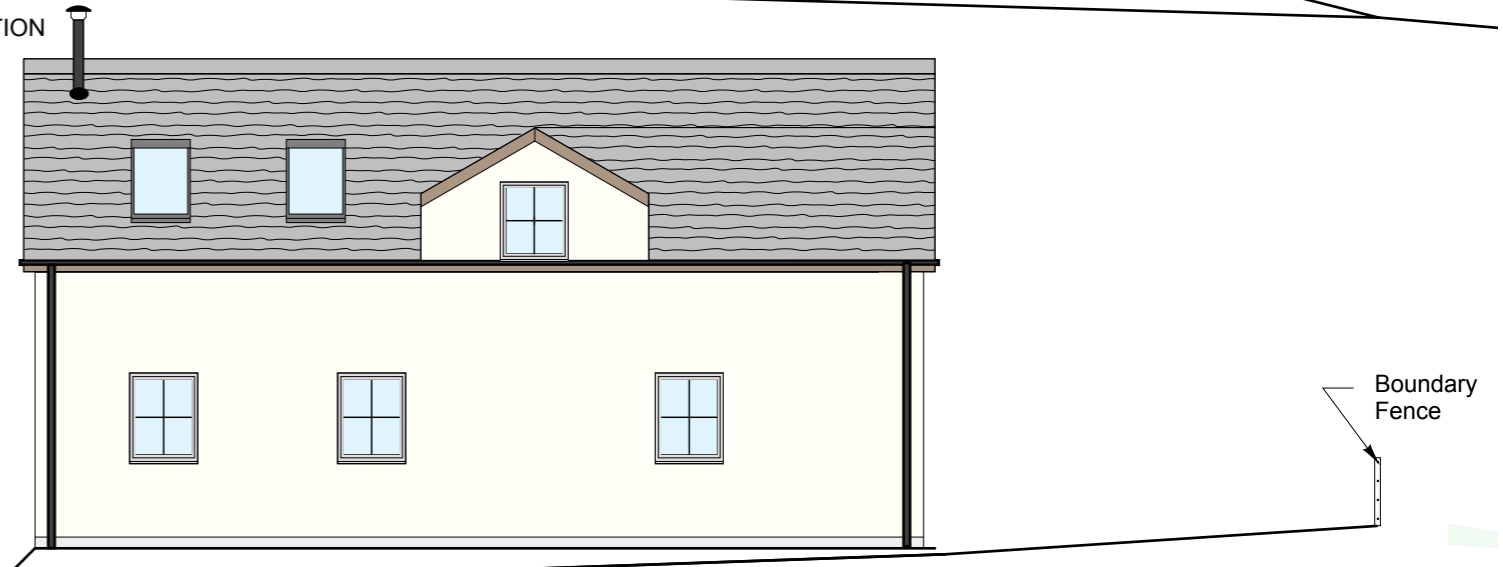
FIRST FLOOR PLAN



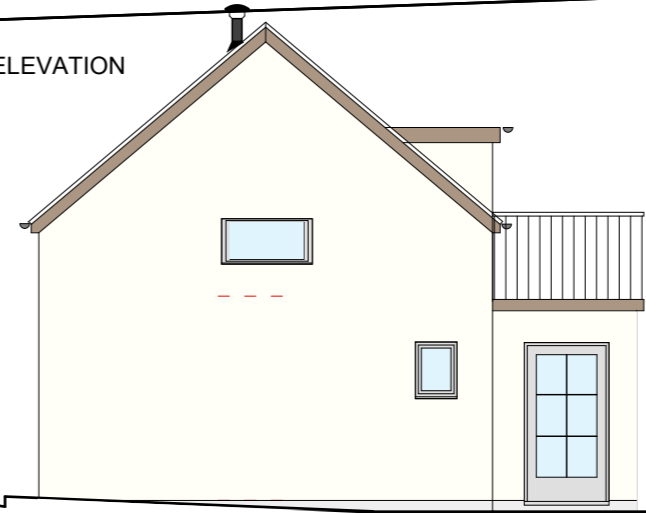
GROUND FLOOR PLAN



NORTH WEST ELEVATION



SOUTH WEST ELEVATION



SOUTH WEST ELEVATION

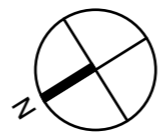
NOTES

DRAWING - to be read with drawings
 2302-L01 Location Plan
 2302-L06 Site Survey Plan
 2302-L12 Site Plan

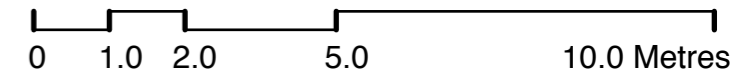
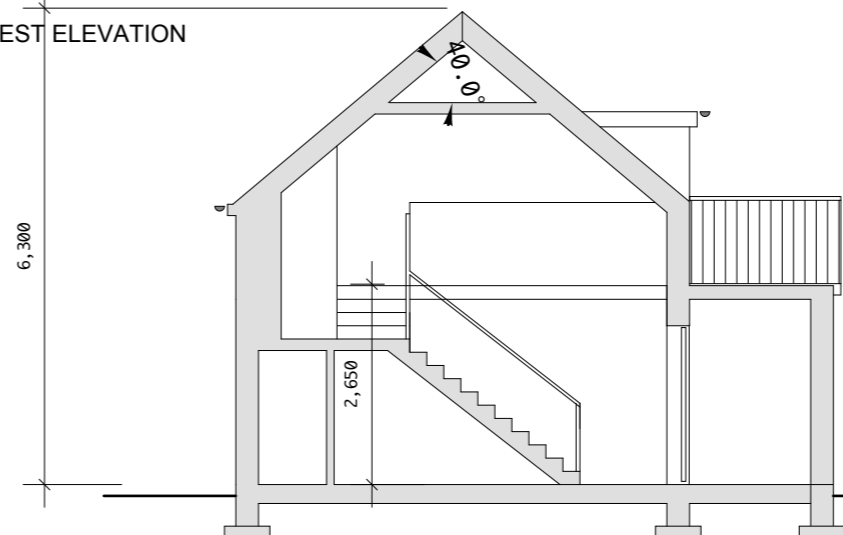
DIMENSIONS all in metres. Lengths are approximate only

MATERIALS

Roof: Natural slate colour: blue grey
 Walls: Lime render colour: cream
 Windows & Doors: Timber stained grey
 Rainwater: Steel colour: black
 Stove: Pipe steel: colour: black



SECTION AA



PLANNING OPTION B

NEW HOUSE
 NETHERWELLS: OXNAM



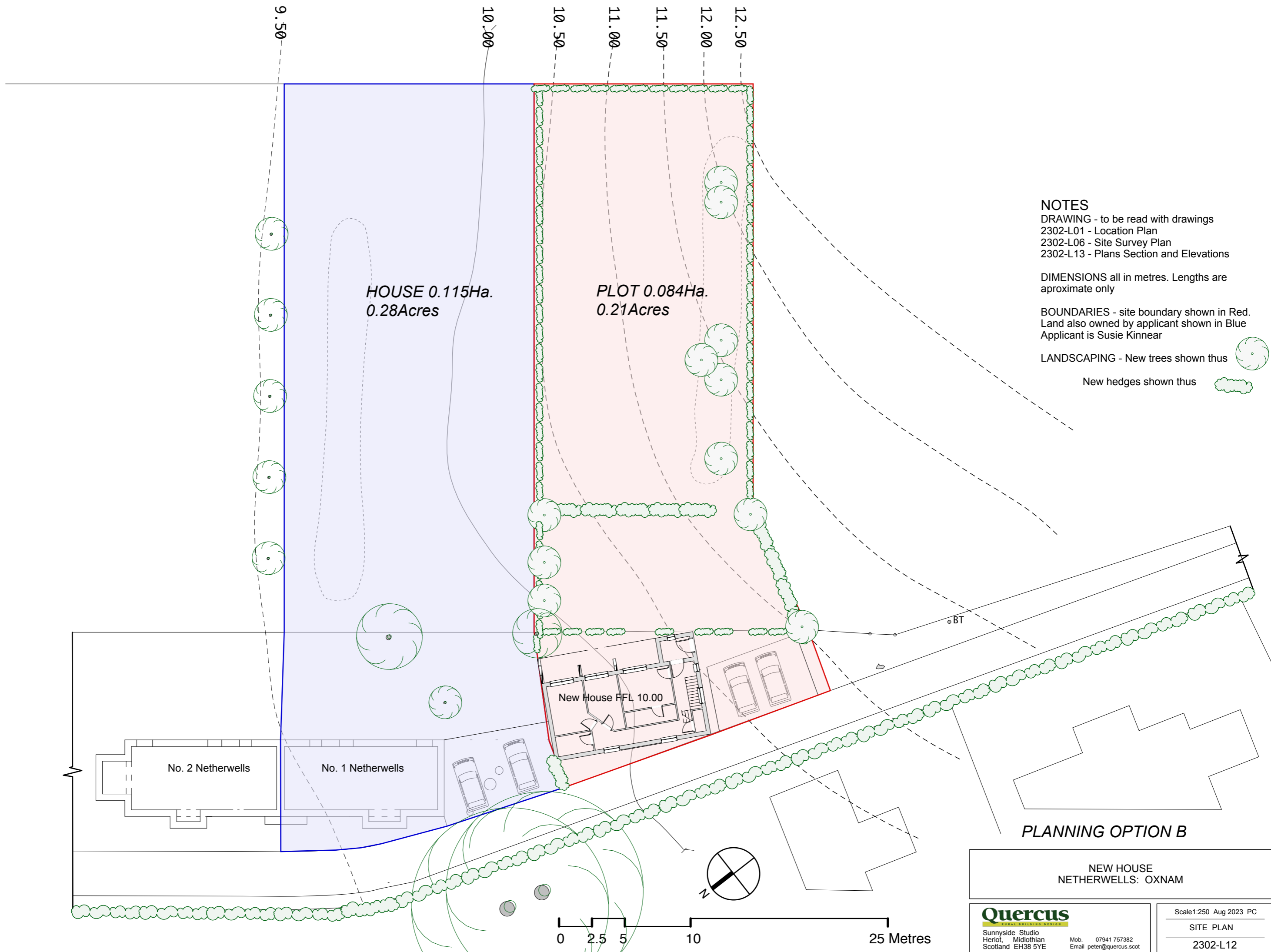
Sunnyside Studio
 Heriot, Midlothian
 Scotland EH38 5YE

Mob. 07941 757382
 Email peter@quercus.scot

Scale 1:100 Aug 2023 PC

PLAN SECTIONS &
 ELEVATIONS
 2302-L13



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NOTES
 DRAWING - to be read with drawings
 2302-L01 - Location Plan
 2302-L06 - Site Survey Plan
 2302-L13 - Plans Section and Elevations

DIMENSIONS all in metres. Lengths are approximate only

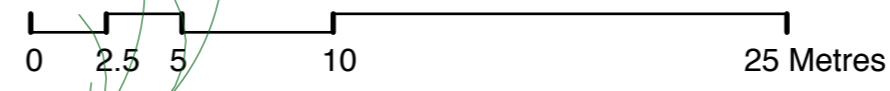
BOUNDARIES - site boundary shown in Red.
 Land also owned by applicant shown in Blue
 Applicant is Susie Kinnear

LANDSCAPING - New trees shown thus 
 New hedges shown thus 

PLANNING OPTION B

**NEW HOUSE
 NETHERWELLS: OXNAM**

 Sunnyside Studio Heriot, Midlothian Scotland EH38 5YE	Scale 1:250 Aug 2023 PC
	SITE PLAN
	2302-L12



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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 100618363-001

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)

Erect a dwelling house on Paddock adjacent to 1 Netherwells, Jedburgh

Is this a temporary permission? * Yes No

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

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

No Yes – Started Yes - Completed

Applicant or Agent Details

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

Applicant Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Sunnyside Studio"/>
First Name: *	<input type="text" value="Peter"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Caunt"/>	Address 1 (Street): *	<input type="text" value="Next to the Ponds"/>
Company/Organisation	<input type="text" value="Quercus Ltd"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="Heriot"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH38 5YE"/>
Fax Number:	<input type="text" value="REDACTED"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

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" value="1 NETHERWELLS"/>
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" value="JEDBURGH"/>
Post Code:	<input type="text" value="TD8 6QU"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="620293"/>	Easting	<input type="text" value="368786"/>
----------	-------------------------------------	---------	-------------------------------------

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

0.07

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/Car parking

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?

2

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)? *

2

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: *

New septic tank and treatment plant and soakaway in paddock. Same system recently installed at No. 1 Netherwells

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.

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)

Hardstanding for bins adjacent to the public road

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: Mr Peter Caunt

On behalf of:

Date: 20/02/2023

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

Declaration Date: 28/02/2023

Payment Details

Online payment: XM0100006855
Payment date: 28/02/2023 14:25:00

Created: 28/02/2023 14:25

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Monday, 06 March 2023



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
www.scottishwater.co.uk



Dear Customer,

Land South Of 1 Netherwells, Jedburgh, Scottish Borders, TD8 6QU
Planning Ref: 23/00331/FUL
Our Ref: DSCAS-0082295-BLV
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. Please read the following carefully as there may be further action required. Scottish Water 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 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.
- ▶ Please note the nearest public water main is 650 meters east of your 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
 - ▶ 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

▶ Trade Effluent Discharge from Non-Domestic 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 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

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.

Yours sincerely,

Ruth Kerr.

Development Services Analyst

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**

Comments provided by	Roads Planning Service		
Officer Name, Post and Contact Details	Mark Payne Roads Planning Officer	mark.payne@scotborders.gov.uk 01835 825018	
Date of reply	9 th March 2023	Consultee reference:	
Planning Application Reference	23/00331/FUL	Case Officer: Euan Calvert	
Applicant	Mr Peter Caunt		
Agent	N/A		
Proposed Development	Erection of dwellinghouse		
Site Location	Land South Of 1 Netherwells Jedburgh Scottish Borders		
<i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i>			
Background and Site description	No previous applications / approvals		
Key Issues (Bullet points)			
Assessment	<p>The dwelling is served by a private access road leading to Netherwells Farm. There are a number of dwellings along this road prior to reaching the farm. The proposal allows for 2no. parking spaces within the curtilage of the dwelling with a further 2no. spaces provided in adjacent land owned by the applicant.</p> <p>It would be preferable to allow for turning so that any vehicles can enter and exit the site in a forward gear. Given the constraints of the site boundaries and that traffic along this private road will primarily be from the farm and residents, nose in parking would however be acceptable as shown. I would anticipate that with the road terminating at the farm, being narrow and passing a number of established dwellings prior to reaching the proposed dwelling, speed of traffic would be relatively low.</p> <p>I therefore have no objections to this proposal.</p>		
Recommendation	<input type="checkbox"/> Object	<input checked="" type="checkbox"/> Do not object	<input type="checkbox"/> Do not object, subject to conditions
			<input type="checkbox"/> Further information required
Recommended Conditions			
Recommended Informatives			

Signed: *AJS*

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Comments for Planning Application 23/00331/FUL

Application Summary

Application Number: 23/00331/FUL

Address: Land South Of 1 Netherwells Jedburgh Scottish Borders

Proposal: Erection of dwellinghouse

Case Officer: Euan Calvert

Customer Details

Name: Mr David Renilson

Address: 19 Cessford Farm Cottages, Kelso, Scottish Borders TD5 8EG

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Inadequate access
- Increased traffic
- Road safety

Comment:1. The road access is not adequate for another house. The road is very busy as it is now. Delivery vans etc are always speeding. At the entrance to no 1 cottages there is a blind bend.

2.the person applying for permission already has a suitable house on the grounds. Why does she need to build another one ?

3. The person applying for permission also seems to think the law doesn't apply to her. They have been asked to remove shipping containers etc from land they own over a year ago and nothing has been moved.

application no - 23/00331 /RUL

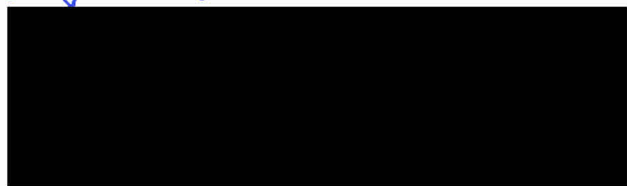
Location - land South of netherwells

I would like to place an objection to the planned erection of a dwelling house at netherwells.

1/ The Road will not take any more Traffic - it is single track nowhere to pass - we reverse down all the Time to let Traffic in
applicant has tried to get Planning Permission for a hostel, using her cottage, and the ground at the Road end. which is ~~here~~.

The Farm is ministry run Because of the Bio Security

Thank you for your attention .



Netherwells Poultry Farm
Felburg.

Comments for Planning Application 23/00331/FUL

Application Summary

Application Number: 23/00331/FUL

Address: Land South Of 1 Netherwells Jedburgh Scottish Borders

Proposal: Erection of dwellinghouse

Case Officer: Euan Calvert

Customer Details

Name: Mrs Leigh Grieve

Address: Kirkview, Netherwells, Jedburgh, Scottish Borders TD8 6QU

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Inadequate access
- Inadequate drainage
- Increased traffic
- Road safety
- Water Supply

Comment: We object to this new building as the road is a single track/dead end and we both have our own businesses (I work from home and have clients attending 5 days a week) and we require vehicle and foot access 24/7 which wouldn't be guaranteed during the build. There will be increased traffic during the build which will jeopardise road safety.

There is already inadequate drainage- we have already installed a pipe which runs through the garden of no1 and ours to help with the drainage problem.

The water pressure is already poor and adding another dwelling will affect this further. As Scottish Water have stated there is no waste drainage and we have just been through a lengthy and costly battle to install our own septic tank and do not permit anyone to cross our land to get rid of their waste water etc.

Our phone and internet cables are in line with the position of the new build plans and we cannot live or work without these as we have no other means of contact due to the poor mobile phone signal/4g in this area.


APPLICATION NUMBER - 23/00331/FUL

LOCATION - LAND SOUTH OF NETHERWELLS JEORBURGH

I would like to place an objection to the planned erection of a dwelling house at Netherwells.

- ① Road is not adequate to take anymore traffic.
- ② Applicant. Has already tried to get planning for a hostel
- ③ Applicant has shipping containers, caravan and shepherds hut dotted over their land.

Regards


NETHERWELLS BUNGALOW
JEORBURGH
TD8 6QU.



Local Review Body – List of Policies 23rd October 2023

Local Review Reference: 23/00036/RREF

Planning Application Reference: 23/00331/FUL

Development Proposal: Erection of dwellinghouse

Location: Land South of 1 Netherwells, Jedburgh

Applicant: Mr Peter Caunt

National Planning Framework 4 (NPF4)

Policy 1: Tackling the Climate and Nature Crises

Policy 2: Climate Mitigation and Adaptation

Policy 9: Brownfield, Vacant and Derelict Land and Empty Buildings

Policy 17: Rural Homes

Scottish Borders Local Development Plan 2016 (LDP)

PMD1: Sustainability

PMD2: Quality Standards

HD2: Housing in the Countryside

HD3: Protection of Residential Amenity

IS2: Developer Contributions

IS7: Parking Provision and Standards

IS9: Waste Water Treatment and Sustainable Urban Drainage

Other Material Considerations

- SBC Supplementary Planning Guidance on Householder Development (incorporating Privacy and Sunlight Guide) 2006
- SBC Supplementary Planning Guidance on Landscape and Development 2008
- SBC Supplementary Planning Guidance on New Housing in the Borders Countryside 2008
- SBC Supplementary Planning Guidance on Placemaking and Design 2010
- SBC Supplementary Planning Guidance on Sustainable Urban Drainage Systems August 2020
- SBC Supplementary Planning Guidance on Development Contributions 2011 (updated 2023)

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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 100623074-002

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="Bidwells"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Iona"/>	Building Name:	<input type="text" value="Broxden House"/>
Last Name: *	<input type="text" value="Sutherland"/>	Building Number:	<input type="text"/>
Telephone Number: *	<input type="text" value="07471012595"/>	Address 1 (Street): *	<input type="text" value="Lamberkine Drive"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Perth"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="PH1 1RA"/>
Email Address: *	<input type="text" value="iona.sutherland@bidwells.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"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text" value="21"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="York Place"/>
Company/Organisation	<input type="text" value="Aver Chartered Accountants"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH1 3EN"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="[REDACTED]"/>		

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="Brownfield Site Southeast of Sunwick"/>

Northing	<input type="text" value="651865"/>	Easting	<input type="text" value="390437"/>
----------	-------------------------------------	---------	-------------------------------------

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)

23/00507/PPP | Erection of dwellinghouse | Plot C Land West Of Hedgehope Cottage Winfield Berwick-upon-tweed Scottish Borders

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.

See Notice of Review 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)

Decision Notice, Report of Handling, Contaminated Land Consultee Response, Archeology Officer Consultee Response, Roads Planning Consultee Response, Scottish Water Consultee Response, Application Form, Location Plan, PPIP Supporting Statement, and Notice of Review Appeal Statement.

Application Details

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

23/00507/PPP

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

30/03/2023

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

21/06/2023

Review Procedure

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

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

Yes No

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

Please select a further procedure *

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

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

A site visit should be carried out to understand the context of the site, and its brownfield status.

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)

A locked gate prevents direct access to the site.

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?. *

T Yes ≤ No

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

T 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? *

T 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? *

T 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 *

T 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 Iona Sutherland

Declaration Date: 31/08/2023

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Proposal Details

Proposal Name	100623074
Proposal Description	Proposed erection of a dwelling on a brownfield site southeast of Sunwick.
Address	
Local Authority	Scottish Borders Council
Application Online Reference	100623074-002

Application Status

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

Attachment Details

Notice of Review	System	A4
PPP Application Form	Attached	A4
Archaeology Consultee Response	Attached	A4
Contaminated Land Consultee Response	Attached	A4
Report of Handling	Attached	A4
Decision Notice	Attached	A4
Rural Location Plan	Attached	A4
Location Plan	Attached	A4
Roads Planning Consultee Response	Attached	A4
Scottish Water Consultee Response	Attached	A4
PPP Supporting Statement	Attached	A4
Notice of Review Appeal Statement	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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**PROPOSED ERECTION
OF A DWELLINGHOUSE
NOTICE OF REVIEW
APPEAL STATEMENT**

Table of Contents

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3.0	Grounds for Appeal	1
4.0	Conclusions	3

Appendix 1 Site Photograph

1.0 Introduction

- 1.1 This statement should be read in conjunction with the Notice of Review submitted on behalf of Aver Chartered Accountants for the proposed erection of a dwelling, land west of Hedgehope Cottage, Winfield (23/00507/PPP) which was refused planning permission in principle by Scottish Borders Council on the 21st of June 2023.
- 1.2 The application was refused on the grounds that:
- “The development is contrary to polices 1, 2 and 17 of the National Planning Framework and HD2 of the Local Development Plan 2016.”*

2.0 Background

- 2.1 It has been proposed to erect a dwelling on this site in order to sustainably reuse rural brownfield land.
- 2.2 A brownfield site is characterised in the National Planning Framework 4 (NPF4) as land that has previously been developed. The term may cover vacant or derelict land, land occupied by redundant, or unused buildings.
- 2.3 The site is encompassed under this definition as land that has previously been developed. The consultee response from the Archaeology Officer confirms that the site is an area formerly occupied by buildings associated with the Second World War airfield RAF Winfield. The application was not refused under NPF4 Policy 9 Brownfield, Vacant and Derelict land, and Empty Buildings which demonstrates Scottish Borders Council agree the site is indeed a brownfield site.
- 2.4 The application received no public representations; nor were any objections received from the relevant consultees: Archaeology, Contaminated Land, Roads Planning Service, or Scottish Water.

3.0 Grounds for Appeal

- 3.1 The Decision Notice states that the application was refused as the development is contrary to policies 1, 2 & 17 of NPF4, and policy HD2 of the Scottish Borders Local Development Plan 2016.
- 3.2 Both NPF4 Policy 1 Tackling the Climate and Nature Crises and Policy 2 Climate change Mitigation and Adaptation require LDPs to address the global climate and nature crises by ensuring the spatial strategy reduces emissions and adapts to current and future risks of climate change; the Report of Handling makes specific reference to servicing the proposed dwelling, stating that proposed development would not be efficient in service delivery. However, the proposed dwelling is located adjacent to Greenvale Winfield, a potato storage yard and farmhouse indicating that waste collection and postal deliveries are already being provided in the immediate vicinity of this proposal. This proposal would therefore make these service journeys more sustainable as more than one building can be serviced at this location.
- 3.3 Furthermore, the Scottish Water consultee response indicated that there is sufficient capacity within the existing water infrastructure network to accommodate this dwelling. Indicating that

there would not be a great increase in emissions at this site as a result of the servicing as the Report of Handling would suggest.

- 3.4 LDP Policy ED5 Regeneration promotes opportunities for sustainable regeneration on allocated and non-allocated brownfield sites; a single housing development on this site would demonstrate a sustainable reuse of this unused site, and thus the proposal is in line with NPF4 Policies 1 and 2.
- 3.5 NPF4 Policy 9 Brownfield, Vacant and Derelict Land, and Empty Buildings encourages and promotes the reuse of brownfield land to help reduce the need for greenfield development. Under NPF4 Policy 17 Rural Homes, development proposals for new homes in rural areas will be supported where development is suitably scaled, sited, and designed to be in keeping with the character of the area.
- 3.6 NPF4 supports rural development on brownfield sites under Policy 17 Rural Homes, and therefore this proposal is further supported by NPF4; The Scottish Borders LDP Policy HD2 Housing in the Countryside conflicts with NPF4 Policy 17 in its lack of housing in the countryside development provision on brownfield sites, however: NPF4 takes precedence here, being the latter document. Therefore, the proposal adheres to both NPF4 Policy 9 and 17, and subsequently LDP HD2 has a lesser significance. It is important to note that NPF4 Policy 9 has not been listed as a reason for refusal, indicating that the site is deemed brownfield land by Scottish Borders Council and therefore, can be reasonably developed in line with the above NPF4 policies.
- 3.7 The Report of Handling indicates that NPF4 states LDPs should set out a tailored approach to rural housing, where LDP Policy HD2 Housing in the Countryside is referenced, however, The Scottish Borders LDP is not taking a tailored approach to rural housing in line with NPF4 as the 2016 LDP has not been informed by the 2023 framework.
- 3.8 Furthermore, by implying through the Report of Handling that sporadic rural housing is 'harmful', begs the question as to where rural housing can even take place within the Scottish Borders council area. The Report of Handling indicates that new housing should be directed towards towns and villages, therefore indicating that the LDP falls short of providing provision for rural housing and is further not informed by NPF4.
- 3.9 LDP Policy ED5 Regeneration promotes the redevelopment of brownfield sites where there is an opportunity to bring land back into a productive use. The proposed development adheres to each of the parameters set out in policy ED5:

a)	The site is not currently used for agricultural purposes due to its brownfield status, therefore the site could be developed in line with the NPF4 Policies 9 and 17 would bring the rural brownfield land back into use.
b)	The Report of Handling claims that this type of development is not in keeping with the character of the area however, the surrounding area is very clearly characterised by sporadic development and therefore, this proposed development would reflect the surrounding landscape.
c)	The proposal, for a single dwelling, would not result in over-development.
d)	The proposed dwelling would be of a scale, form, and design suitable to its location and would not detract from the surrounding context.

e)	<p>Scottish Water has confirmed in their consultee response that there is sufficient capacity in the Rawburn Water Treatment Works to service the site and have indicated that private waste treatment options should be explored.</p> <p>Therefore, the proposal can be adequately serviced.</p>
f)	<p>There are no adjoining properties this proposed dwelling could detrimentally impact.</p>

- 3.10 The proposal is in accordance with Policy ED5 Regeneration and would bring back the land into productive use which the LDP supports; the proposal is also in accordance with the relevant NPF4 policies.
- 3.11 The response from Archaeology suggests this site is a local significant site. However, the photograph, taken by Bidwells in 2022, attached at Appendix 1 demonstrates that this site has no local significance as it has been used as a waste storage area for the farm the land is associated with for some time now.
- 3.12 It is requested that the LRB undertake a site visit to fully understand the spatial context of the site as well as its brownfield status.

4.0 Conclusions

- 4.1 For the reasons set out in Section 3 above, it is considered that the proposed dwelling would sustainably reuse rural brownfield land which has no possibility of naturalisation without significant intervention. NPF4 supports the reuse of rural brownfield land where a return to a natural state is not possible. Therefore, this proposal is supported by NPF4.
- 4.2 This statement, and the original application provide photographic evidence that the site has no local significance as it has lain beneath farm scrap and machinery for several years.
- 4.3 The proposal conforms with the relevant policies of the Scottish Borders LDP in regards to regeneration, and where there is inconsistency between the LDP and NPF4, the proposal conforms with NPF4 policies, which take precedence.
- 4.4 The proposed dwelling reflects the context of the local area in its sporadic rural housing, and the use of brownfield land allows the proposal to maximise an existing opportunity to bring land back into active use.
- 4.5 For the reasons set out in this Notice of Review Appeal statement, and the lack of objections from any consultees or members of the public, it is considered that the proposal can be considered to apply with the relevant policies and would constitute a sustainable reuse of a brownfield site which shows no signs of naturalisation without significant intervention.

APPENDIX 1

SITE PHOTOGRAPH





BIDWELLS

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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 100623074-001

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 erection of a dwelling on brownfield land southeast of Sunwick.

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:	<input type="text" value="Bidwells"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Iona"/>	Building Name:	<input type="text" value="Broxden House"/>
Last Name: *	<input type="text" value="Sutherland"/>	Building Number:	<input type="text"/>
Telephone Number: *	<input type="text" value="07471012595"/>	Address 1 (Street): *	<input type="text" value="Lamberkine Drive"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Perth"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="PH1 1RA"/>
Email Address: *	<input type="text" value="iona.sutherland@bidwells.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"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text" value="21"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="York Place"/>
Company/Organisation	<input type="text" value="Aver Chartered Accountants"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH1 3EN"/>
Fax Num	<input type="text"/>		
Email Ad	<input type="text"/>		

Site Address Details

Planning Authority:

Scottish Borders Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Brownfield Site Southeast of Sunwick

Northing

651865

Easting

390437

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

0.74

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)

Area of brownfield land.

Access and Parking

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

Yes No

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

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: Iona Sutherland

On behalf of: Aver Chartered Accountants

Date: 29/03/2023

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	T	N/A
A Design Statement or Design and Access Statement. *	≤	Yes	T	N/A
A Flood Risk Assessment. *	≤	Yes	T	N/A
A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *	≤	Yes	T	N/A
Drainage/SUDS layout. *	≤	Yes	T	N/A
A Transport Assessment or Travel Plan	≤	Yes	T	N/A
Contaminated Land Assessment. *	≤	Yes	T	N/A
Habitat Survey. *	≤	Yes	T	N/A
A Processing Agreement. *	≤	Yes	T	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: Miss Iona Sutherland

Declaration Date: 29/03/2023

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**PROPOSED ERECTION
OF A DWELLING ON
BROWNFIELD LAND
SOUTHEAST OF
SUNWICK
SUPPORTING
STATEMENT**

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4.0 Planning Policy Assessment	2
5.0 Conclusions	3

Appendix 1 Bird's-eye View of Site

Appendix 2 Southeast View of Site and Adjacent Wooded Area

Appendix 3 Wider context of The Site

Appendix 4 Existing Access to the Site

Appendix 5 RAF Winfield

1.0 Introduction

- 1.1 This supporting statement should be read in conjunction with the planning permission in principle application that has been submitted on behalf of Aver Chartered Accountants for the erection of a dwelling on a brownfield site southeast of Sunwick.
- 1.2 The site extends to 0.74 hectares; resulting in the proposal constituting a 'local application' in the context of the Town and Country Planning (Development Management Procedures) (Scotland) Regulations 2013.
- 1.3 The online reference number is 100623074.

2.0 The Site

- 2.1 The site is located southeast of Sunwick, outwith any settlement boundaries as defined in the Scottish Borders Council Local Development Plan (2016).
- 2.2 The site is an area of brownfield land within an arable field southeast of Sunwick. The site is not farmed as part of the wider crop production, which is evident in the photos attached at Appendices 1-4.
- 2.3 A brownfield site, as per the National Planning Framework 4 (NPF4) is *land that has previously been developed. The term may cover vacant or derelict land, land occupied by redundant or unused buildings and developed land within the settlement boundary where further intensification of use is considered acceptable.*
- 2.4 Under this definition, this site is considered to be vacant land that has been previously developed.
- 2.5 The site is an area of long-standing brownfield land due to the remains of former RAF Winfield, used in World War II, being previously located on this site (photograph attached at Appendix 5). The building is no longer standing on site, however there are some remains and areas of hardstanding still existing.
- 2.6 The field in which the site is located within is bounded by an unnamed single-track road, due to screening and minimal traffic on this road, the proposed dwelling would not have a detrimental impact on the wider rural landscape. Moreover, due to the topography of this field the site sits lower down and is more obscured than the adjacent wooded area.
- 2.7 There are two previous planning applications associated with this site: 18/00508/FUL for the erection of two wind turbines 37m high to tip and ancillary energy storage unit, and 18/00668/FUL for the erection of anaerobic digestion unit incorporating a biogas generator, storage tank, and combined heat and power unit; both applications were withdrawn before a decision was reached.
- 2.8 There is no flood risk on this site nor are there any designations or constraints which would prevent development on this site.

3.0 The Proposal

- 3.1 It is proposed to erect a dwelling on a vacant area of long-standing brownfield land southeast of Sunwick where there is a naturally defined boundary around the site.
- 3.2 The proposed dwelling would utilise the existing access to the site which stems from an unnamed road which connects the southern B6461 to the northern B6460 at Sunwick.
- 3.3 The proposal would make use of redundant land which is not able to be utilised for agricultural purposes.

4.0 Planning Policy Assessment

- 4.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) requires planning decisions to be made in accordance with the Development Plan.
- 4.2 If the proposed development accords with the Development Plan, it should be approved unless there are material considerations of sufficient weight that would indicate otherwise.
- 4.3 The adopted Development Plan relevant to this proposal is the Scottish Borders Council Local Development Plan (LDP) adopted in May 2016, and National Planning Framework 4 (NPF4) adopted in February 2023.

Table 1: Scottish Borders Council Local Development Plan 2016

POLICY	POLICY ASSESSMENT
Policy ED5 Regeneration	A dwelling on this site would not conflict with the established land use of the area, as this area of the Scottish Borders is characterised by sporadic housing locations and is inherently a rural area where single housing developments are the norm. The proposal is considered to comply with Policy ED5.
Policy ED10 Protection of Prime Quality Agricultural Land and Carbon Rich Soils	Although the land classification in this area is 3.1 on the National Land Capability for Agriculture, developing on this site would not result in any loss of prime agricultural land as this land is not suitable for crop production due to remains of the previous building on site. The proposal is considered to comply with Policy ED10.
Policy HD2 Housing in the Countryside	This policy does not make provision for brownfield development; therefore, Policy 9 Brownfield, Vacant, and Derelict Land of the National Planning Framework 4 will take precedence (see Table 2 below).

National Planning Framework 4 (NPF4)

- 4.4 The National Planning Framework 4 is a national spatial strategy which sets out how planning can deliver change in a way which brings together competing interests so that decisions reflect the long-term public interest.

- 4.5 NPF4 forms part of the statutory development plan and sets out the policies and proposals for the development and use of land in Scotland, which subsequently informs the Local Development Plans.
- 4.6 Where an incompatibility exists between the relevant LDP and NPF4, NPF4 takes precedence. As per Table 1 above, there are incompatibilities between references to brownfield development, therefore the relevant NPF4 policies detailed below should take precedence over the Scottish Borders LDP in this instance.

Table 2: National Planning Framework 4 2023

Policy 5 Soils	<p>This area of land encompassed in the red line boundary is not used for agricultural purposes, and due to the remaining materials and hardstanding, would not be possible to be utilised for crop growth or even livestock grazing.</p> <p>The proposal is considered to comply with Policy 5.</p>
Policy 9 Brownfield, Vacant, and Derelict Land, and Empty Buildings	<p>This policy states that development proposals that will result in the sustainable reuse of brownfield land will be supported.</p> <p>This proposal encourages the reuse of brownfield land which subsequently reduces the need for greenfield development. This brownfield site is not a productive space, therefore developing on this site is directing development to the right locations, promoting the reuse of a long-standing redundant and derelict space.</p> <p>The proposal is considered to comply with Policy 9.</p>
Policy 17 Rural Homes	<p>This policy supports development proposals for new homes in rural areas where the development reuses brownfield land, where a return to natural state has not or will not happen without intervention.</p> <p>Due to the hardstanding on site, it would not be possible for this site to return to a natural state, and its clear unsuitability for crop production leaves it redundant.</p> <p>The proposal is considered to comply with Policy 17.</p>

5.0 Conclusions

- 5.1 This supporting statement has highlighted that there is a clearly defined plot for development on a brownfield site, in which development is permitted in the policies set out in the National Planning Framework 4. The proposed dwelling would utilise land that cannot be used for agricultural purposes and would provide rural housing in an area defined by sporadic housing.
- 5.2 The Scottish Borders Local Development provides little scope for brownfield development; however, the National Planning Framework 4 is clearly in favour of utilising brownfield land for development in the first instance. This proposal conforms with the relevant policies across both the LDP and NPF4, and there are no material considerations that would suggest this application should not be approved.

- 5.3 It is therefore kindly requested that Scottish Borders Council seek to grant planning permission in principle for the erection of a dwelling on the clearly defined brownfield southeast of Sunwick.

APPENDIX 1

BIRD'S-EYE VIEW OF SITE



APPENDIX 2

SOUTHEAST VIEW OF SITE AND ADJACENT WOODED AREA



APPENDIX 3

WIDER CONTEXT OF THE SITE



APPENDIX 4

EXISTING ACCESS TO THE SITE



APPENDIX 5

RAF WINFIELD





BIDWELLS

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 23/00507/PPP
APPLICANT : Aver Chartered Accountants
AGENT : Bidwells
DEVELOPMENT : Erection of dwellinghouse
LOCATION: Plot C Land West Of Hedgehope Cottage
Winfield
Berwick-upon-tweed
Scottish Borders

TYPE : PPP Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
A.57,647b	Location Plan	Refused
A.57,647L 3	Location Plan	Refused

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

None.

CONSULTATIONS

SBC Archaeology Officer: The application site was formerly occupied by buildings associated with the Second World War airfield RAF Winfield. It is a site of local significance. Impacts to archaeological finds, features and/or deposits of the camp may arise through foundation and service trenches, as well as for access and any landscaping as garden or ground preparation of the area. If such remains are disturbed in any way there is the potential of buried ordnance and contamination issues which would require consideration if the application progressed. A programme of archaeological works would be required and recommended at this stage. An archaeological survey of the area would be recommended in order to survey the site which would help establishing what archaeological remains there are or may be in the area, and if the application being pursued further then more intrusive works of either evaluation and/or watching brief work being required.

SBC Contaminated Land Officer: The above application appears to be proposing the redevelopment of land which was previously operated as military land (Winfield Airfield, Waaf Accommodation Camp). This land use is potentially contaminative and it is the responsibility of the developer to demonstrate that the land is suitable for the use they propose. It is recommended that planning permission should be granted on condition that development is not be permitted to start until a site investigation and risk assessment has been carried out, submitted and agreed upon by the Planning Authority. Any requirement arising from this assessment for a remediation strategy and

verification plan would become a condition of the planning consent, again to be submitted and agreed upon by the Planning Authority prior to development commencing.

SBC Education & LL: No response.

SBC Roads Planning Service: No objection, subject to conditions. Although Roads Planning had no objections to the previous applications on this site, they were for unmanned installations with little to no traffic to and from site. As the new proposal is for a residential dwelling, some upgrades will be required. In particular, it is noted that that private access road leading to the proposed dwelling is in poor condition and is unsuitable for normal residential vehicles. Similarly, the access to the private road from the public road is substandard. Conditions requested in relation to parking, turning, access and visibility.

Community Council: No response.

Scottish Water: There is currently sufficient capacity in the Rawburn Water Treatment Works to service the development. Unfortunately, there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore private treatment options should be investigated. For reasons of sustainability and to protect customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into the combined sewer system.

PLANNING CONSIDERATIONS AND POLICIES:

National Planning Framework 4

Policy 1: Tackling the Climate and Nature Crises

Policy 2: Climate Mitigation and Adaptation

Policy 3: Biodiversity

Policy 4: Natural Places

Policy 5: Soils

Policy 9: Brownfield, Vacant and Derelict Land and Empty Buildings

Policy 13: Sustainable Transport

Policy 14: Design, Quality and Place

Policy 15: Local Living and 20 Minute Neighbourhoods

Policy 16: Quality Homes

Policy 17: Rural Homes

Policy 18: Infrastructure First

Policy 23: Health and Safety

Local Development Plan 2016:

PMD1: Sustainability

PMD2: Quality Standards

ED5: Regeneration

HD2: Housing in the Countryside

HD3: Protection of Residential Amenity

EP1: International Nature Conservation Sites and Protected Species

EP2: National Nature Conservation Sites and Protected Species

EP3: Local Biodiversity

IS2: Development Contributions

IS7: Parking Provision and Standards

IS9: Waste Water Treatment and SUDS

Proposed Local Development Plan 2020

ED5: Regeneration

Other Considerations:

Development Contributions Supplementary Planning Guidance 2011 (Updated 2023)
New Housing in the Borders Countryside Supplementary Planning Guidance 2008
Placemaking and Design Supplementary Planning Guidance 2010

Recommendation by - Paul Duncan (Assistant Planning Officer) on 19th June 2023

Site Description

The application site is located roughly midway between Sunwick and Fishwick in East Berwickshire, around 2km south of Hutton. It lies between a copse of trees on higher ground to the west and a private access track to the east, which connects with a minor unclassified public road a short distance to the north.

The site is irregular in shape and comprises land that was formerly occupied by buildings associated with the Second World War airfield RAF Winfield. These buildings, thought to have been accommodation for the WAAF, were demolished around five years ago with the remnant rubble still to be completely cleared from the site. Proposals for the redevelopment of the site were put forward at the time of the demolition but did not progress.

Planning History

Previous planning applications on or close to the site are as follows:

18/00508/FUL - Erection of two wind turbines 37m high to tip and ancillary energy storage unit - Withdrawn

18/00668/FUL - Erection of anaerobic digestion unit incorporating a biogas generator, storage tank and combined heat and power unit - Withdrawn

Proposed Development

This application seeks planning permission in principle for the erection of a single dwellinghouse. No indicative site plan, elevation drawings or visualisations have been submitted.

Applicant Supporting Information

A Supporting Statement was submitted with the application and can be viewed in full on the Council's Planning Portal.

Assessment

- Policy Context

The application must be assessed against the provisions of the development plan, which currently comprises National Planning Framework 4 (NPF4) and the Council's Local Development Plan 2016. Certain policies of the Council's Proposed Plan 2020 which are not at Examination are also a material consideration but do not form part of the development plan.

NPF4 states that it should be read as a whole, as should its policies, and that where a policy states that development will be supported, it is in principle, and it is for the decision maker to take into account all other relevant policies.

- Climate and Sustainability

Policy 1 of NPF4 (Tackling the climate and nature crises) requires significant weight to be given to the global climate and nature crises when considering all development proposals. NPF4 policy 2 (Climate mitigation and adaptation) states that development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible. LDP policy PMD1 is also relevant in these regards.

Generally speaking, sporadic new rural housing is not considered conducive to low carbon living. This is one reason why planning policies direct most new housing to towns and villages. Further rural housing

opportunities can be found at building groups. Sporadic new housing in the countryside is both harmful to the landscape and generally less efficient in servicing and transport.

In terms of transport, NPF4 notes that Scotland's Climate Change Plan, backed by legislation, seeks to achieve net zero emissions by 2045. This requires a reduction in car kilometres by reducing the need to travel and promoting more sustainable transport. This policy thrust is expressed most directly by NPF4 policy 13 (Sustainable Transport). This policy intends to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably. The intended policy outcome is that new developments are in locations which support sustainable travel. The proposed development is contrary to these objectives.

As regards servicing, the Council's building group policy ensures most new housing is clustered. This avoids a sporadic proliferation of new housing which would normally result in less efficient service delivery (for example, this may include servicing a dwellinghouse with a water supply, energy, waste collection, drainage, post and deliveries) with greater resulting carbon emissions.

In summary, in respect of transportation and servicing, the proposed development is considered to constitute unsustainable, car dependent, sporadic housing development that is contrary to policies 1 and 2 of NPF4 and PMD1 of the Local Development Plan 2016. NPF4 is clear that significant weight must be given to such concerns.

- Brownfield Land

It is accepted that the application site holds brownfield land characteristics following the historic development of the site. It should however be noted that it is showing signs of gradual naturalisation since an earlier site visit in 2018. Photos are on file which demonstrate this.

Policy 9 of NPF4 states that development proposals that will result in the sustainable reuse of brownfield land will be supported. For the reasons set out under the 'climate change' heading above, the proposed development is not considered to be sustainable. Accordingly, it does not gain support from this policy.

NPF4 policy 17 a) states that development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area and meets certain criteria. None of these criteria may apply in this instance with the exception of criterion (ii), which is that the development reuses brownfield land where a return to a natural state has not or will not happen without intervention.

For criterion (ii) of policy 17 to apply, the development must be sited to be in keeping with the character of the area. The siting of a dwellinghouse within an agricultural field, distant from any neighbouring village, building group or dwellinghouse is not considered to meet this requirement. The Supporting Statement argues that this area of the Scottish Borders is a rural one where single housing developments are the norm. However, most housing in the area is located in towns, villages and existing building groups. Where single dwellinghouses are found, these are mainly farmhouses, located at related farm steading complexes, or lodge houses to historic country houses. Isolated rural housing sited sporadically in the middle of agricultural fields are not the norm within Berwickshire, nor the Scottish Borders as a whole. The proposal would not be sited to be in keeping with the character of the area. It therefore fails to satisfy NPF4 policy 17 a) ii). Even had the proposal been in keeping with the character of the area, NPF4 must be read as a whole. Other adverse aspects of the proposed development, for example as set out under the preceding 'Climate and Sustainability' heading, would have outweighed any support gained from the brownfield status of the site.

- Rural Housing/ Building Group Policy

As established above, none of the criteria for rural housing contained within NPF4 policy 17 are considered to apply. NPF4 does not restrict the criteria for assessment of rural housing to those listed within in policy 17, and, notably, it states that LDPs should set out tailored approaches to rural housing. In the context of the Scottish Borders, it is considered that the existing LDP policy HD2 (Housing in the Countryside) fulfils that purpose. For new rural housing without an economic justification, the most relevant policy criterion is HD2-A (Building Groups). This policy has the effect of clustering new rural housing at existing building

groups that are capable of expansion. There is no building group at all at this location, and as none of the other criteria apply, the proposed development is clearly contrary to this policy.

- Land Use and Character

In land use terms, there is no shortage of available housing land that might justify turning to less appropriate sites such as this. The Housing Land Audit 2021 found an established housing land supply of over 1900 units within Berwickshire.

The authorised use of the site remains agricultural and appears to be used at least partially for related purposes. At the time of the application site visit, manure was being stored on the site along with miscellaneous farm goods.

- Rural Revitalisation and Local Living

NPF4 sets out six spatial principles including rural revitalisation and local living. The former encourages sustainable development in rural areas, recognising the need to grow and support urban and rural communities together. The latter is expressed most directly in the provisions of NPF4 policy 15 and supports local liveability, including improving community health and wellbeing and ensuring people can easily access services, greenspace, learning, work and leisure locally.

The proposed dwellinghouse would not provide easy access to services, learning or to many work opportunities and there is no evidence it would support local rural communities. There is ample available housing land within Berwickshire including at the nearby villages of Hutton, Swinton and Chirnside where local services are more easily accessed. As established above, the proposed development is not considered to be sustainable. Overall, the proposal is not considered to align with the rural revitalisation or local living agendas and gains no support from NPF4 in these regards.

- Landscape and Visual Impacts

The surrounding landscape is characterised by open fields enclosed by hedging, broken by occasional tree belts. Farm steadings with clusters of dwellings and small villages punctuate this landscape. The proposed development would result in the appearance of an isolated dwellinghouse with no relationship to any existing dwelling or farm buildings. This would be harmful to the landscape quality of the area, exceeding the modest and very localised impact of the remnants of the previous demolitions, which are not prominent outwith the site and appear in the process of being addressed.

- Vehicular Access and Road Safety

The site would connect with the minor public road to the north via an existing track that is outwith the site and appears to be outwith the ownership of the applicant. The Roads Planning Service requires this section of track to be upgraded to a suitable standard. The applicant does not appear to control this section of track and it must be assumed that they are unable to carry out such upgrades. Had the application been supported, it would have been appropriate to explore this matter further.

The Roads Planning Service has also requested conditions to secure upgrades to the track within the site and visibility splays at the junction with the public road.

- Parking

The Roads Planning Service require the provision of parking and turning for two vehicles within the site. There is no reason to believe this could not be met. The proposals are not in conflict with development plan policies as regards parking requirements, subject to an appropriately worded condition that would secure provision of the parking and turning at an appropriate point in the development.

- Archaeology

The Council's Archaeology Officer considers the former land use and buildings to be of local archaeological interest. Further archaeological remains may be found and a programme of archaeological works would be

appropriate. Had the application been supported, it would have been appropriate to secure this via planning condition to satisfy LDP policy EP8 and NPF4 policy 7.

- Contaminated Land

The Council's Contaminated Land Officer notes that the site has a former military use which is deemed to be potentially contaminative. Had the application been supported, it would have been appropriate to secure site investigation, and possible remediation, by way of a planning condition.

- Infrastructure

The application form states the proposed dwellinghouse would connect to public foul sewer and public water mains. Scottish Water has confirmed there is capacity at the water treatment works however there is no waste water infrastructure so private foul waste treatment would be required. Had the application been supported, it would have been appropriate to control these matters by planning condition so further details could be explored at a later date.

- Development Contributions

The application site is within the catchment areas for Chirnside Primary School and Berwickshire High School. The Council currently seeks contributions towards both schools (current rates are £4709 and £3349 respectively). Had the application been supported, a legal agreement would have been required to secure the required contributions.

REASON FOR DECISION :


The development is contrary to policies 1, 2 and 17 of National Planning Framework 4 and HD2 of the Local Development Plan 2016 because it would constitute unsustainable, car dependent, sporadic housing development in the open countryside, unrelated to any existing building group and would be out of keeping with the character of the area. This conflict with the development plan is not overridden by any other material considerations.

Recommendation: Refused

- 1 The development is contrary to policies 1, 2 and 17 of National Planning Framework 4 and PMD1 and HD2 of the Local Development Plan 2016 because it would constitute unsustainable, car dependent, sporadic housing development in the open countryside, unrelated to any existing building group and would be out of keeping with the character of the area. This conflict with the development plan is not overridden by any other material considerations.

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

Aver Chartered Accountants
per Bidwells
Broxden House
Lamberkine Drive
Perth
PH1 1RA

**Please ask
for:**


Paul Duncan
01835 825558

Our Ref:
Your Ref:

23/00507/PPP

E-Mail:
Date:

paul.duncan@scotborders.gov.uk
21st June 2023

Dear Sir/Madam

**PLANNING APPLICATION AT Plot C Land West of Hedgehope Cottage Winfield Berwick-upon-tweed
Scottish Borders**

PROPOSED DEVELOPMENT: **Erection of dwellinghouse**

APPLICANT: **Aver Chartered Accountants**

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 : 23/00507/PPP

To : Aver Chartered Accountants per Bidwells Broxden House Lamberkine Drive Perth PH1 1RA

With reference to your application validated on **21st April 2023** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

Proposal : Erection of dwellinghouse

at : Plot C Land West of Hedgehope Cottage Winfield Berwick-upon-tweed Scottish Borders

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

**Dated 20th June 2023
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

**John Hayward
Planning & Development Standards Manager**

APPLICATION REFERENCE : 23/00507/PPP

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
A.57,647b	Location Plan	Refused
A.57,647L 3	Location Plan	Refused

REASON FOR REFUSAL

- 1 The development is contrary to policies 1, 2 and 17 of National Planning Framework 4 and PMD1 and HD2 of the Local Development Plan 2016 because it would constitute unsustainable, car dependent, sporadic housing development in the open countryside, unrelated to any existing building group and would be out of keeping with the character of the area. This conflict with the development plan is not overridden by any other material considerations.

FOR THE INFORMATION OF THE APPLICANT

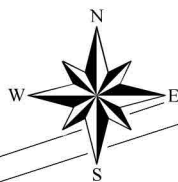
If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months from the date of this notice. To seek a review of the decision, please complete a [request for local review](#) form and return it to the Clerk of the Local Review Body, Democratic Services, 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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Land at Sunwick - Plot C

23/00507/PPP
20/06/2023

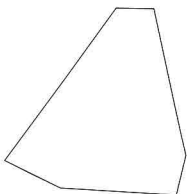


Scottish Borders Council
Town And Country
Planning (Scotland) Act
1997

REFUSED

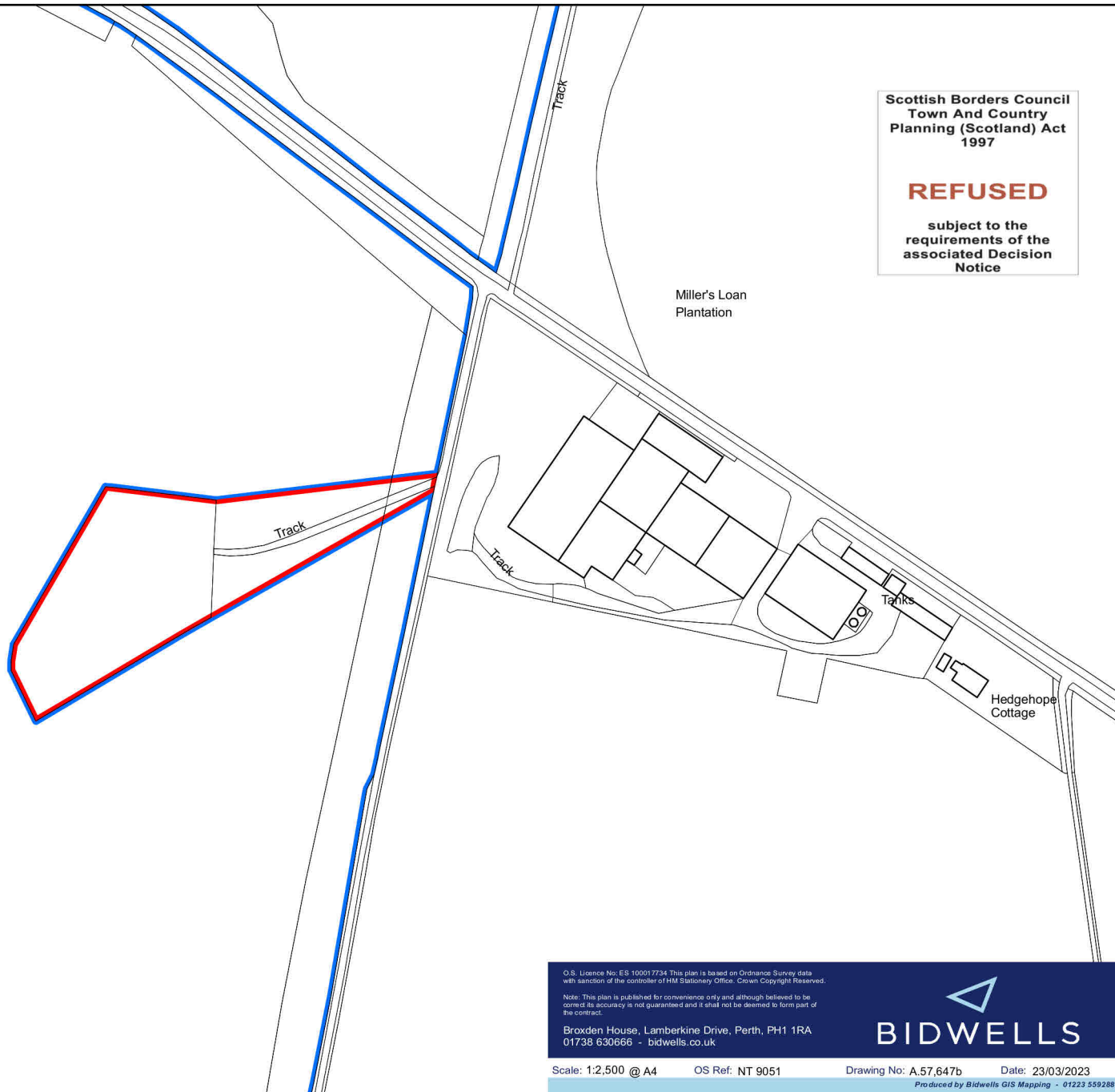
subject to the
requirements of the
associated Decision
Notice

Page 539



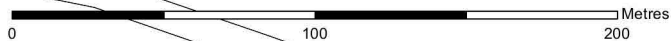
Gordon Law

Yarn Windle
Plantation



Legend

- Plot C - Area: 0.746ha
- Other land in ownership



O.S. Licence No: ES 100017734 This plan is based on Ordnance Survey data with sanction of the controller of HM Stationery Office. Crown Copyright Reserved.

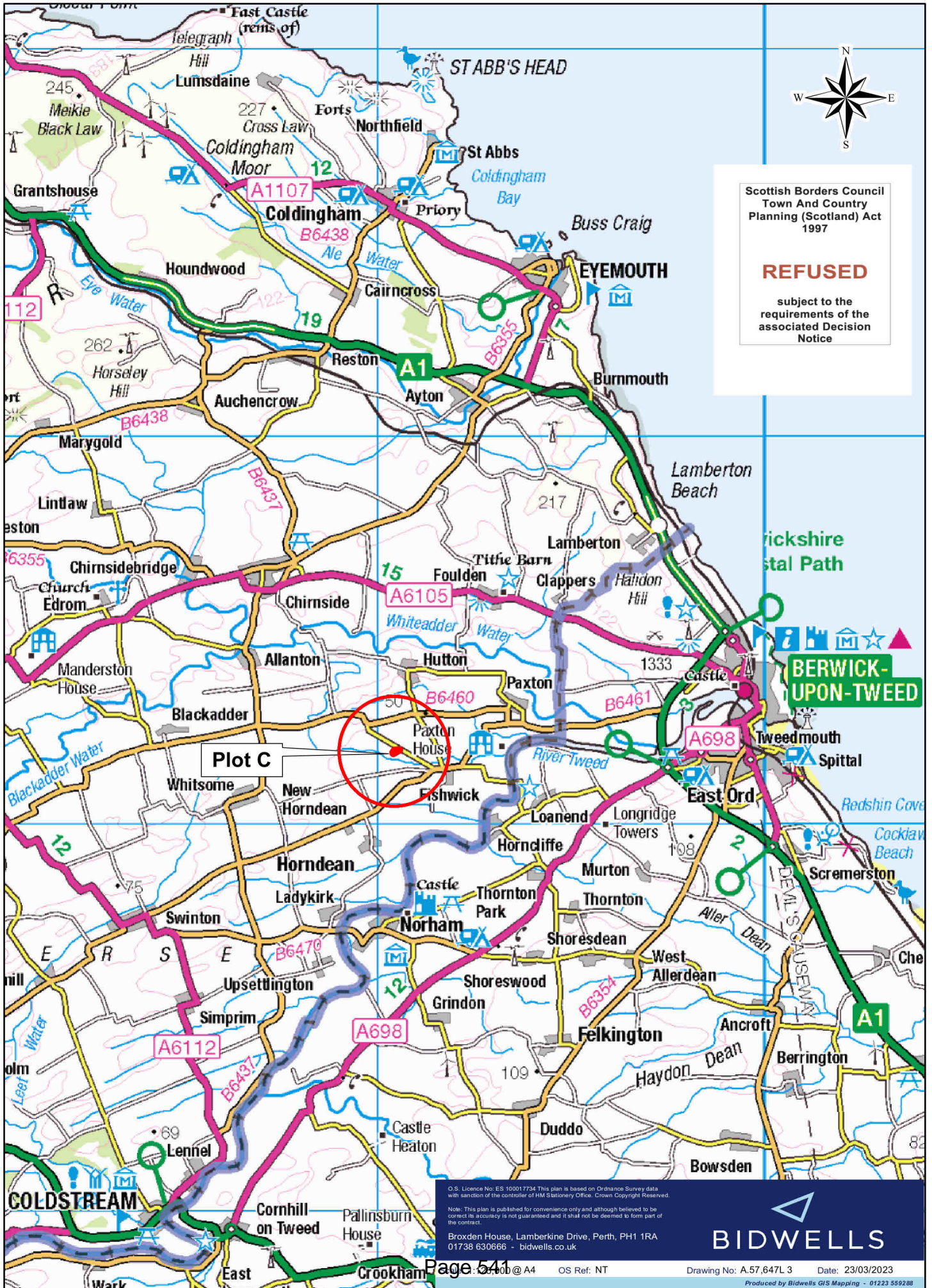
Note: This plan is published for convenience only and although believed to be correct its accuracy is not guaranteed and it shall not be deemed to form part of the contract.

Broxden House, Lamberkine Drive, Perth, PH1 1RA
01738 630666 - bidwells.co.uk

Scale: 1:2,500 @ A4 OS Ref: NT 9051 Drawing No: A,57,647b Date: 23/03/2023
Produced by Bidwells GIS Mapping - 01223 559288

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Land at Sunwick - Plot C



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**CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Officer Name and Post:	Contact e-mail/number:		
	EVH - Contaminated Land Officer			
Date of reply	17 th May 2023	Consultee reference: 23/01056/PLANCO		
Planning Application Reference	23/00507/PPP	Case Officer: Paul Duncan		
Applicant	Aver Chartered Accountants			
Agent	Bidwells			
Proposed Development	Erection of dwellinghouse			
Site Location	Plot C Land West Of Hedgehope Cottage Winfield Berwick-upon-tweed Scottish Borders			
<i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i>				
Background and Site description	The above application appears to be proposing the redevelopment of land which was previously operated as military land (Winfield Airfield, Waaf Accommodation Camp). This land use is potentially contaminative and it is the responsibility of the developer to demonstrate that the land is suitable for the use they propose.			
Key Issues (Bullet points)				
Assessment	<p>It is recommended that planning permission should be granted on condition that development is not be permitted to start until a site investigation and risk assessment has been carried out, submitted and agreed upon by the Planning Authority.</p> <p>Any requirement arising from this assessment for a remediation strategy and verification plan would become a condition of the planning consent, again to be submitted and agreed upon by the Planning Authority prior to development commencing.</p>			
Recommendation	<input type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input checked="" type="checkbox"/> Do not object, subject to conditions	<input type="checkbox"/> Further information required

<p>Recommended Conditions</p>	<p>Unless otherwise agreed in writing and in advance by the Planning Authority, prior to any development commencing on site, a scheme will be submitted by the Developer (at their expense) to identify and assess potential contamination on site. No construction work shall commence until the scheme has been submitted to, and approved, by the Council, and is thereafter implemented in accordance with the scheme so approved.</p> <p>The scheme shall be undertaken by a competent person or persons in accordance with the advice of relevant authoritative guidance including PAN 33 (2000) and BS10175:2011 or, in the event of these being superseded or supplemented, the most up-to-date version(s) of any subsequent revision(s) of, and/or supplement(s) to, these documents. This scheme should contain details of proposals to investigate and remediate potential contamination and must include:-</p> <ul style="list-style-type: none"> a) A desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of recommended further investigations shall be agreed with the Council prior to addressing parts b, c, d, and, e of this condition. <p>and thereafter</p> <ul style="list-style-type: none"> b) Where required by the desk study, undertaking a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents. c) Remedial Strategy (if required) to treat/remove contamination to ensure that the site is fit for its proposed use (this shall include a method statement, programme of works, and proposed validation plan). d) Submission of a Validation Report (should remedial action be required) by the developer which will validate and verify the completion of works to a satisfaction of the Council. e) Submission, if necessary, of monitoring statements at periods to be agreed with the Council for such time period as is considered appropriate by the Council. <p>Written confirmation from the Council, that the scheme has been implemented completed and (if appropriate), monitoring measures are satisfactorily in place, shall be required by the Developer before any development hereby approved commences. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Council.</p> <p>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.</p>
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Recommended Informatives	
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**CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Officer Name and Post: Keith Elliott Archaeology Officer	Contact e-mail/number: Keith.Elliott@scotborders.gov.uk 01835 824 000 ext 8886
Date of reply	17.05.2023	Consultee reference:
Planning Application Reference	23/00507/PPP	Case Officer: Paul Duncan
Applicant	Aver Chartered Accountants	
Agent	Bidwells	
Proposed Development	Erection of dwellinghouse	
Site Location	Plot C Land West Of Hedgehope Cottage Winfield Berwick-upon-Tweed Scottish Borders	
<p><i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i></p>		
Background and Site description	<p>This case seeks to establish the principle of constructing a new house in the area – just east of Gordon Law – a new house in the area formerly occupied by buildings associated with the Second World War airfield RAF Winfield. This is a site of local significance.</p> <p>This archaeological consultation has been triggered by the proposal being in the area of those buildings, though details are limited as to what and where exactly any proposed house would be.</p> <p>The avoidance of any archaeological remains would be recommended in the first instance, but archaeological conditions will likely be required in the principle being established for development on the site. An archaeological evaluation would be recommended at this stage in order to establish what further archaeological work would be required in the development for the development of the site.</p>	
Key Issues (Bullet points)	<ul style="list-style-type: none"> • Site part of the RAF Winfield complex • Demolished buildings across the site, though potential for below ground evidence of them and further evidence • Further archaeological finds, features and/or deposits • Possible contamination issues 	
Assessment	<p>This application has been assessed against the Scottish Borders Historic Environment Record (HER) as the on-going record of all known archaeological and historic findspots, sites and landscapes across the area that are known, recorded and mapped. Currently there are over 23564 entries in the records so far, but this number is always increasing and with new information being added, at times to enhance existing entries.</p> <p>The area of this application lies within the area of one of the mapped sites. This was one of the accommodation sites associated with RAF Winfield (Canmore ID 91759). Typical of airfields constructed in the Second World War this site (Canmore ID 100792) included the main airfield with accommodation areas and service infrastructure, such as sewage plants, scattered across the landscape. This was to</p>	

	<p>avoid damage and injury to personnel and services if these were concentrated in one location, and also to allow for the separation of men and women more generally within the morals of the day. In this case the site is recorded as a Women's Air Auxiliary Force (WAAF) site, one building possibly used for parachute packing.</p> <p>At this site the buildings of the Second World War appear to have remained standing, though derelict, until recent times. The original HER entries include photographs as does Google Street View photography which shows at least two buildings, though more are shown by aerial photographs of just after the Second World War (M/035/NLA/047 5013) and post-Second World War Ordnance Survey 1:10000 mapping of the area. There may well have been other buildings and structures, such as air raid shelters and vehicle inspection pits, lines of services and drainage, across the immediate area as well in addition to below-ground level traces of the buildings themselves. The loss of the buildings is regrettable, but no archaeological recording of the building appears to have taken place. Only photographs taken at a distance of these buildings are online.</p> <p>The site is not a Scheduled Monument where national significance has already been recognised, but the site is one of local significance. Such historic assets and places are recognised by the National Planning Framework 4's policy 7 and also the Scottish Borders Council Local Development Plan policy for archaeology EP8.</p> <p>The application proposes the construction of a house somewhere in this area, but it is not exactly specified where. Therefore there may be further disturbance and impacts to the archaeological finds, features and/or deposits of the camp in the progression of such an application through foundation and service trenches, as well as for access and any landscaping as garden or ground preparation of the area. If such remains are disturbed in any way there is the potential of buried ordnance and contamination issues (in the likes of radioactive materials, building construction materials and fuel oil) which would require consideration if the application progressed.</p> <p>A programme of archaeological works would be required and recommended at this stage. An archaeological survey of the area would be recommended in order to survey the site which would help establishing what archaeological remains there are or may be in the area, and if the application being pursued further then more intrusive works of either evaluation and/or watching brief work being required.</p> <p>It would be recommended that such a survey is carried out as soon as possible within the planning process to best advise the applications of what archaeological work, and where any overlaps to ground contamination issues, may be required.</p>			
Recommendation	<input type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input checked="" type="checkbox"/> Do not object, subject to conditions	<input type="checkbox"/> Further information required
Recommended Conditions	<p>Programme of Archaeological Works</p> <p>A condition will be required if the application is ultimately consented contrary to this objection. If consented, the recommended condition is:</p> <p>No development shall take place within the development site as outlined in red on the approved plan until the developer has secured a Written Scheme of Investigation (WSI) detailing a programme of archaeological works. The WSI shall</p>			

	<p>be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA). The WSI shall be submitted by the developer no later than 1 month prior to the start of development works and approved by the Planning Authority before the commencement of any development. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording, recovery of archaeological resources within the development site, post-excavation assessment, reporting and dissemination of results are undertaken per the WSI.</p> <p>Reason: The site is within an area where development may damage or destroy archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.</p>
<p>Recommended Informatives</p>	

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**CONSULTATION RESPONSE TO
PLANNING OR RELATED APPLICATION**

Comments provided by	Roads Planning Service		
Officer Name, Post and Contact Details	Mark Payne Roads Planning Officer		mark.payne@scotborders.gov.uk 01835 825018
Date of reply	12 th May 2023	Consultee reference:	
Planning Application Reference	23/00507/PPP	Case Officer:	
Applicant	Aver Chartered Accountants		
Agent	Bidwells		
Proposed Development	Erection of dwellinghouse		
Site Location	Plot C Land West Of Hedgehope Cottage Winfield Berwick-upon-Tweed Scottish Borders		
<i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i>			
Background and Site description	18/00508/FUL Erection of 2no. wind turbines - Withdrawn 18/00668/FUL Erection of anaerobic digestion unit – Withdrawn RPS were consulted for both prior applications and had no objections. The proposed site will take access from the private road leading to the D71/6.		
Key Issues (Bullet points)			
Assessment	Although Roads Planning had no objections to the previous applications on this site, they were for unmanned installations with little to no traffic to and from site. As the new proposal is for a residential dwelling, some upgrades will be required. In particular, It is noted that that private access road leading to the proposed dwelling is in poor condition and is unsuitable for normal residential vehicles. Similarly, the access to the private road from the public road is substandard. Therefore, I shall have no objections to this application provided conditions similar to the ones below are included in any consent given.		
Recommendation	<input type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input checked="" type="checkbox"/> Do not object, subject to conditions <input type="checkbox"/> Further information required
Recommended Conditions	Parking and turning for two vehicles, excluding garages, must be provided within the curtilage of the plot before the dwellinghouse is occupied and retained thereafter in perpetuity. Reason: To ensure the property is served by adequate parking at all times. The access to the private road from the public D71/6 road to be formed to an agreed standard prior to the development commencing. Reason: To ensure the property is served by safe access from the public road.		

	<p>The remainder of the private access road up to and including the site access should be upgraded to provide a smooth running surface prior to the development commencing. Reason: To ensure suitable access</p> <p>Prior to works commencing on the development, visibility splays of 2.4m by 120m in both directions onto the public road must be provided and retained thereafter in perpetuity unless otherwise agreed in writing with the Planning Authority. Reason: To ensure the development is served by an acceptable form of access.</p>
<p>Recommended Informatives</p>	<p>The access to the site from the public road to be constructed to the following specification from the carriageway edge:</p> <ul style="list-style-type: none"> • <i>6 metres wide over the initial 6m with 6 metre radii and 45 degree splayed kerbing, surfaced as follows:</i> • <i>40mm of 14mm size close graded bituminous surface course to BS 4987 laid on 60mm of 20mm size dense binder course (basecourse) to the same BS laid on 350mm of 100mm broken stone bottoming blinded with sub-base, type 1.</i> <p>All work within the public road boundary must be undertaken by a contractor first approved by the Council.</p>

Signed: **AJS**

Wednesday, 26 April 2023



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
www.scottishwater.co.uk



Dear Customer,

Plot C Land West Of, Hedgehope Cottage Winfield, Berwick-upon-tweed, TD15 1XG
Planning Ref: 23/00507/PPP
Our Ref: DSCAS-0085546-4HF
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. Please read the following carefully as there may be further action required. Scottish Water 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 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.

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
 - ▶ 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

▶ Trade Effluent Discharge from Non-Domestic 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 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 5kg 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

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.

Yours sincerely,

Ruth Kerr.

Development Services Analyst

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."



Local Review Body – List of Policies 23rd October 2023

Local Review Reference: 23/00507/PPP

Planning Application Reference: 23/00037/RREF

Development Proposal: Erection of dwellinghouse

Location: Plot C, Land West of Hedgehope Cottage, Winfield, Berwick-Upon-Tweed

Applicant: Aver Chartered Accountants

National Planning Framework 4 (NPF4)

Policy 1: Tackling the Climate and Nature Crises

Policy 2: Climate Mitigation and Adaptation

Policy 3: Biodiversity

Policy 4: Natural Places

Policy 5: Soils

Policy 9: Brownfield, Vacant and Derelict Land and Empty Buildings

Policy 13: Sustainable Transport

Policy 14: Design, Quality and Place

Policy 15: Local Living and 20 Minute Neighbourhoods

Policy 16: Quality Homes

Policy 17: Rural Homes

Policy 18: Infrastructure First

Policy 23: Health and Safety

Scottish Borders Local Development Plan 2016 (LDP)

PMD1: Sustainability

PMD2: Quality Standards

ED5: Regeneration

HD2: Housing in the Countryside

HD3: Protection of Residential Amenity

EP1: International Nature Conservation Sites and Protected Species

EP2: National Nature Conservation Sites and Protected Species

EP3: Local Biodiversity

IS2: Development Contributions

IS7: Parking Provision and Standards

IS9: Waste Water Treatment and SUDS

Other Material Considerations

- Proposed Local Development Plan 2020: Policy ED5 Regeneration
- SBC Supplementary Planning Guidance on Placemaking and Design 2010
- SBC Supplementary Planning Guidance on Development Contributions 2011 (updated 2023)
- SBC Supplementary Planning Guidance on Sustainable Urban Drainage Systems 2020

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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 100623077-002

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 **T** Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Bidwells"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Iona"/>	Building Name:	<input type="text" value="Broxden House"/>
Last Name: *	<input type="text" value="Sutherland"/>	Building Number:	<input type="text"/>
Telephone Number: *	<input type="text" value="07471012595"/>	Address 1 (Street): *	<input type="text" value="Lamberkine Drive"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Perth"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="PH1 1RA"/>
Email Address: *	<input type="text" value="iona.sutherland@bidwells.co.uk"/>		

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

≤ Individual **T** Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text" value="21"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="York Place"/>
Company/Organisation	<input type="text" value="Aver Chartered Accountants"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH1 3EN"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="[REDACTED]"/>		

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="Corner Site at Sunwick"/>

Northing	<input type="text" value="652467"/>	Easting	<input type="text" value="389668"/>
----------	-------------------------------------	---------	-------------------------------------

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)

23/00508/PPP | Erection of dwellinghouse | Land East Of Dunedin Lodge Crossrig Berwick-upon-tweed Scottish Borders

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.

See Notice of Review 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)

Decision Notice, Report of Handling, Roads Planning Consultee Response, Objection Comment J. Sloan, Scottish Water Consultee Response, Application Form, Location Plan, Rural Location Plan, PPIp Supporting Statement, and Notice of Review Appeal Statement.

Application Details

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

23/00508/PPP

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

30/03/2023

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

21/06/2023

Review Procedure

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

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

Yes No

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

Please select a further procedure *

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

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

A site visit should be conducted to understand the context of the site within the existing building group.

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?. *

T Yes ≤ No

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

T 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? *

T 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? *

T 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 *

T 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 Iona Sutherland

Declaration Date: 31/08/2023

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Proposal Details

Proposal Name	100623077
Proposal Description	Proposed erection of a dwelling at Sunwick
Address	
Local Authority	Scottish Borders Council
Application Online Reference	100623077-002

Application Status

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

Attachment Details

Notice of Review	System	A4
PPP Application Form	Attached	A4
Public Representation J Sloan	Attached	A4
Report of Handling	Attached	A4
Decision Notice	Attached	A4
Rural Location Plan	Attached	A4
Location Plan	Attached	A4
Roads Planning Consultee Response	Attached	A4
Scottish Water Consultee Response	Attached	A4
PPP Supporting Statement	Attached	A4
Notice of Review Appeal Statement	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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**PROPOSED ERECTION
OF A DWELLINGHOUSE
NOTICE OF REVIEW
APPEAL STATEMENT**

Table of Contents

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Appendix 1 Site Photograph

1.0 Introduction

- 1.1 This statement should be read in conjunction with the Notice of Review submitted on behalf of Aver Chartered Accountants for the proposed erection of a dwelling, land east of Dunedin Cottage, Crossrig (23/00508/PPP) which was refused planning permission in principle by Scottish Borders Council on the 21st of June 2023.
- 1.2 The application was refused on the grounds that the proposal is contrary to both the Scottish Borders Local Development Plan, and the National Planning Framework 4.

2.0 Background

- 2.1 It has been proposed to erect a dwelling on this site which would constitute an extension of the existing building group in this location which is currently made up of 5 existing properties.
- 2.2 The proposed dwelling is sited within the sharp corner of an agricultural field that cannot reasonably be farmed due to its narrow nature preventing machinery from entirely accessing this area.
- 2.3 The application received one public objection which raised that agricultural land, with an unknown owner, would be impacted by the proposal. Although the matter of landownership is not a planning matter, Bidwells confirmed the ownership details of this site and highlighted there are no agricultural leases implicated by this application.
- 2.4 Scottish Water, and Scottish Borders Council Roads Planning Service had no objection to the proposal.

3.0 Grounds for Appeal

- 3.1 The Decision Notice states that the application was refused due to the proposed dwelling not being well related to any existing building groups, and that the proposal would result in the permanent loss of agricultural land.
- 3.2 LDP Policy HD2 Housing in the Countryside makes provision for building groups; the proposed dwelling would act as an extension of the existing building group made up of 1-4 Sunwick Farm Cottages to the north, and Dunedin Lodge to the west, an existing 5 dwelling grouping.
- 3.3 Sunwick Farm Cottages 3 and 4 have both recently obtained approval for extensions and alterations to the existing dwellinghouses, most notably 4 Sunwick Farm Cottages is undergoing an extension in the way of a detached garage on its southwestern boundary (22/01327/FUL); proposed approved site plan is attached at Appendix 1.
- 3.4 This garage extension creates an even clearer grouping of buildings which this site is evidently related to. The erection of the garage is evident in its preliminary stages as per the photograph attached at Appendix 2; this photograph also highlights the relation of the site to the existing grouping, demonstrating this proposal's ability to act as a reasonable and cohesive extension to this building group.

- 3.5 The proposed dwelling would therefore be clearly related to the existing grouping and is therefore in accordance with LDP Policy HD2.
- 3.6 Regarding the agricultural land, the nature of the site would ensure that very minimal usable land would be lost. As per the site photograph, attached at Appendix 2, this area of the site is not farmed due to its narrow nature; therefore, the proposal would result in a very minimal loss of agricultural land (NPF4 Policy 5 Soils).
- 3.7 Due to the context of the surrounding environment changing as a result of the extensions to the adjacent properties (Sunwick Farm Cottages) it is therefore requested that the LRB undertake a site visit to fully understand how the proposed dwelling would constitute a reasonable extension to the existing building group.

4.0 Conclusions

- 4.1 For the reasons set out in Section 3 above, it is considered that the proposed dwelling would result in a reasonable extension to an existing building group. The existing grouping is well established and the proposed extensions taking place at Sunwick Farm Cottages further creates a framework in which the proposed dwelling would make a valuable addition to; and ultimately round off the grouping.
- 4.2 This statement, and the original application, indicates that there would be very minimal loss of agricultural land due to the nature of the site being too narrow for farm machinery to access, this area of the site is not in active use and therefore a dwelling being erected here would not detrimentally impact the livelihood of the farm. Therefore, the proposal constitutes a very minor departure from NPF4 Policy 5.
- 4.3 As suggested above, if the LRB undertake a site visit as part of their determination, the context of the building group, and the relevance of the surrounding dwelling extensions could be understood to determine that the proposal does conform with Policy HD2
- 4.4 Therefore, for the reasons set out in this Notice of Review Appeal statement, it is considered that the proposal can be considered to be a valuable addition to a robust existing building group.

APPENDIX 2 SITE PHOTOGRAPH





BIDWELLS

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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 100623077-001

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 erection of a dwelling on land at Sunwick.

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:	<input type="text" value="Bidwells"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Iona"/>	Building Name:	<input type="text" value="Broxden House"/>
Last Name: *	<input type="text" value="Sutherland"/>	Building Number:	<input type="text"/>
Telephone Number: *	<input type="text" value="07471012595"/>	Address 1 (Street): *	<input type="text" value="Lamberkine Drive"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Perth"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="PH1 1RA"/>
Email Address: *	<input type="text" value="iona.sutherland@bidwells.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"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text" value="21"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="York Place"/>
Company/Organisation	<input type="text" value="Aver Chartered Accountants"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH1 3EN"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:

Scottish Borders Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Corner Site at Sunwick

Northing

652467

Easting

389668

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

0.17

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)

Agricultural land.

Access and Parking

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

Yes No

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

<p>Are you proposing any change to public paths, public rights of way or affecting any public right of access? * ≤ Yes T No</p> <p>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.</p>
<p>Water Supply and Drainage Arrangements</p> <p>Will your proposal require new or altered water supply or drainage arrangements? * T Yes ≤ No</p>
<p>Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *</p> <p>T Yes – connecting to public drainage network</p> <p>≤ No – proposing to make private drainage arrangements</p> <p>≤ Not Applicable – only arrangements for water supply required</p>
<p>Do your proposals make provision for sustainable drainage of surface water?? * ≤ Yes T No (e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>
<p>Are you proposing to connect to the public water supply network? *</p> <p>T Yes</p> <p>≤ No, using a private water supply</p> <p>≤ No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>
<p>Assessment of Flood Risk</p> <p>Is the site within an area of known risk of flooding? * ≤ Yes T No ≤ Don't Know</p> <p>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.</p> <p>Do you think your proposal may increase the flood risk elsewhere? * ≤ Yes T No ≤ Don't Know</p>
<p>Trees</p> <p>Are there any trees on or adjacent to the application site? * ≤ Yes T No</p> <p>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.</p>
<p>All Types of Non Housing Development – Proposed New Floorspace</p> <p>Does your proposal alter or create non-residential floorspace? * ≤ Yes T No</p>

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: Iona Sutherland

On behalf of: Aver Chartered Accountants

Date: 29/03/2023

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	T	N/A
A Design Statement or Design and Access Statement. *	≤	Yes	T	N/A
A Flood Risk Assessment. *	≤	Yes	T	N/A
A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *	≤	Yes	T	N/A
Drainage/SUDS layout. *	≤	Yes	T	N/A
A Transport Assessment or Travel Plan	≤	Yes	T	N/A
Contaminated Land Assessment. *	≤	Yes	T	N/A
Habitat Survey. *	≤	Yes	T	N/A
A Processing Agreement. *	≤	Yes	T	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: Miss Iona Sutherland

Declaration Date: 29/03/2023

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**PROPOSED ERECTION
OF A DWELLING AT
SUNWICK
SUPPORTING
STATEMENT**

Table of Contents

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2.0 The Site	1
3.0 The Proposal	1
4.0 Planning Policy Assessment	2
5.0 Conclusions	3

Appendix 1 Northern View of Site

Appendix 2 Northwestern View of Site

Appendix 3 Potential Building Group

1.0 Introduction

- 1.1 This supporting statement should be read in conjunction with the planning permission in principle application that has been submitted on behalf of Aver Chartered Accountants for the erection of a dwelling at Sunwick.
- 1.2 The site extends to 0.17 hectares; resulting in the proposal constituting a 'local application' in the context of the Town and Country Planning (Development Management Procedures) (Scotland) Regulations 2013.
- 1.3 The online reference number is 100623077.

2.0 The Site

- 2.1 The site is located at Sunwick where a newly established building group is forming via existing dwellings which have been erected on both the east and west sides of the site. The site is located outwith any defined settlements identified in the Scottish Borders Local Development Plan 2016.
- 2.2 There is no flood risk on this site, nor are there any designations that would restrict development.
- 2.3 The site is a corner of an agricultural field which, when boundaries are drawn to reflect that of the adjacent properties, the existing grouping could be reasonably extended into this site. The existing east and west boundaries are well defined due to the adjacent dwellings.
- 2.4 The western property was approved under application reference 09/00118/REM; and more recently, an eastern property has undergone an expansion, approved under application reference 22/01327/FUL.
- 2.5 It is noted that the site is defined at Classification 3.1 on the National Land Capability for Agriculture, however, due to the narrow corner of this field, it cannot reasonably be harvested as farm machinery would not be able to access this narrow area, as highlighted in the photographs attached at Appendices 1-3. Therefore, developing on this site would not result in tangible loss of prime agricultural land.

3.0 The Proposal

- 3.1 It is proposed to erect a dwelling on the corner of an agricultural field, east of Dunedin Lodge, Sunwick and to the south of 1-4 Sunwick Farm Cottages, where there is a cluster of existing houses that could be extended to, to expand the building group.
- 3.2 This area of the Scottish Borders is defined by small-scale building groups, therefore developing on this site would not detract from the wider area, nor would it contrast with the existing development principles of the surrounding rural area.
- 3.3 The proposed dwelling would utilise the existing access.

4.0 Planning Policy Assessment

- 4.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) requires planning decisions to be made in accordance with the Development Plan.
- 4.2 If the proposed development accords with the Development Plan, it should be approved unless there are material considerations of sufficient weight that would indicate otherwise.
- 4.3 The adopted Development Plan relevant to this proposal is the Scottish Borders Council Local Development Plan (LDP) adopted in May 2016, and National Planning Framework 4 (NPF4) adopted into February 2023.

Table 1: Scottish Borders Council Local Development Plan 2016

POLICY	POLICY ASSESSMENT
<p>Policy ED10 Protection of Prime Quality Agricultural Land and Carbon Rich Soils</p>	<p>Although this site is deemed prime agricultural land, this specific area of land identified within the red line is not used for agricultural purposes due to the narrow nature of this corner. Farm machinery cannot reasonably access this corner and therefore crop production does not take place within his area, as shown in the photographs attached in the appendices. Therefore, developing on this site would not result in the loss of active prime agricultural land because the site is not usable land for agriculture.</p> <p>The proposal is considered to comply with Policy ED10.</p>
<p>Policy HD2 Housing in the Countryside</p>	<p>This proposal, under this policy, would fall into Category A: Building Groups. The site is well related to the existing dwellings at Sunwick, and the character of these existing dwellings would not be negatively impacted by this proposed addition. The proposed and existing dwellings are well screened from the road and from one another.</p> <p>The proposal is considered to comply with Policy HD2.</p>

National Planning Framework 4 (NPF4)

- 4.4 The National Planning Framework 4 is a national spatial strategy which sets out how planning can deliver change in a way which brings together competing interests so that decisions reflect the long-term public interest.
- 4.5 NPF4 forms part of the statutory Development Plan and sets outs the policies and proposals for the development and use of land in Scotland, which subsequently informs the local development plans.
- 4.6 Where an incompatibility exists between the relevant LDP and NPF4, NPF4 takes precedence.

Table 2: National Planning Framework 4 2023

POLICY	POLICY ASSESSMENT
<p>Policy 17 Rural Homes</p>	<p>The Housing Land Audit for Berwickshire indicates a strong level of completions, indicating that there is a demand for housing in this area. Of these completions, 21% were small sites, therefore there is a clear and demonstrable need for small-scale rural housing development in this local area.</p> <p>The proposal is considered to comply with Policy 17.</p>

Scottish Borders Local Plan Supplementary Planning Guidance on New Housing in the Borders Countryside.

- 4.7 This proposal constitutes an extension of a building group and the photographs attached in the appendices of this report demonstrate that a dwelling on this proposed site can be suitably absorbed into the existing group.
- 4.8 Although this proposal would constitute developing into an undeveloped field, the site is well-defined and there is a clear opportunity associated with this site which would allow the extension of a robust building group. There are already at least 3 dwellings directly adjacent to the proposed site which constitute a building group as per the definition in this supplementary guidance:
“Normally a building group will consist of residential buildings comprising at least three dwelling units.”
- 4.9 Therefore, this proposal would add to the existing building group and reasonably complete it too.
- 4.10 Due to this specific part of the wider agricultural field not being used for crop production, due to reasons explored in Section 2.4 of this report, this proposal can be reasonably assumed to be a viable addition to the existing cluster of dwellings at Sunwick.

5.0 Conclusions

- 5.1 This supporting statement has highlighted that the proposed erection of a dwelling on this site at Sunwick would not result in the loss of active prime agricultural land, due to the sites inability to be accessed by farm machinery.
- 5.2 The site benefits from existing access and would act as a cohesive extension to the cluster of houses in this area which, including this proposed dwelling, would add to a well-defined building group, and is therefore permitted in the Scottish Borders Local Development Plan 2016
- 5.3 It is therefore kindly requested that Scottish Borders Council seek to grant planning permission in principle for the erection of a dwelling, to form a building group, at Sunwick.

APPENDIX 1

NORTHERN VIEW OF SITE



APPENDIX 2

NORTHWESTERN VIEW OF SITE




APPENDIX 3 POTENTIAL BUILDING GROUP





BIDWELLS

Aver Chartered Accountants
per Bidwells
Broxden House
Lamberkine Drive
Perth
PH1 1RA

**Please ask
for:**


Paul Duncan
01835 825558

Our Ref:
Your Ref:

23/00508/PPP

E-Mail:
Date:

paul.duncan@scotborders.gov.uk
21st June 2023

Dear Sir/Madam

PLANNING APPLICATION AT Land East of Dunedin Lodge Crossrig Berwick-upon-tweed Scottish Borders

PROPOSED DEVELOPMENT: **Erection of dwellinghouse**

APPLICANT: **Aver Chartered Accountants**

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 : 23/00508/PPP

To : Aver Chartered Accountants per Bidwells Broxden House Lamberkine Drive Perth PH1 1RA

With reference to your application validated on **21st April 2023** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

Proposal : Erection of dwellinghouse

at : Land East of Dunedin Lodge Crossrig Berwick-upon-tweed Scottish Borders

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

**Dated 20th June 2023
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

**John Hayward
Planning & Development Standards Manager**

APPLICATION REFERENCE : 23/00508/PPP

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
A.57,647	Location Plan	Refused
A.57,647L 1	Location Plan	Refused

REASON FOR REFUSAL

- 1 The development is contrary to policy HD2 (Housing in the Countryside) of the Local Development Plan 2016 because it would not be well related to any existing building group, would break into an undeveloped field with strong natural boundaries, and no other supporting justification has been made. The development gains no support from policy 17 of National Planning Framework 4. This conflict with the development plan is not overridden by any other material considerations.
- 2 The proposed development is contrary to Local Development Plan 2016 policy ED10 (Protection of Prime Quality Agricultural Land and Carbon Rich Soils) and National Planning Framework 4 policies 5 (Soils) and 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) as it would result in the permanent loss of greenfield, prime quality agricultural land without any necessary exceptional justification.

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. To seek a review of the decision, please complete a [request for local review](#) form and return it to the Clerk of the Local Review Body, Democratic Services, 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 : 23/00508/PPP
APPLICANT : Aver Chartered Accountants
AGENT : Bidwells
DEVELOPMENT : Erection of dwellinghouse
LOCATION: Land East Of
Dunedin Lodge
Crossrig
Berwick-upon-tweed
Scottish Borders

TYPE : PPP Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
A.57,647	Location Plan	Refused
A.57,647L 1	Location Plan	Refused

NUMBER OF REPRESENTATIONS: 1

SUMMARY OF REPRESENTATIONS:

One objection was received raising the issues summarised below:

- Loss of good agricultural land
- Ownership unknown
- Difficult to access services
- Need for drainage

REPRESENTATIONS

SBC Education & LL: No response.

SBC Roads Planning Service: It is assumed the existing access mentioned in the supporting statement is the existing field access from the unclassified D71/6 public road. This being the case, I shall have no objections to this proposal provided conditions similar to the ones below are included in any consent given. Should the access referred to be different from that mentioned above, details of the access should be submitted for consideration.

Community Council: No response.

Scottish Water: There is currently sufficient capacity in the Rawburn Water Treatment Works to service the development. Unfortunately, there is no public Scottish Water, Waste Water infrastructure

within the vicinity of this proposed development therefore private treatment options should be investigated. For reasons of sustainability and to protect customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into the combined sewer system.

PLANNING CONSIDERATIONS AND POLICIES:

National Planning Framework 4

Policy 1: Tackling the Climate and Nature Crises
Policy 2: Climate Mitigation and Adaptation
Policy 3: Biodiversity
Policy 4: Natural Places
Policy 5: Soils
Policy 6: Forestry, Woodland and Trees
Policy 7: Historic Assets and Places
Policy 9: Brownfield, Vacant and Derelict Land and Empty Buildings
Policy 13: Sustainable Transport
Policy 14: Design, Quality and Place
Policy 15: Local Living and 20 Minute Neighbourhoods
Policy 16: Quality Homes
Policy 17: Rural Homes
Policy 18: Infrastructure First
Policy 20: Blue and Green Infrastructure
Policy 23: Health and Safety

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
EP1: International Nature Conservation Sites and Protected Species
EP2: National Nature Conservation Sites and Protected Species
EP3: Local Biodiversity
EP7: Listed Buildings
EP13: Trees, Woodlands and Hedgerows
IS2: Development Contributions
IS7: Parking Provision and Standards
IS9: Waste Water Treatment and SUDS

Other Considerations:

Biodiversity Supplementary Planning Guidance 2005
Development Contributions Supplementary Planning Guidance 2011 (Updated 2023)
New Housing in the Borders Countryside Supplementary Planning Guidance 2008
Privacy and Amenity Supplementary Planning Guidance 2006
Placemaking and Design Supplementary Planning Guidance 2010
Trees and Development Supplementary Planning Guidance 2008

Recommendation by - Paul Duncan (Assistant Planning Officer) on 19th June 2023

Site Description

The application site is located between Sunwick and Crossrig farms a mile south-west of Hutton village. The site is the triangular shaped, northern corner of a large arable field. It is bound to the east by hedging, with an unclassified public road located beyond. To the west, the site boundary is defined by a row of hedgerow trees. To north-east, on the far side of the public road, sit a row of four cottages, linked by garaging.

Sunwick Farm and its B listed farmhouse are located beyond the cottages to the east. To the west of the site lies the property known as Dunedin Cottage.

Planning History

There is no known planning history at the application site.

Beyond the application site, the dwelling to the west, Dunedin Lodge, was built around 10-15 years ago for a retiring farmer, and was approved subject to an occupancy condition (planning references 07/00034/OUT and 09/00118/REM).

Proposed Development

This application seeks planning permission in principle for the erection of a single dwellinghouse. No indicative site plan, elevation drawings or visualisations have been submitted.

Applicant Supporting Information

A Supporting Statement was submitted with the application and can be viewed in full on the Council's Planning Portal.

Assessment

- Policy Context

The application must be assessed against the provisions of the development plan, which currently comprises National Planning Framework 4 (NPF4) and the Council's Local Development Plan 2016 (LDP). Certain policies of the Council's Proposed Plan 2020 which are not at Examination are also a material consideration but do not form part of the development plan.

NPF4 states that it should be read as a whole, as should its policies, and that where a policy states that development will be supported, it is in principle, and it is for the decision maker to take into account all other relevant policies.

- Rural Housing/ Building Group Policy

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.

The row of four cottages linked by garaging known as 1-4 Sunwick Farm Cottages to the north-east of the site comprise an established building group. The B listed Sunwick Farmhouse is located some distance to the east. Dunedin Lodge, to the west, was not approved as extension to the building group as it is located on the far side of a public road. It is separated from the four cottages by strong boundaries including hedging and trees and was approved under the retiring farmer policy. There are no existing approvals at the building group, so there are no capacity issues regardless of whether Dunedin Lodge and Sunwick Farmhouse are counted when considering the extent of the group.

As there is an established building group with numerical capacity to expand, an assessment against LDP policy HD2-A turns on whether a new dwellinghouse at this site could have an appropriate relationship with the existing building group.

In this case the application site is within a large undeveloped field that is enclosed by mature hedging to the east and hedging and a row of trees to the west. This is contrary to the guidance set out in the New Housing in the Countryside SPG that sites should not normally break into previously undeveloped fields, particularly where there existing a definable natural boundary between the existing group and the field. The site is beyond the sense of place of the existing building group, being separated from 1-4 Sunwick Farm Cottages by hedging and the public road. It is also separated from Dunedin Cottage by mature trees.

A further consideration is how the proposed site could be developed. The site is somewhat awkward in shape and is constrained by the need for parking and turning of two vehicles and by the mature hedging and trees that bound the site. 1-4 Sunwick Farm Cottages have a clear linear arrangement which respects the alignment of Sunwick Farmhouse. Dunedin Cottage is offset from this somewhat, however it is discreetly located beyond trees. The proposed site cannot achieve alignment with 1-4 Sunwick Farm Cottages, Sunwick Farmhouse or Dunedin Cottage due to its location. Further, the shape of the proposed site means that if it were to respect the orientation of 1-4 Sunwick Farm Cottages, it would need to be located deep into the site, contrary to Placemaking guidelines and further separating the dwellinghouse from the existing building group.

In conclusion, the proposed development is considered contrary to LDP policy HD2 a) and in the absence of any other supporting justification, contrary to HD2 as a whole.

As regards NPF4 policy 17 (Rural homes), none of the supporting criteria set out within that policy apply. The proposed development therefore gains no support from NPF4 policy 17.

- Greenfield/ Prime Quality Agricultural Land

Prime quality agricultural land is a valuable and finite resource that needs to be retained for farming and food production. It is protected by LDP policy ED10 (Protection of Prime Quality Agricultural Land and Carbon Rich Soils) and NPF4 policy 5 (Soils). The latter policy has introduced more stringent policy protection for soils generally.

The proposed site comprises arable farmland that is classed by the James Hutton Institute as Prime Quality Agricultural Land. The application supporting statement argues that farm machinery would not be able to access it as it is in the narrow corner of a field. The document provides photography which supports this contention, however at the time of the application's formal site visit (2 June 2023), the full site was under crop, to within a few metres of the field access to the north.

The proposed development is contrary to LDP policy ED10 and NPF4 policy as it would result in the permanent loss of prime quality agricultural land and none of the relevant exception criteria apply. The development is also contrary to NPF4 policy 9 b) which states that proposals on greenfield site will not be supported unless the site is allocated or is explicitly supported by policies in the LDP, which this site is not.

- Rural Revitalisation and Local Living

NPF4 sets out six spatial principles including rural revitalisation and local living. The former encourages sustainable development in rural areas, recognising the need to grow and support urban and rural communities together. The latter is expressed most directly in the provisions of NPF4 policy 15 and supports local liveability, including improving community health and wellbeing and ensuring people can easily access services, greenspace, learning, work and leisure locally.

The proposed dwellinghouse would not provide easy access to services, learning or to many work opportunities and there is no evidence it would support local rural communities. There is ample available housing land within Berwickshire including at the nearby villages of Hutton, Swinton and Chirnside where local services are more easily accessed. Overall, the proposal is not considered to align with the rural revitalisation or local living agendas and gains no support from NPF4 in these regards.

- Climate and Sustainability

Policy 1 of NPF4 (Tackling the climate and nature crises) requires significant weight to be given to the global climate and nature crises when considering all development proposals. NPF4 policy 2 (Climate mitigation and adaptation) states that development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.

The Council's building group policy ensures most new housing is clustered, avoiding a sporadic proliferation of new housing which would normally result in less efficient service delivery and greater resulting carbon emissions. In this case the site is located sufficiently close to the existing building group to benefit from some such efficiencies. The proposal does not gain support from policies 1 and 2, but the siting of the development would not appear so inappropriate in emissions terms as to amount to a reason for refusal.

- Listed Building Impacts

Sunwick Farmhouse is a Category 'B' listed building located to the east of the application site. Due to the distance between the two it would be possible to design a dwellinghouse that does not harm the setting of the listed building.

- Residential Amenity

There is no reason to believe that a dwellinghouse could be built at the site without comprising the amenity of existing dwellings or the amenity of the dwelling's future occupants. There is no conflict with planning policies relating to residential amenity.

- Vehicular Access and Road Safety

The proposed development has been assessed by the Roads Planning Service. The Service has raised no objections to the applications and matters relating to access and visibility could be secured by condition. Planning policies in respect of vehicular access and road safety are considered to be satisfied.

- Parking

The Roads Planning Service require the provision of parking and turning for two vehicles within the site. There is no reason to believe this could not be met, though these requirements would further reduce the developable area of the site and would impose an additional constraint that would affect the overall site layout. However, as the required parking and turning could be provided, the proposals are not in conflict with development plan policies as regards parking requirements.

- Infrastructure

The application form states the proposed dwellinghouse would connect to public foul sewer and public water mains. Scottish Water has confirmed there is capacity at the water treatment works however there is no waste water infrastructure so private foul waste treatment would be required. Had the application been supported, it would have been appropriate to control these matters by planning condition so further details could be explored at a later date.

- Development Contributions

The application site is within the catchment areas for Chirnside Primary School and Berwickshire High School. The Council currently seeks contributions towards both schools. The rates for a dwellinghouse are currently £4709 and £3349 respectively. Had the application been supported, a legal agreement would have been required to secure the required contributions.

REASON FOR DECISION :

The development is contrary to policy HD2 (Housing in the Countryside) of the Local Development Plan 2016 because it would not be well related to any existing building group, would break into an undeveloped field with strong natural boundaries, and no other supporting justification has been made. The development gains no support from policy 17 of National Planning Framework 4. This conflict with the development plan is not overridden by any other material considerations.

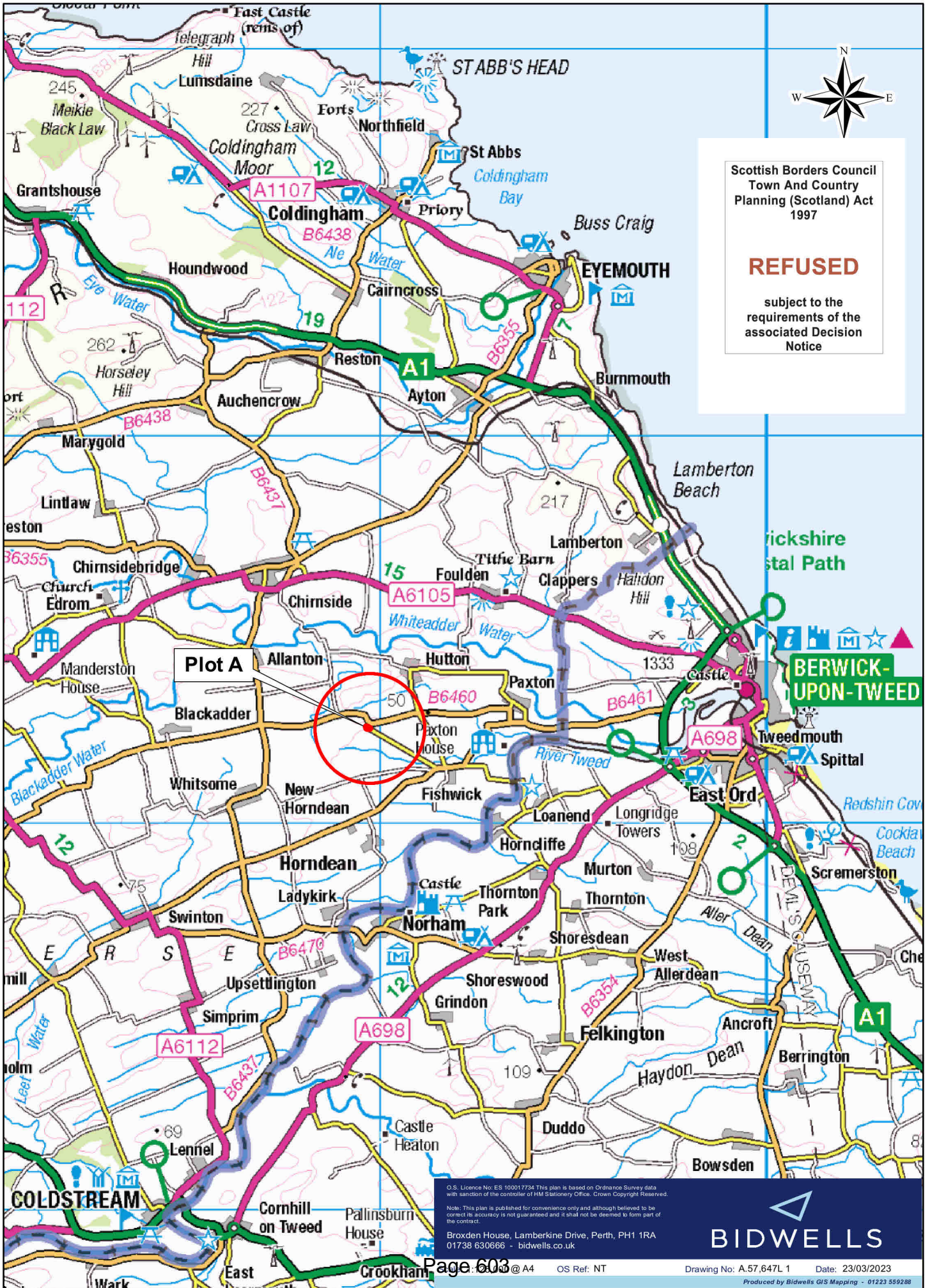
The proposed development is contrary to Local Development Plan 2016 policy ED10 (Protection of Prime Quality Agricultural Land and Carbon Rich Soils) and National Planning Framework 4 policies 5 (Soils) and 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) as it would result in the permanent loss of greenfield, prime quality agricultural land without any exceptional justification.

Recommendation: Refused

- 1 The development is contrary to policy HD2 (Housing in the Countryside) of the Local Development Plan 2016 because it would not be well related to any existing building group, would break into an undeveloped field with strong natural boundaries, and no other supporting justification has been made. The development gains no support from policy 17 of National Planning Framework 4. This conflict with the development plan is not overridden by any other material considerations.
- 2 The proposed development is contrary to Local Development Plan 2016 policy ED10 (Protection of Prime Quality Agricultural Land and Carbon Rich Soils) and National Planning Framework 4 policies 5 (Soils) and 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) as it would result in the permanent loss of greenfield, prime quality agricultural land without any necessary exceptional justification.

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

Land at Sunwick - Plot A



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

REFUSED

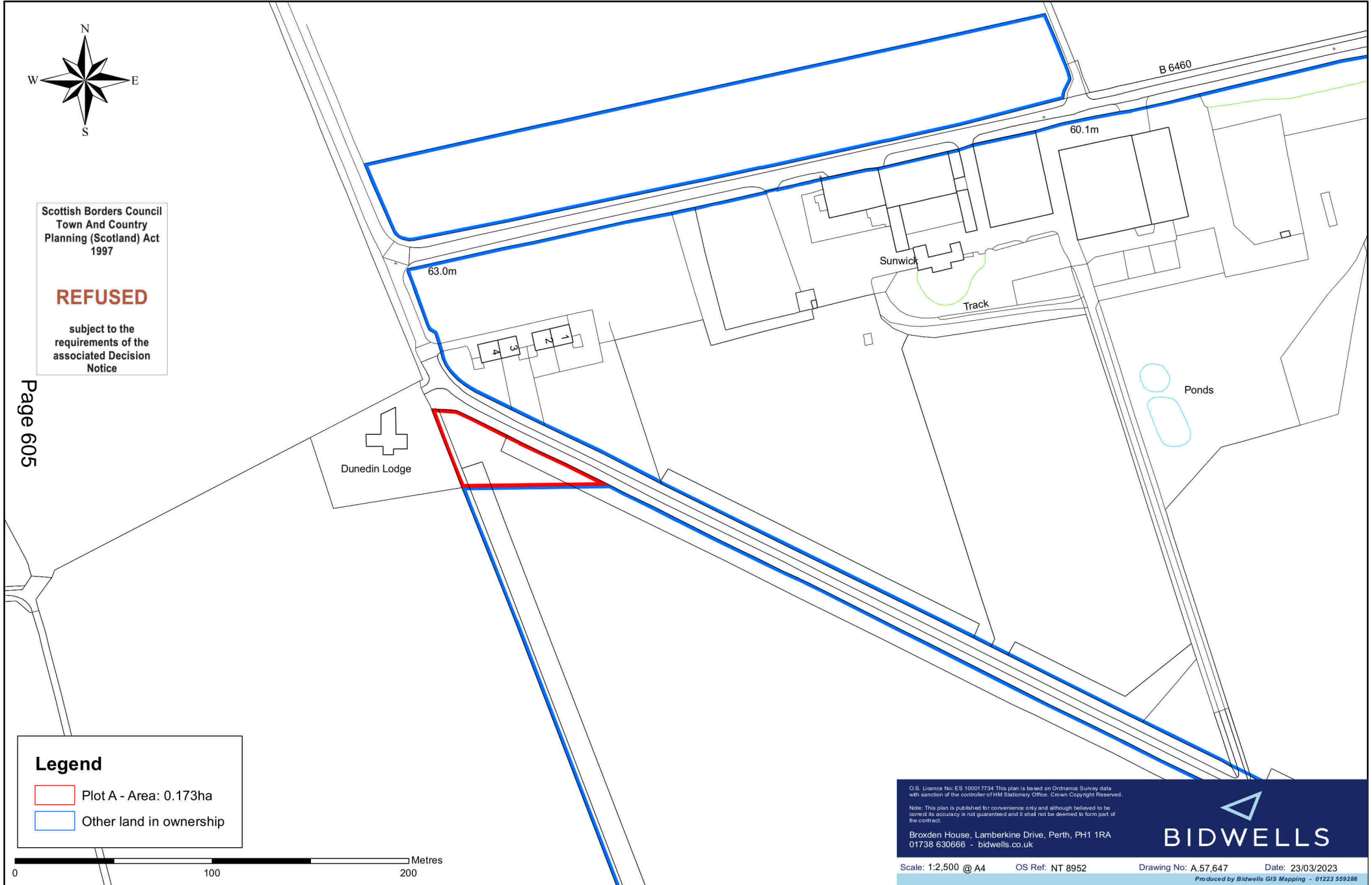
subject to the
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associated Decision
Notice

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Broxden House, Lamberkine Drive, Perth, PH1 1RA
01738 630666 - bidwells.co.uk



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Land at Sunwick - Plot A



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

REFUSED

subject to the
requirements of the
associated Decision
Notice

Page 605

Legend

- Plot A - Area: 0.173ha
- Other land in ownership

0 100 200 Metres

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Broxden House, Lamberkine Drive, Perth, PH1 1RA
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BIDWELLS

Scale: 1:2,500 @ A4 OS Ref: NT 8952 Drawing No: A,57,647 Date: 23/03/2023

Produced by Bidwells GIS Mapping - 01223 559288

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Comments for Planning Application 23/00508/PPP

Application Summary

Application Number: 23/00508/PPP

Address: Land East Of Dunedin Lodge Crossrig Berwick-upon-tweed Scottish Borders

Proposal: Erection of dwellinghouse

Case Officer: Paul Duncan

Customer Details

Name: Mr James sloan

Address: DUNEDIN LODGE, CROSSRIG, BERWICK-UPON-TWEED td15 1xg

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Detrimental to environment
- Inadequate drainage
- Land affected

Comment:Using good agricultural land which has an unknown owner.

Difficult to access services and the need for drainage on this site.

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Wednesday, 26 April 2023



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
www.scottishwater.co.uk



Dear Customer,

**Land East Of Dunedin Lodge, Crossrig Berwick-upon-tweed, Scottish Borders,
TD15 1XG
Planning Ref: 23/00508/PPP
Our Ref: DSCAS-0085524-FLY
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. Please read the following carefully as there may be further action required. Scottish Water 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 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.

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
 - ▶ 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

▶ Trade Effluent Discharge from Non-Domestic 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 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 5kg 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

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.

Yours sincerely,

Ruth Kerr.

Development Services Analyst

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**

Comments provided by	Roads Planning Service		
Officer Name, Post and Contact Details	Mark Payne Roads Planning Officer		mark.payne@scotborders.gov.uk 01835 825018
Date of reply	18 th May 2023	Consultee reference:	
Planning Application Reference	23/00508/PPP	Case Officer: Paul Duncan	
Applicant	Aver Chartered Accountants		
Agent	Bidwells		
Proposed Development	Erection of dwellinghouse		
Site Location	Land East Of Dunedin Lodge Crossrig Berwick-upon-Tweed Scottish Borders		
<i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i>			
Background and Site description			
Key Issues (Bullet points)	<ul style="list-style-type: none"> • Access • Parking 		
Assessment	It is assumed the existing access mentioned in the supporting statement is the existing field access from the unclassified D71/6 public road. This being the case, I shall have no objections to this proposal provided conditions similar to the ones below are included in any consent given. Should the access referred to be different from that mentioned above, details of the access should be submitted for consideration.		
Recommendation	<input type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input checked="" type="checkbox"/> Do not object, subject to conditions <input type="checkbox"/> Further information required
Recommended Conditions	<p>Parking and turning for two vehicles, excluding garages, must be provided within the curtilage of the plot before the dwellinghouse is occupied and retained thereafter in perpetuity. Reason: To ensure the property is served by adequate parking at all times.</p> <p>The access to the site from the public road to be formed to an agreed standard prior to occupation of the dwelling. Reason: To ensure the property is served by safe access from the public road.</p> <p>Prior to works commencing on the development, visibility splays of 2.4m by 120m in either direction at the junction with the carriageway must be provided and retained thereafter in perpetuity unless otherwise agreed in writing with the Planning Authority. Reason: To ensure the development is served by an acceptable form of access.</p>		
Recommended Informatives	<p>The access to the site from the public road should be constructed as a service layby to my standard specification DC-3.</p> <p>All work within the public road boundary must be undertaken by a contractor first approved by the Council.</p>		

Signed: AJS

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Local Review Body – List of Policies

23rd October 2023

Local Review Reference: 23/00508/PPP

Planning Application Reference: 23/00038/RREF

Development Proposal: Erection of dwellinghouse

Location: Land East Of Dunedin Lodge Crossrig Berwick-upon-tweed

Applicant: Aver Chartered Accountants

National Planning Framework 4 (NPF4)

Policy 1: Tackling the Climate and Nature Crises

Policy 2: Climate Mitigation and Adaptation

Policy 3: Biodiversity

Policy 4: Natural Places

Policy 5: Soils

Policy 6: Forestry, Woodland and Trees

Policy 7: Historic Assets and Places

Policy 9: Brownfield, Vacant and Derelict Land and Empty Buildings

Policy 13: Sustainable Transport

Policy 14: Design, Quality and Place

Policy 15: Local Living and 20 Minute Neighbourhoods

Policy 16: Quality Homes

Policy 17: Rural Homes

Policy 18: Infrastructure First

Policy 20: Blue and Green Infrastructure

Policy 23: Health and Safety

Scottish Borders Local Development Plan 2016 (LDP)

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

EP1: International Nature Conservation Sites and Protected Species

EP2: National Nature Conservation Sites and Protected Species

EP3: Local Biodiversity

EP7: Listed Buildings

EP13: Trees, Woodlands and Hedgerows

IS2: Development Contributions

IS7: Parking Provision and Standards

IS9: Waste Water Treatment and SUDS

Other Material Considerations

- SBC Supplementary Planning Guidance on Householder Development 2006
- SBC Supplementary Planning Guidance on Planning Guidance 2005
- SBC Supplementary Planning Guidance on Development Contributions 2011 (Updated 2023)
- SBC Supplementary Planning Guidance on New Housing in the Borders Countryside 2008
- SBC Supplementary Planning Guidance on Privacy and Amenity 2006

- SBC Supplementary Planning Guidance on Placemaking and Design 2010
- SBC Supplementary Planning Guidance on Trees and Development Supplementary Planning Guidance 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 100622187-002

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="Bidwells"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Iona"/>	Building Name:	<input type="text" value="Broxden House"/>
Last Name: *	<input type="text" value="Sutherland"/>	Building Number:	<input type="text"/>
Telephone Number: *	<input type="text" value="07471012595"/>	Address 1 (Street): *	<input type="text" value="Lamberkine Drive"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Perth"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="PH1 1RA"/>
Email Address: *	<input type="text" value="iona.sutherland@bidwells.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"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text" value="21"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="York Place"/>
Company/Organisation	<input type="text" value="Aver Chartered Accountants"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH1 3EN"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="[REDACTED]"/>		

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 south east of Sunwick."/>
--

Northing	<input type="text" value="651097"/>	Easting	<input type="text" value="390920"/>
----------	-------------------------------------	---------	-------------------------------------

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)

23/00509/PPP Erection of dwellinghouse, land north east of Alba Cottage, Fishwick, Berwick-upon-Tweed

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.

See supporting Notice of Review 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)

Decision Notice, Report of Handling, PPIP Supporting Statement, Location Plan, Application Form, Notice of Review Appeal Statement, Roads Consultation Response, and Scottish Water Consultation Response

Application Details

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

23/00509/PPP

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

21/04/2023

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

20/06/2023

Review Procedure

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

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

Yes No

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

Please select a further procedure *

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

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

A site inspection should be carried out to fully understand the surrounding context of the site, and its brownfield status.

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?. *

T Yes ≤ No

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

T 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? *

T 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? *

T 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 *

T 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 Iona Sutherland

Declaration Date: 31/08/2023

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Proposal Details

Proposal Name	100622187
Proposal Description	Proposed erection of a dwelling on a brownfield site west of Fishwick
Address	
Local Authority	Scottish Borders Council
Application Online Reference	100622187-002

Application Status

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

Attachment Details

Notice of Review	System	A4
Report of Handling	Attached	A4
PPP Application Form	Attached	A4
Decision Notice	Attached	A4
Rural Location Plan	Attached	A4
Location Plan	Attached	A4
Roads Planning Consultee Response	Attached	A4
Scottish Water Consultee Response	Attached	A4
PPP Supporting Statement	Attached	A4
Notice of Review Appeal Statement	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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**PROPOSED ERECTION
OF A DWELLINGHOUSE
NOTICE OF REVIEW
APPEAL STATEMENT**

Table of Contents

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4.0	Conclusions	3

Appendix 1 Site Photograph

1.0 Introduction

- 1.1 This statement should be read in conjunction with the Notice of Review submitted on behalf of Aver Chartered Accountants for the proposed erection of a dwelling, land northeast of Alba Cottage, Fishwick (23/00509/PPP) which was refused planning permission in principle by Scottish Borders Council on the 21st of June 2023.
- 1.2 The application was refused on the grounds that:
- “The development is contrary to polices 1, 2 and 17 of the National Planning Framework and HD2 of the Local Development Plan 2016.”*

2.0 Background

- 2.1 It has been proposed to erect a dwelling on this site in order to reuse rural brownfield land which, without significant intervention, would remain out of active use, blighting the surrounding landscape.
- 2.2 A brownfield site is characterised in NPF4 as *land that has previously been developed. The term may cover vacant or derelict land, land occupied by redundant or unused buildings.*
- 2.3 The site is encompassed under this definition as land that has previously been developed. Hardstanding material was put in place on this site prior to the submission of retrospective application (18/00519/FUL) for the erection of a polystructure cattle shed and hydroponics unit and associated groundworks; this application was refused, however the installed hardstanding remains on site and shows no signs of naturalisation. Furthermore, as the proposal was not refused under NPF4 Policy 9 Brownfield, Vacant and Derelict Land, and Empty Buildings this demonstrates that Scottish Borders Council agree the site is considered a brownfield site.
- 2.4 The application received no public representations; nor were any objections received from the relevant consultees: Roads Planning Service, or Scottish Water.

3.0 Grounds for Appeal

- 3.1 The Decision Notice states that the application was refused as the development is contrary to policies 1, 2 & 17 of NPF4, and policy HD2 of the Scottish Borders Local Development Plan 2016.
- 3.2 Both NPF4 Policy 1 Tackling the Climate and Nature Crises and Policy 2 Climate change Mitigation and Adaptation require LDPs to address the global climate and nature crises by ensuring the spatial strategy reduces emissions and adapts to current and future risks of climate change; LDP Policy ED5 Regeneration promotes opportunities for sustainable regeneration on allocated and non-allocated brownfield sites. The hardstanding on this site is constantly absorbing heat from the sun and consequently warms the surrounding area. However, a dwelling on this site, with potential solar gain on the roof and increased landscaping (matters to be addressed in a subsequent detailed application) would stop the detrimental impacts cause by the undeveloped hardstanding and act in favour of climate change mitigation and adaptation, and thus the proposal is in line with NPF4 Policies 1 and 2.

- 3.3 NPF4 Policy 9 Brownfield, Vacant and Derelict Land, and Empty Buildings encourages and promotes the reuse of brownfield land to help reduce the need for greenfield development. Under NPF4 Policy 17 Rural Homes, development proposals for new homes in rural areas will be supported where development is suitably scaled, sited, and designed to be in keeping with the character of the area, and where the development reuses brownfield land where a return to a natural state has not or will not happen without intervention.

- 3.4 The Report of Handling states that the site is showing signs of gradual naturalisation, as per a site visit 5 years ago. However, the site photo attached at Appendix 1 of this statement, taken in by Bidwells in 2022, shows that the site has by no means naturalised. Due to the unauthorised development on this site and the materials that have been laid, and the thickness of the hardstanding, there is no possibility of naturalisation for decades without significant intervention.

- 3.5 This application was not refused under NPF4 Policy 9 Brownfield, Vacant and Derelict Land, and Empty Buildings which demonstrates that Scottish Borders Council have accepted that the site is indeed brownfield land. Therefore, in accordance with this policy, opportunities for the sustainable reuse of brownfield land should be supported by the local authority.

- 3.6 NPF4 supports rural development on brownfield sites under Policy 17 Rural Homes, and therefore this proposal is further supported by NPF4; The Scottish Borders LDP Policy HD2 Housing in the Countryside conflicts with NPF4 Policy 17 in its lack of housing in the countryside development provision on rural brownfield sites, however: NPF4 takes precedence here, being the latter document. Therefore, the proposal adheres to both NPF4 Policy 9 and 17, and subsequently LDP HD2 has a lesser significance.

- 3.7 The Report of Handling indicates that NPF4 states LDPs should set out a tailored approach to rural housing, where LDP Policy HD2 Housing in the Countryside is referenced, however, The Scottish Borders LDP is not taking a tailored approach to rural housing in line with NPF4 as the 2016 LDP has not been informed by the 2023 framework.

- 3.8 LDP Policy ED5 Regeneration promotes the redevelopment of brownfield sites where there is an opportunity to bring land back into a productive use. The proposed development adheres to each of the parameters set out in policy ED5:

a)	The hardstanding on site has already been laid subsequently the loss of agricultural land has already occurred. Therefore, developing this site in line with this proposal would bring the rural brownfield land back into active use.
b)	The Report of Handling claims that this type of development is not in keeping with the character of the area however, the surrounding area is very clearly characterised by sporadic housing development and therefore, this proposed development would reflect the surrounding landscape.
c)	The proposal for a single dwelling would not result in over-development.
d)	The proposed dwelling would be of a scale, form, and design suitable to its location and would not detract from the surrounding context.

e)	<p>Scottish Water has confirmed in their consultee response that there is sufficient capacity in the Rawburn Water Treatment Works to service the site and have indicated that private waste treatment options should be explored.</p> <p>Therefore, the proposal can be adequately serviced.</p>
f)	<p>There are no adjoining properties this proposed dwelling could detrimentally impact.</p>

3.9 The proposal is in accordance with Policy ED5 Regeneration and would bring back the land into productive use which the LDP supports; the proposal is also in accordance with the relevant NPF4 policies, and there are no material considerations that would suggest this application should not be approved.

3.10 It is requested that the LRB undertake a site visit to fully understand the spatial context of the site as well as its brownfield status.

4.0 Conclusions

4.1 For the reasons set out in Section 3 above, it is considered that the proposed dwelling would sustainably reuse rural brownfield land which has no possibility of naturalisation without significant intervention. NPF4 supports the reuse of rural brownfield land where a return to a natural state is not possible. Therefore, this proposal is supported by NPF4.

4.2 This statement, and the original application provide photographic evidence that the site has not, and is not, showing signs of naturalisation as implied in the Report of Handling. This site cannot naturalise without significant intervention.

4.3 The proposal conforms with the relevant policies of the Scottish Borders LDP in regards to regeneration, and where there is inconsistency between the LDP and NPF4, the proposal conforms with NPF4 policies, which take precedence.

4.4 The proposed dwelling reflects the context of the local area in its sporadic rural housing, and the use of brownfield land allows the proposal to maximise an existing opportunity, with climate change mitigation and adaptation benefits, as opposed to proposing to erect a dwelling in a random countryside location.

4.5 The unauthorised works on this site did not undergo enforcement action during the designated period, which has now lapsed. As such the site must now be defined as a brownfield site and not an unauthorised development site. The only pragmatic solution here is to grant PPIP and allow the opportunity for an exciting proposal to come forward that brings economic and ecological benefits to the site and surrounding area.

4.6 For the reasons set out in this Notice of Review Appeal statement, and the lack of objections from any consultees or members of the public, it is considered that the proposal can be considered to apply with the relevant policies and would constitute a sustainable reuse of a brownfield site which otherwise would not be able to return to a usable state.

APPENDIX 1

SITE PHOTOGRAPH



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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 100622187-001

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 erection of a dwelling on a brownfield site west of Fishwick.

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:	<input type="text" value="Bidwells"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Iona"/>	Building Name:	<input type="text" value="Broxden House"/>
Last Name: *	<input type="text" value="Sutherland"/>	Building Number:	<input type="text"/>
Telephone Number: *	<input type="text" value="07471012595"/>	Address 1 (Street): *	<input type="text" value="Lamberkine Drive"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Perth"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="PH1 1RA"/>
Email Address: *	<input type="text" value="iona.sutherland@bidwells.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"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text" value="21"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="York Place"/>
Company/Organisation	<input type="text" value="Aver Chartered Accountants"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH1 3EN"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:

Scottish Borders Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Land south east of Sunwick.

Northing

651097

Easting

390920

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

0.76

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)

Brownfield site; area of hardstanding developed prior to the submission of retrospective application 18/00519/FUL

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 **T** 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? * **T** Yes ≤ No

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

- T** 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 **T** 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? *

- T** 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 **T** 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 **T** No ≤ Don't Know

Trees

Are there any trees on or adjacent to the application site? * **T** 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 **T** 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: Iona Sutherland

On behalf of: Aver Chartered Accountants

Date: 29/03/2023

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	T	N/A
A Design Statement or Design and Access Statement. *	≤	Yes	T	N/A
A Flood Risk Assessment. *	≤	Yes	T	N/A
A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *	≤	Yes	T	N/A
Drainage/SUDS layout. *	≤	Yes	T	N/A
A Transport Assessment or Travel Plan	≤	Yes	T	N/A
Contaminated Land Assessment. *	≤	Yes	T	N/A
Habitat Survey. *	≤	Yes	T	N/A
A Processing Agreement. *	≤	Yes	T	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: Miss Iona Sutherland

Declaration Date: 29/03/2023

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**PROPOSED ERECTION
OF A DWELLING ON
BROWNFIELD LAND
WEST OF FISHWICK
SUPPORTING
STATEMENT**

Table of Contents

1.0 Introduction	1
2.0 The Site	1
3.0 The Proposal	2
4.0 Planning Policy Assessment	2
5.0 Conclusions	4

Appendix 1 The Site (Northern View)

Appendix 2 Existing Site Access

Appendix 3 Eastern Bird's-eye View of The Site

1.0 Introduction

- 1.1 This supporting statement should be read in conjunction with the planning permission in principle application that has been submitted on behalf of Aver Chartered Accountants for the erection of a dwelling on a brownfield site on land west of Fishwick.
- 1.2 The site extends to 0.76 hectares; resulting in the proposal constituting a 'local application' in the context of the Town and Country Planning (Development Management Procedures) (Scotland) Regulations 2013.
- 1.3 The online reference number is 100622187.

2.0 The Site

- 2.1 The site is located west of Fishwick, outwith any settlement boundaries as defined in the Scottish Borders Council Local Development Plan (2016).
- 2.2 The site is bounded by woodland to the west, the B6461 to the south, and is defined on its remaining boundaries by an area of hardstanding in which development would be contained within.
- 2.3 There is an existing area of hardstanding on this site which was put in place prior to the submission of the retrospective application 18/00519/FUL for the erection of a polystructure cattle shed and hydroponics unit and associated groundworks. The application was refused.
- 2.4 The reasons for this applications refusal were specific to the proposal itself, where insufficient information was provided.
- 2.5 As a result of this unauthorised and unfinished work, this site is now a brownfield site.
- 2.6 A brownfield site, as per the National Planning Framework 4 (NPF4) is *land that has previously been developed. The term may cover vacant or derelict land, land occupied by redundant or unused buildings and developed land within the settlement boundary where further intensification of use is considered acceptable.*
- 2.7 Under the definition, this site is considered to be vacant land that has previously been developed.
- 2.8 The Town and Country Planning (Scotland) Act 1997 (S. 124 Time Limits) states that no enforcement action may be taken after 4 years from the works taking place. The works took place circa 2018 therefore, the period for enforcement action has now lapsed.
- 2.9 As a result of these unauthorised works the site is made up of a large L-shaped area of hardstanding, with access from the north; images of the site are attached at Appendix 1-3.

3.0 The Proposal

- 3.1 It is proposed to erect a dwelling on the area of hardstanding which had been installed on this site without authorisation from the planning authority. As a result of this unauthorised development, this site is now a brownfield site.
- 3.2 The proposed dwelling would utilise the existing access to the site; it is understood that when the 2018 authorised works commenced, trees at the access were felled or damaged, no trees would be damaged or removed in order to permit this proposed development.
- 3.3 The proposed dwelling would make use of land which is now redundant, this land was previously prime agricultural land, Classification 3.1 on the Land Capability for Agriculture scale. The unauthorised development has resulted in the irreversible loss of prime agricultural land, and due to the installation of a permanent hardstanding on this site, it would not be possible for this site to naturalise.

4.0 Planning Policy Assessment

- 4.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) requires planning decisions to be made in accordance with the Development Plan.
- 4.2 If the proposed development accords with the Development Plan, it should be approved unless there are material considerations of sufficient weight that would indicate otherwise.
- 4.3 The adopted Development Plan relevant to this proposal is the Scottish Borders Council Local Development Plan (LDP) adopted in May 2016, and National Planning Policy Framework 4 (NPF4) adopted in February 2023.

Table 1: Scottish Borders Council Local Development Plan 2016

POLICY	POLICY ASSESSMENT
<p>Policy PMD1 Sustainability</p>	<p>Due to the unauthorised works which took place on this site resulting in the irreversible loss of prime agricultural land, proposing to erect a house on this brownfield site would allow the site to find a long-term sustainable use.</p> <p>The proposal is considered to comply with Policy PMD1.</p>
<p>Policy PMD2 Quality Standards</p>	<p>The proposed dwelling would be satisfactorily accommodated on this site, with existing access and screening already afforded to the site.</p> <p>In line with this policy, the proposed development of this site considers the long-term adaptability of this space which is now a clearly defined brownfield site which can be reasonably developed for residential purposes.</p> <p>The proposal is considered to comply with Policy PMD2.</p>

<p>Policy ED5 Regeneration</p>	<p>A dwelling on this site would not conflict with the established land use of the area, as this area of the Scottish Borders is characterised by sporadic housing locations and is inherently a rural area where single housing developments are the norm.</p> <p>The proposal is considered to comply with Policy ED5.</p>
<p>Policy ED10 Protection of Prime Quality Agricultural Land and Carbon Rich Soils</p>	<p>The site is classified as prime agricultural land and is designated as classification 3.1 in the Land Capacity for Agriculture.</p> <p>However, as raised in the Report of Handling for the 2018 retrospective application, prime agricultural land has been permanently lost as a result of unauthorised development. This proposal aims to utilise this area of land which has been irreversibly altered in order to provide a small-scale housing development on a clearly defined site.</p> <p>The proposal is considered to comply with Policy ED10.</p>
<p>Policy HD2 Housing in The Countryside</p>	<p>This policy does not make provision for brownfield development; therefore, Policy 9 Brownfield, Vacant, and Derelict Land, and Empty Buildings of the National Planning Framework 4 will take precedence (see Table 2 below).</p>

National Planning Framework 4 (NPF4)

- 4.4 The National Planning Framework 4 is a national spatial strategy which sets out how planning can deliver change in a way which brings together competing interests so that decisions reflect the long-term public interest.
- 4.5 NPF4 forms part of the statutory development plan and sets out the policies and proposals for the development and use of land in Scotland, which subsequently informs the local development plans.
- 4.6 Where an incompatibility exists between the relevant LDP and NPF4, NPF4 takes precedence. As per Table 1 above, there are incompatibilities between references to brownfield development, therefore the relevant NPF4 policies detailed below should take precedence over the Scottish Borders LDP in this instance.

Table 2: National Planning Framework 2023

POLICY	POLICY ASSESSMENT
<p>Policy 5 Soils</p>	<p>As stated in the Report of Handling for the 18/00519/FUL retrospective application, prime agricultural land has already been irreversibly lost. This proposal would not permit any further loss of locally important soil, and instead would provide a use for the 5-year-old area of hardstanding which is evidently not able to naturalise.</p> <p>The proposal is considered to comply with Policy 5.</p>
<p>Policy 9</p>	<p>This policy states that development proposals that will result in the sustainable reuse of brownfield land will be supported.</p>

<p>Brownfield, Vacant, and Derelict Land, and Empty Buildings</p>	<p>This proposal encourages the reuse of brownfield land which subsequently reduces the need for greenfield development.</p> <p>This brownfield site is not a productive space, therefore developing on this site is directing development to the right locations, promoting the reuse of a redundant and derelict space.</p> <p>The proposal is considered to comply with Policy 9.</p>
<p>Policy 17 Rural Homes</p>	<p>This policy supports development proposals for new homes in rural areas where the development reuses brownfield land, where a return to a natural state has not or will not happen without intervention.</p> <p>The proposal is considered to comply with Policy 17</p>

5.0 Conclusions

- 5.1 This supporting statement has highlighted that there has been an irreversible loss of prime agricultural land as a result of an unauthorised development in 2018, the time period for enforcement action has since lapsed and therefore the site is now a clearly defined brownfield site for development.
- 5.2 The Scottish Borders Local Development Plan provides little scope for brownfield development; however, the National Planning Framework 4 is clearly in favour of utilising brownfield land for development in the first instance. This proposal conforms with the relevant policies across both the LDP and NPF4, and there are no material considerations that would suggest this application should not be approved.
- 5.3 It is therefore kindly requested that Scottish Borders Council seek to grant planning permission in principle for the erection of a dwelling on the clearly defined brownfield site west of Fishwick.

APPENDIX 1

THE SITE (NOTHERN VIEW)



APPENDIX 2

EXISTING SITE ACCESS



APPENDIX 3


EASTERN BIRD'S-EYE VIEW OF THE SITE





BIDWELLS

Aver Chartered Accountants
per Bidwells
Broxden House
Lamberkine Drive
Perth
PH1 1RA

**Please ask
for:** Paul Duncan
01835 825558


Our Ref: 23/00509/PPP

Your Ref:

E-Mail: paul.duncan@scotborders.gov.uk

Date: 21st June 2023

Dear Sir/Madam

**PLANNING APPLICATION AT Land North East of Alba Cottage Fishwick Berwick-upon-Tweed
Scottish Borders**

PROPOSED DEVELOPMENT: Erection of dwellinghouse

APPLICANT: Aver Chartered Accountants

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 : 23/00509/PPP

To : Aver Chartered Accountants per Bidwells Broxden House Lamberkine Drive Perth PH1 1RA

With reference to your application validated on **21st April 2023** 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 Alba Cottage Fishwick Berwick-upon-Tweed Scottish Borders

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

**Dated 20th June 2023
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

**John Hayward
Planning & Development Standards Manager**

APPLICATION REFERENCE : 23/00509/PPP**Schedule of Plans and Drawings Approved:**

Plan Ref	Plan Type	Plan Status
A.57,647L 4	Location Plan	Refused
A.57,647c	Location Plan	Refused

REASON FOR REFUSAL

- 1 The development is contrary to policies 1, 2 and 17 of National Planning Framework 4 and HD2 of the Local Development Plan 2016 because it would constitute unsustainable, car dependent, sporadic housing development in the open countryside, unrelated to any existing building group and would be out of keeping with the character of the area. This conflict with the development plan is not overridden by any other material considerations.

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. To seek a review of the decision, please complete a [request for local review](#) form and return it to the Clerk of the Local Review Body, Democratic Services, 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 : 23/00509/PPP
APPLICANT : Aver Chartered Accountants
AGENT : Bidwells
DEVELOPMENT : Erection of dwellinghouse
LOCATION: Land North East Of Alba Cottage Fishwick
Berwick-upon-tweed
Scottish Borders

TYPE : PPP Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
A.57,647L 4	Location Plan	Refused
A.57,647c	Location Plan	Refused

NUMBER OF REPRESENTATIONS: 0
SUMMARY OF REPRESENTATIONS:

None.

REPRESENTATIONS

SBC Education & LL: No response.

SBC Roads Planning Service: No objection, subject to conditions relating to parking and turning; vehicular access junction; access road; and visibility splays.

Community Council: No response.

Scottish Water: There is currently sufficient capacity in the Rawburn Water Treatment Works to service the development. Unfortunately, there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore private treatment options should be investigated. For reasons of sustainability and to protect customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into the combined sewer system.

PLANNING CONSIDERATIONS AND POLICIES:

National Planning Framework 4

Policy 1: Tackling the Climate and Nature Crises
Policy 2: Climate Mitigation and Adaptation

Policy 3: Biodiversity
Policy 4: Natural Places
Policy 5: Soils
Policy 6: Forestry, Woodland and Trees
Policy 9: Brownfield, Vacant and Derelict Land and Empty Buildings
Policy 13: Sustainable Transport
Policy 14: Design, Quality and Place
Policy 15: Local Living and 20 Minute Neighbourhoods
Policy 16: Quality Homes
Policy 17: Rural Homes
Policy 18: Infrastructure First
Policy 23: Health and Safety

Local Development Plan 2016:

PMD1: Sustainability
PMD2: Quality Standards
ED5: Regeneration
HD2: Housing in the Countryside
HD3: Protection of Residential Amenity
EP1: International Nature Conservation Sites and Protected Species
EP2: National Nature Conservation Sites and Protected Species
EP3: Local Biodiversity
EP13: Trees, Woodlands and Hedgerows
IS2: Development Contributions
IS7: Parking Provision and Standards
IS9: Waste Water Treatment and SUDS

Proposed Local Development Plan 2020

ED5: Regeneration

Other Considerations:

Biodiversity Supplementary Planning Guidance 2005
Development Contributions Supplementary Planning Guidance 2011 (Updated 2023)
New Housing in the Borders Countryside Supplementary Planning Guidance 2008
Privacy and Amenity Supplementary Planning Guidance 2006
Placemaking and Design Supplementary Planning Guidance 2010
Trees and Development Supplementary Planning Guidance 2008

Recommendation by - Paul Duncan (Assistant Planning Officer) on 19th June 2023

Site Description

The application site is located between Fishwick and Winfield Airfield, around a mile south-east of Sunwick Farm. It comprises an irregularly shaped, previously developed portion of an otherwise flat arable field. The field is bound to the south by the B6461 road, to the north by a local minor road, and to the west by a narrow belt of mature trees. The southern extent of the tree belt lies within the application site boundary. The surrounding land use is primarily arable farmland.

The site itself is previously developed, having been stripped and laid with gravel to form an area of hardstanding around five years ago. A long bund was formed from the stripped soils on the north side of the B6461 and a short section of this lies within the site. As detailed below within the planning history section, a partially retrospective application for these and further works was refused planning permission a number of years ago (reference 18/00519/FUL).

Planning History

18/00519/FUL - Erection of polystructure cattle shed and hydroponics unit and associated groundworks (retrospective) - Refused

Proposed Development

This application seeks planning permission in principle for the erection of a single dwellinghouse. No indicative site plan, elevation drawings or visualisations have been submitted.

Applicant Supporting Information

A Supporting Statement was submitted with the application and can be viewed in full on the Council's Planning Portal.

Assessment

- Policy Context

The application must be assessed against the provisions of the development plan, which currently comprises National Planning Framework 4 (NPF4) and the Council's Local Development Plan 2016. Certain policies of the Council's Proposed Plan 2020 which are not at Examination are also a material consideration but do not form part of the development plan.

NPF4 states that it should be read as a whole, as should its policies, and that where a policy states that development will be supported, it is in principle, and it is for the decision maker to take into account all other relevant policies.

- Climate and Sustainability

Policy 1 of NPF4 (Tackling the climate and nature crises) requires significant weight to be given to the global climate and nature crises when considering all development proposals. NPF4 policy 2 (Climate mitigation and adaptation) states that development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible. LDP policy PMD1 is also relevant in these regards.

Generally speaking, sporadic new rural housing is not considered conducive to low carbon living. This is one reason why planning policies direct most new housing to towns and villages. Further rural housing opportunities can be found at building groups. Sporadic new housing in the countryside is both harmful to the landscape and generally less efficient in servicing and transport.

In terms of transport, NPF4 notes that Scotland's Climate Change Plan, backed by legislation, seeks to achieve net zero emissions by 2045. This requires a reduction in car kilometres by reducing the need to travel and promoting more sustainable transport. This policy thrust is expressed most directly by NPF4 policy 13 (Sustainable Transport). This policy intends to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably. The intended policy outcome is that new developments are in locations which support sustainable travel. The proposed development is contrary to these objectives.

As regards servicing, the Council's building group policy ensures most new housing is clustered. This avoids a sporadic proliferation of new housing which would normally result in less efficient service delivery (for example, this may include servicing a dwellinghouse with a water supply, energy, waste collection, drainage, post and deliveries) with greater resulting carbon emissions.

In summary, in respect of transportation and servicing, the proposed development is considered to constitute unsustainable, car dependent, sporadic housing development that is contrary to policies 1 and 2 of NPF4 and PMD1 of the Local Development Plan 2016. NPF4 is clear that significant weight must be given to such concerns.

- Brownfield Land

It is accepted that the application site holds brownfield land characteristics following the previous formation of hardstanding on the site. It should however be noted that it is showing signs of gradual naturalisation since an earlier site visit in 2018. Photos are on file which demonstrate this.

Policy 9 of NPF4 states that development proposals that will result in the sustainable reuse of brownfield land will be supported. For the reasons set out under the 'climate change' heading above, the proposed development is not considered to be sustainable. Accordingly, it does not gain support from this policy.

NPF4 policy 17 a) states that development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area and meets certain criteria. None of these criteria may apply in this instance with the exception of criterion (ii), which is that the development reuses brownfield land where a return to a natural state has not or will not happen without intervention.

For criterion (ii) of policy 17 to apply, the development must be sited to be in keeping with the character of the area. The siting of a dwellinghouse within an agricultural field, distant from any neighbouring village, building group or dwellinghouse is not considered to meet this requirement. The Supporting Statement argues that this area of the Scottish Borders is a rural one where single housing developments are the norm. However, most housing in the area is located in towns, villages and existing building groups. Where single dwellinghouses are found, these are mainly farmhouses, located at related farm steading complexes, or lodge houses to historic country houses. Isolated rural housing sited sporadically within agricultural fields are not the norm within Berwickshire, nor the Scottish Borders as a whole. The proposal would not be sited to be in keeping with the character of the area. It therefore fails to satisfy NPF4 policy 17 a) ii). Even had the proposal been in keeping with the character of the area, NPF4 must be read as a whole. Other adverse aspects of the proposed development, for example as set out under the preceding 'Climate and Sustainability' heading, would have outweighed any support gained from the brownfield status of the site.

- Rural Housing/ Building Group Policy

As established above, none of the criteria for rural housing contained within NPF4 policy 17 are considered to apply. NPF4 does not restrict the criteria for assessment of rural housing to those listed within in policy 17, and, notably, it states that LDPs should set out tailored approaches to rural housing. In the context of the Scottish Borders, it is considered that the existing LDP policy HD2 (Housing in the Countryside) fulfils that purpose. For new rural housing without an economic justification, the most relevant policy criterion is HD2-A (Building Groups). This policy has the effect of clustering new rural housing at existing building groups that are capable of expansion. There is no building group at all at this location, and as none of the other criteria apply, the proposed development is quite clearly contrary to this policy.

- Land Use and Character

In land use terms, there is no shortage of available housing land that might justify turning to less appropriate sites such as this. The Housing Land Audit 2021 found an established housing land supply of over 1900 units within Berwickshire.

The authorised use of the site remains agricultural, and there are various potential uses for the land even if the hardstanding remains in place. For example, as outdoor storage of agricultural material. It has not been demonstrated that there is any inherent need to find a new use for the site, and even if there were, this would not justify the erection of a dwellinghouse on the site.

- Rural Revitalisation and Local Living

NPF4 sets out six spatial principles including rural revitalisation and local living. The former encourages sustainable development in rural areas, recognising the need to grow and support urban and rural communities together. The latter is expressed most directly in the provisions of NPF4 policy 15 and supports local liveability, including improving community health and wellbeing and ensuring people can easily access services, greenspace, learning, work and leisure locally.

The proposed dwellinghouse would not provide easy access to services, learning or to many work opportunities and there is no evidence it would support local rural communities. There is ample available housing land within Berwickshire including at the nearby villages of Hutton, Swinton and Chirnside where

local services are more easily accessed. As established above, the proposed development is not considered to be sustainable. Overall, the proposal is not considered to align with the rural revitalisation or local living agendas and gains no support from NPF4 in these regards.

- Landscape and Visual Impacts

The surrounding landscape is characterised by open fields enclosed by hedging, broken by occasional tree belts. Farm steadings with clusters of dwellings and small villages punctuate this landscape. The proposed development would result in the appearance of an isolated dwellinghouse with no relationship to any existing dwelling or farm buildings. This would be harmful to the landscape quality of the area, exceeding the very localised impact of the existing hardstanding, which is not readily seen from outwith the site.

- Vehicular Access and Road Safety

Vehicular access to the site would be taken from the minor public road to the north. The site boundary does not include the junction or access between the site and the road. The reason for this is unclear. The Roads Planning Service has no objections on road safety grounds provided access upgrades and adequate visibility at the junction are secured by planning condition.

In terms of visibility, it is not clear whether visibility to the west could be achieved as the location plan for the application does not indicate that this land is in the ownership of the applicant. Assuming the required visibility is in the road verge, this could be controlled by planning condition. Had the application been supported, it would have been appropriate to explore that matter further.

- Parking

The Roads Planning Service require the provision of parking and turning for two vehicles within the site. There is no reason to believe this could not be met. The proposals are not in conflict with development plan policies as regards parking requirements.

- Infrastructure

The application form states the proposed dwellinghouse would connect to public foul sewer and public water mains. Scottish Water has confirmed there is capacity at the water treatment works however there is no waste water infrastructure so private foul waste treatment would be required. Had the application been supported, it would have been appropriate to control these matters by planning condition so further details could be explored at a later date.

- Development Contributions

The application site is within the catchment areas for Chirnside Primary School and Berwickshire High School. The Council currently seeks contributions towards both schools. The rates for a dwellinghouse are currently £4709 and £3349 respectively. Had the application been supported, a legal agreement would have been required to secure the required contributions.

REASON FOR DECISION :

The development is contrary to policies 1, 2 and 17 of National Planning Framework 4 and HD2 of the Local Development Plan 2016 because it would constitute unsustainable, car dependent, sporadic housing development in the open countryside, unrelated to any existing building group and out of keeping with the character of the area. This conflict with the development plan is not overridden by any other material considerations.

Recommendation: Refused

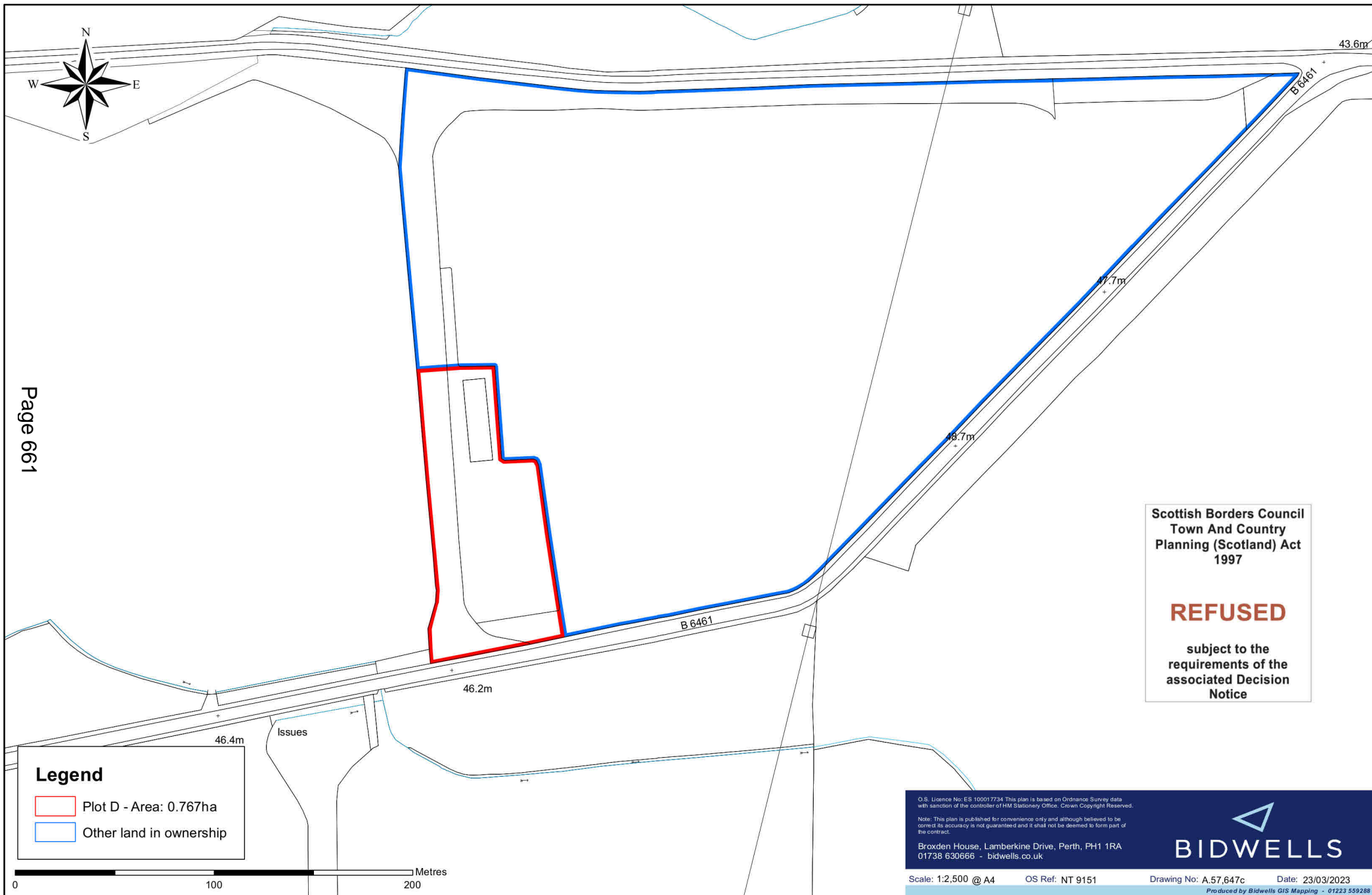
- 1 The development is contrary to policies 1, 2 and 17 of National Planning Framework 4 and HD2 of the Local Development Plan 2016 because it would constitute unsustainable, car dependent,

sporadic housing development in the open countryside, unrelated to any existing building group and would be out of keeping with the character of the area. This conflict with the development plan is not overridden by any other material considerations.

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

Land at Sunwick - Plot D

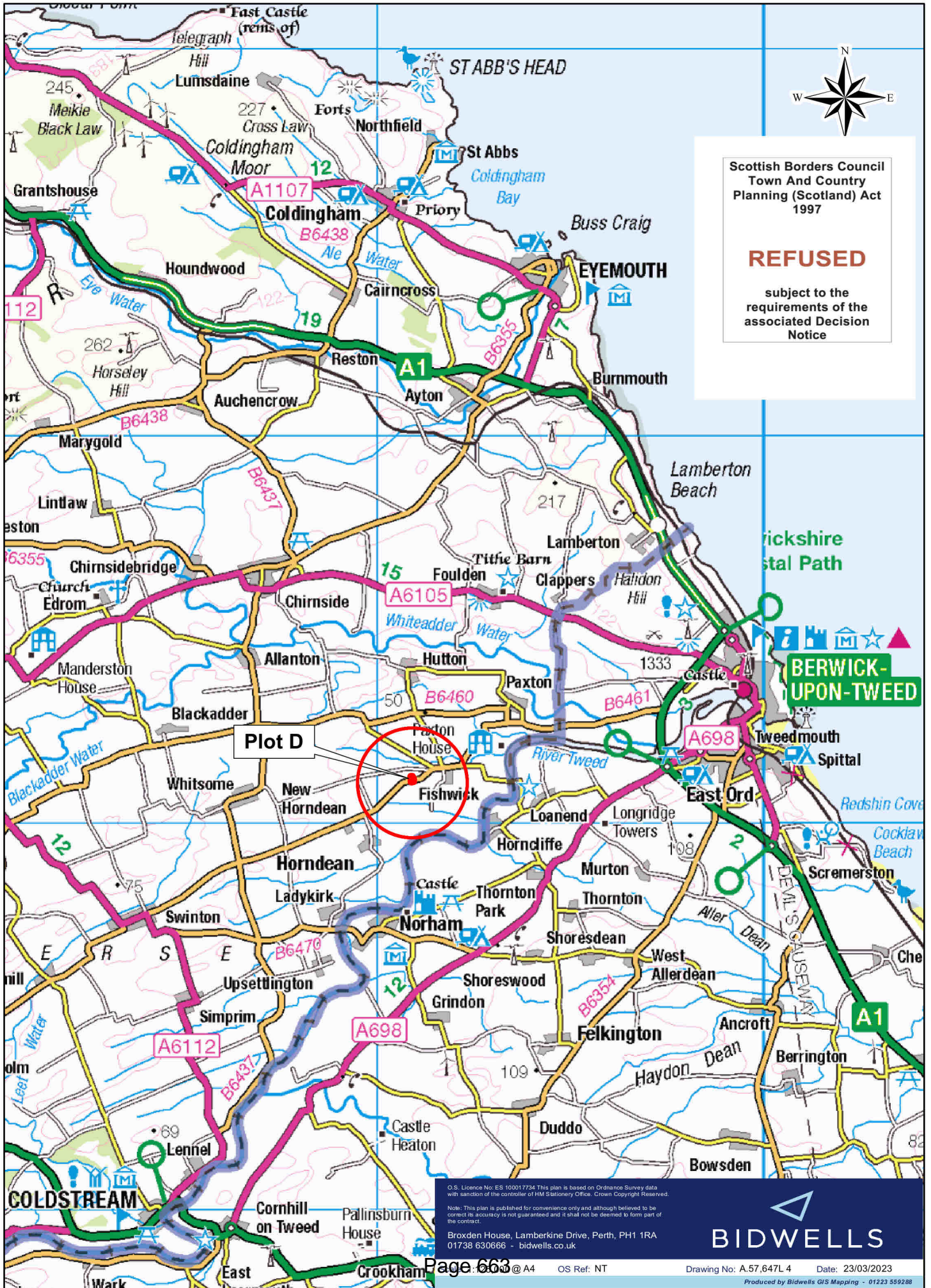
23/00509/PPP
20/06/2023



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Land at Sunwick - Plot D

23/00509/PPP
20/06/2023



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

REFUSED

subject to the
requirements of the
associated Decision
Notice

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Note: This plan is published for convenience only and although believed to be correct its accuracy is not guaranteed and it shall not be deemed to form part of the contract.
Broxden House, Lamberkine Drive, Perth, PH1 1RA
01738 630666 - bidwells.co.uk

BIDWELLS

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Wednesday, 26 April 2023



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
www.scottishwater.co.uk



Dear Customer,

Land North East Of Alba Cottage, Fishwick Berwick-upon-tweed, Scottish Borders, TD15 1XQ
Planning Ref: 23/00509/PPP
Our Ref: DSCAS-0085519-88Y
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. Please read the following carefully as there may be further action required. Scottish Water 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 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.

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
 - ▶ 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

▶ Trade Effluent Discharge from Non-Domestic 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 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 5kg 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

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.

Yours sincerely,

Ruth Kerr.

Development Services Analyst

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**

Comments provided by	Roads Planning Service		
Officer Name, Post and Contact Details	Mark Payne Roads Planning Officer		mark.payne@scotborders.gov.uk 01835 825018
Date of reply	18 th May 2023	Consultee reference:	
Planning Application Reference	23/00509/PPP	Case Officer: Paul Duncan	
Applicant	Aver Chartered Accountants		
Agent	Bidwells		
Proposed Development	Erection of dwellinghouse		
Site Location	Land North East Of Alba Cottage Fishwick Berwick-upon-Tweed Scottish		
<i>The following observations represent the comments of the consultee on the submitted application as they relate to the area of expertise of that consultee. A decision on the application can only be made after consideration of all relevant information, consultations and material considerations.</i>			
Background and Site description	18/00519/FUL - Erection of Polystructure Cattle Shed and Hydroponics Units - refused however RPS had no objections		
Key Issues (Bullet points)	<ul style="list-style-type: none"> • Access • Parking 		
Assessment	I shall have no objections to this proposal provided conditions similar to the ones below are included in any consent given.		
Recommendation	<input type="checkbox"/> Object	<input type="checkbox"/> Do not object	<input checked="" type="checkbox"/> Do not object, subject to conditions <input type="checkbox"/> Further information required
Recommended Conditions	<p>Parking and turning for two vehicles, excluding garages, must be provided within the curtilage of the plot before the dwellinghouse is occupied and retained thereafter in perpetuity. Reason: To ensure the property is served by adequate parking at all times.</p> <p>The access to the private road from the public road to be formed to an agreed standard prior to the development commencing. Reason: To ensure the property is served by safe access from the public road.</p> <p>The private access road up to and including the site access to be formed to an agreed standard prior to the development commencing. Reason: To ensure suitable access</p> <p>Prior to works commencing on the development, visibility splays of 2.4m by 120m in both directions onto the public road must be provided and retained thereafter in perpetuity unless otherwise agreed in writing with the Planning Authority. Reason: To ensure the development is served by an acceptable form of access.</p>		

Recommended Informatives	The access to the site from the public road should be constructed as a service layby to my standard specification DC-3. All work within the public road boundary must be undertaken by a contractor first approved by the Council.
-------------------------------------	---

Signed: **AJS**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
**Town and Country Planning (Development Management Procedure) (Scotland) Regulations
2013**
Application for Planning Permission
Reference : 18/00815/FUL
To : Mr Marc Haslam The Courthouse High Street Peebles Peeblesshire EH45 8SW

With reference to your application validated on **25th June 2018** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Alterations and change of use from Class 1 (retail) to Class 7 (hotel/hostel)
At : The Courthouse Business Centre The Courthouse High Street Peebles EH45 8SW

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

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

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

**Dated 13th August 2018
Planning and Regulatory Services
Environment and Infrastructure
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed


.....
Depute Chief Planning Officer

APPLICATION REFERENCE : 18/00815/FUL

Schedule of Plans and Drawings Approved:

Plan Ref	Plan Type	Plan Status
PALBC02	Existing Layout	Approved
PALBC01	Location Plan	Approved
PALBC04	Elevations	Approved
PALBC03	Floor Plans	Approved

REASON FOR DECISION

Subject to compliance with the schedule of conditions, the development will accord with the relevant provisions of the Local Development Plan 2016 and there are no material considerations that would justify a departure from these provisions.

SCHEDULE OF CONDITIONS

- 1 This consent only permits the operation of a hotel/hostel in accordance with Class 7 of the Use Classes (Scotland) Order 1997, as amended on the upper ground floor of the building.
Reason: To ensure that the use remains compatible within the site.
- 2 Notwithstanding details on drawing no PALBC04, no development shall commence until precise details of the design (including materials and external colour finish where appropriate) of the alteration or replacement of the front door have been submitted to and agreed in writing with the Planning Authority. In the event that the existing front door is to be replaced a scheme of details for the reuse of this door shall be agreed with the Planning Authority prior to its removal. Once approved the development shall be carried out in strict accordance with the approved details.
Reason: Further information is required to ensure a satisfactory form of development which respects the character and appearance of the Conservation Area.
- 3 Prior to installation the material finish of the external boiler flue and extract fan grille shall be submitted to and agreed in writing with the Planning Authority and thereafter the development shall be completed in strict accordance with the agreed details.
Reason: Further information is required to ensure a satisfactory form of development which respects the character and appearance of the Conservation Area.
- 4 No development shall commence until a scheme of details setting out arrangements and locations for domestic waste and recycling storage and collection are submitted to and approved in writing by the planning authority. Thereafter the development is to be completed in accordance with the approved details, unless otherwise agreed in writing with the Planning Authority.
Reason: To ensure suitable provisions are made for the provision and storage of domestic waste and recycling within the site.

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.

Under The Control of Pollution Act 1974, the Council recommends the following hours for noisy construction-related work:

Monday-Friday 0700-1900

Saturday 0800-1300

Sunday and Public Holidays - no permitted work (except by prior agreement with the Council)

Contractors will be expected to adhere to the measures contained in BS 5228:2009 "Code of Practice for Noise and Vibration Control on Construction and Open Sites".

For more information or to make a request to carry out works outside the above hours, please contact an Environmental Health Officer at the Council.

Notice of Initiation of Development

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

Notice of Completion of Development

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

When planning permission is granted for phased development then under section 27B(2) the permission is to be granted subject to a condition that as soon as practicable after each phase, other than the last, is completed, the person carrying out the development is to give notice of that completion to the planning authority.

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

Transco, Susiephone Department, 95 Kilbirnie Street, Glasgow, G5 8JD

Scottish Power, Riccarton Mains Road, Currie, Edinburgh, EH14 5AA

Scottish Water, Developer Services, 419 Balmore Road, Possilpark, Glasgow G22 6NU

British Telecom, National Notice Handling Centre, PP404B Telecom House, Trinity Street, Stoke on Trent, ST1 5ND

Scottish Borders Council, Street Lighting Section, Council HQ, Newtown St Boswells, Melrose, TD6 0SA

Cable & Wireless, 1 Dove Wynd, Strathclyde Business Park, Bellshill, ML4 3AL

BP Chemicals Ltd, PO Box 21, Bo'ness Road, Grangemouth, FK2 9XH

THUS, Susiephone Department, 4th Floor, 75 Waterloo Street, Glasgow, G2 7BD

Susiephone System – **0800 800 333**

If you are in a Coal Authority Area (Carlops or Newcastleton), please contact the Coal Authority at the following address: The Coal Authority 200 Lichfield Lane, Berry Hill, Mansfield, Nottinghamshire NG18 4RG.

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

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

Avocet Farms Ltd
per The Energy Workshop
Per Dan Grierson
The Media Centre
7 Northumberland Road
Huddersfield

Please ask for: Paul Duncan
☎ 01835 825558
Our Ref: 18/00519/FUL
Your Ref:
E-Mail: paul.duncan@scotborders.gov.uk
Date: 21st January 2021

Dear Sir/Madam

PLANNING APPLICATION AT Land North East Of Alba Cottage Fishwick Berwick-Upon-Tweed Scottish Borders

PROPOSED DEVELOPMENT: Erection of polystructure cattle shed and hydroponics unit and associated groundworks (retrospective)

APPLICANT: Avocet Farms Ltd

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 : 18/00519/FUL

**To : Avocet Farms Ltd per The Energy Workshop Per Dan Grierson The Media Centre 7
Northumberland Road Huddersfield United Kingdom HD1 1RL**

With reference to your application validated on **2nd May 2018** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

**Proposal : Erection of polystructure cattle shed and hydroponics unit and associated groundworks
(retrospective)**

at : Land North East Of Alba Cottage Fishwick Berwick-Upon-Tweed Scottish Borders

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

**Dated 15th January 2021
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

**John Hayward
Planning & Development Standards Manager**

APPLICATION REFERENCE : 18/00519/FUL

Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
JF MCKENNA	Brochures	Refused
P3164 Drawing Register	3D View	Refused
P3164 S107 REV A	3D View	Refused
P3164 S108 REV A	3D View	Refused
P3164 S02 REV B	Proposed Plans	Refused
P3164 S04 REV A	Proposed Roof Plan	Refused
O69-03 REV C	Location Plan	Refused
P3164 S05 REV B	Proposed Elevations	Refused

REASON FOR REFUSAL

- 1 The development is contrary to Local Development Plan policies EP1 (International Nature Conservation Sites and Protected Species), EP2 (National Nature Conservation Sites and Protected Species), EP3 (Local Biodiversity) and EP15 (Development Affecting the Water Environment) in that the development has not adequately demonstrated that unacceptable adverse ecological impacts would not arise.
- 2 The development is contrary to LDP policy ED7 (Business, Tourism and Leisure Development in the Countryside) in that the development would adversely affect the rural character of the area by introducing sporadic new build development to an undeveloped area without adequate justification.
- 3 The development would be contrary to Local Development Plan (LDP) policy PMD2 (Quality Standards) in that development would not fit in with Borders landscape surroundings. The proposed materials would contribute to an unacceptable appearance giving rise to unacceptable visual impacts, to the detriment of the landscape surroundings of the area.

FOR THE INFORMATION OF THE APPLICANT

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 (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. 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 : 18/00519/FUL

APPLICANT : Avocet Farms Ltd

AGENT : The Energy Workshop

DEVELOPMENT : Erection of polystructure cattle shed and hydroponics unit and associated groundworks (retrospective)

LOCATION: Land North East Of Alba Cottage
Fishwick
Berwick-Upon-Tweed
Scottish Borders

TYPE : FUL Application

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
JF MCKENNA	Brochures	Refused
P3164 Drawing Register	3D View	Refused
P3164 S107 REV A	3D View	Refused
P3164 S108 REV A	3D View	Refused
P3164 S02 REV B	Proposed Plans	Refused
P3164 S04 REV A	Proposed Roof Plan	Refused
O69-03 REV C	Location Plan	Refused
P3164 S05 REV B	Proposed Elevations	Refused

NUMBER OF REPRESENTATIONS: 4

SUMMARY OF REPRESENTATIONS:

CONSULTATIONS

SBC Contaminated Land: No comments.

SBC Ecology (first response): An ecological impact assessment (EclA) is required.

SBC Ecology (second response): Following the previous Ecology response, an ecological assessment of the site has been provided. The assessment does not include desk top survey or assessment of TWIC wildlife records, referring only to data previously provided by Scottish Borders Council (SBC) in the Ecology response. No Habitat Suitability Index assessment for GCN has been undertaken in relation to the pond, which is located within 500m of the proposed site. An assumption is made that GCN would be unlikely to travel to the site owing to the presence of dense woodland and a minor road. GCN may inhabit or disperse through deciduous woodland with vegetated ground cover and considerable dead wood on the ground. Clarification is required on the construction footprint (see following point).

The ecological assessment states that woodland is out with the construction footprint, however, from the information available on SBC's digital mapping systems, the proposed site appears to incorporate the woodland. The assessment notes that no trees, hedgerows or groundcover are to be removed, but

also states that mitigation in the form of bat surveys will be required if any trees are to be felled. Clarification is required prior to determination on whether or not trees are to be felled, limbed or crowned in relation to the development and the extent of the construction footprint.

No assessment is provided of the suitability of any trees for bats, in terms of any potential roost features (or lack thereof). The ecological assessment reiterates the comments in the Ecology response that there is a tributary stream 60m to the south of the site, which has connectivity to the River Tweed. No comments are made regarding appropriate mitigation to avoid contamination of the water environment, including the designated site. Related to the above point, no clarification on the proposed SUDS system has been made. Care must be taken to comply with SEPA regulatory advice e.g. GPP5. With regard to paragraphs 1.18 and 1.19 of the assessment report, all species of bird are protected during the breeding season. Breeding birds may be present in hedgerows and trees on site and precautionary mitigation is required if any development is proposed within the breeding bird season. Again, clarification of the construction footprint is required, including whether trees are to be removed.

Felling of woodland conflicts with LDP policy EP13 and compensatory re-planting is required if trees are to be felled. The assessment notes that badger would be present in the general area. As a precaution, standard mitigation is required. No consideration of possible cumulative effects in connection with other development applications relating to this site is demonstrated, as requested in the previous Ecology response.

Further information is required to clarify: the construction footprint; whether trees, hedgerows or other vegetation are to be removed, or trees limbed or crowned (in addition to what has already been removed prior to planning permission being granted); and what mitigation is proposed relating to the water environment to avoid contamination and transfer to the River Tweed SAC, including details of SUDS schemes, including consideration of cumulative effects from nearby schemes

SBC Environmental Health: The erection of cattle sheds can give rise to problems of pests and nuisance if food sources and waste are not handled appropriately. A nuisance management plan will enable the applicant to demonstrate that the site will be managed in a such way that will not give rise to nuisance or vermin and hence should not adversely impact the amenity of nearby properties.

The application states that farmyard manure will be stored on fields. The storage of manure can give rise to issues of odour, seepage and insect nuisance to nearby properties. The nuisance management plan should either state locations where manure will be stored or a process that will be used to determine storage location to avoid the above issues - e.g. the proximity to other properties and topography will be considered, etc. This can be covered by condition.

SBC Landscape: The site is a relatively flat field in the Berwickshire Merse. There is a mature woodland strip along the western boundary and a roadside hedge to the south which is the main public viewpoint. The site foundations have been excavated and material has been deposited in a bund along the road side. This has been planted with trees. There is a gap between the end of the bund and the existing woodland allowing some views on to the site. There is also some localised disturbance of tree roots within the woodland strip where drainage has been installed. The proposed structures are large but are reasonably well contained visually. You may wish to consider a condition to protect the screen planting that has already been planted along the southern boundary.

SBC Roads: No objection provided the first 6m of the access from the public road is surfaced to the specification of the Council within 3 months of the date of the consent.

Hutton & Paxton Community Council: Object. The documents submitted are few in number and contain little information. There is no covering statement explaining (i) what the project actually is or (ii) a business statement explaining what the purpose is. The applicant has ticked the box on the application form (Type of Application) covering changes of use, however, unapproved work had already begun no doubt bringing about the retrospective application.

This is a productive field historically used for crops and covered under the planning policy which presumes against using prime agricultural land for any other purpose. Could this be construed as a deliberate attempt to circumvent this policy by starting work before approval?

The polystructures - no specifications provided - are large and as such, will be obtrusive. A consultation document submitted states that they will be "reasonably" well contained visually. Translated this means that they will not be contained visibly in the landscape in spite of a bund and tree planting which will take many years of growth to have an effect, if any. The structures will still be seen and thereby will be a visual intrusion.

Large numbers of cattle contained in a confined space will produce considerable amounts of waste. Liquid waste will have to go somewhere and may well lead to pollution. It is surprising that the officer responsible for contaminated land has declined to comment here. There is a likelihood of water pollution. This has been mentioned to the CC on a number of occasions as we do tend to listen closely to local knowledge.

Confining cattle in a polystructure may well raise animal welfare issues. Has this method been tested over a period of time and proved acceptable to UK animal welfare agencies? No mention/explanation of this is given.

Considerable amounts of cattle manure will accumulate and require to be stored. This will inevitably result in a marked increase in traffic on the adjacent minor road which is also used by local residents but no plan for this is mentioned. It would appear that the roads officer has overlooked this despite residents requiring to know if their continued safe passage would be guaranteed.

Noise, odour, pests and associated nuisances are likely and will affect nearby residences, yet no mention of control and management is made in the submission documents. If it requires an officer to ask for this as a condition from the applicant, what comfort or guarantee is there that this will be followed through? History in the case of this applicant points in the opposite direction.

Hydroponic cattle fodder was developed for use in arid countries, not in the UK. What is the real point of transferring this system to a country which has no real need for it?

For the above reasons the application carries significant inherent risks and the potential for unacceptable adverse effects to the local area.

REPRESENTATIONS

Three objections were received from members of the public, raising the following issues:

- animal welfare/ ethics/ safety
- road safety
- limited information
- noise
- odour
- traffic/ large lorries
- impact on nearby holiday development
- vermin
- nearby road floods
- application is a trojan horse for biofuel production
- the proposed structures would contain large quantities of plastic
- the structures would be ugly and intrusive
- the structures are not appropriate for the housing of cattle

PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan 2016:

PMD1: Sustainability

PMD2: Quality Standards

ED7: Business, Tourism and Leisure Development in the Countryside

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

HD3: Protection of Residential Amenity

EP1: International Nature Conservation Sites and Protected Species
EP2: National Nature Conservation Sites and Protected Species
EP3: Local Biodiversity
EP10: Gardens and Designed Landscapes
EP13: Trees, Woodlands and Hedgerows
EP15: Development Affecting the Water Environment
EP16: Air Quality
IS7: Parking Provision and Standards
IS8: Flooding
IS9: Waste Water Treatment and SUDS

Other Considerations:

Biodiversity Supplementary Planning Guidance 2005
Landscape and Development Supplementary Planning Guidance 2008
Trees and Development Supplementary Planning Guidance 2008
Planning Advice Note 39: Farm and forestry buildings
Scottish Planning Policy 2014

Recommendation by - Paul Duncan (Assistant Planning Officer) on 12th January 2021

BACKGROUND

This application sought partially retrospective planning permission for the erection of cattle and hydroponics buildings in a large arable field in Berwickshire. The application also sought retrospective permission for bunding, hardstanding, alterations to an existing field access, and a new car park. The latter works were carried out prior to the submission of the application. The proposals were to form part of a wider demonstration farming development in the surrounding area also comprising wind turbines and an AD plant.

SITE DESCRIPTION

The proposed site is located between Fishwick and Winfield Airfield, around a mile south of Sunwick Farm. It comprises an irregularly shaped flat arable field. The field is bound to the south by the B6461 road, to the north by a local minor road, and to the west by a narrow belt of mature trees. The primary surrounding land use is arable farmland.

PROPOSED DEVELOPMENT

A large detached building was to house cattle (described within the application as a 'cattle palace') and a separate hydroponics unit building was to produce feed for the cattle. The application also sought retrospective permission for bunding, hardstanding, a new access, car park. A portable timber office was also proposed.

ASSESSMENT

Principle

LDP policy ED7 (Business, Tourism and Leisure Development in the Countryside) aims to allow appropriate employment generating development in the countryside whilst protecting the environment and ensuring such developments are appropriate for their location.

These proposals formed part of a wider vision for an ambitious 'circular' farming method which were the subject of several linked applications. The proposed development was to involve the use of new or uncommon farming technologies and the applications generated a lengthy dialogue with those acting for the applicants. Whilst there were a significant number of issues and concerns associated with these proposals, the potential economic benefits were significant, and the applicants have been afforded ample time to demonstrate their proposals could satisfy planning policies.

It was accepted that the proposed development would have been used directly for agricultural uses, which is in principle an acceptable form of rural development. However, Policy ED7 also sets out a number of

additional criteria, relating to the character of the area, the erection of new buildings, the expansion of uses and the siting and design of such development. The landscape and visual impact of the development is considered separately below. In addition to such considerations there were over-riding concerns in relation to the proposal to erect farm buildings on a greenfield site located at a significant distance from any associated existing farm building. Whilst this is unavoidable for certain types of agricultural development, such as free range egg production, cattle shed developments are normally erected within close proximity to an existing farm steading, protecting the character and appearance of undeveloped rural areas from sporadic development.

A statement was provided setting out a justification for this, based on biosecurity, access to outdoor space and other reasoning. The arguments put forward did not adequately justify such a significant departure from development norms. The argument around biodiversity could be used in many circumstances to justify the sporadic erection of farm buildings and the need for such measures, and their effectiveness, was not adequately demonstrated. The statement acknowledged that this parcel of land was outlying, separate from the main ownership block, including the steading complex at Sunwick Farm. As a result, the proposed site is closer still to neighbouring farmland, which must be assumed to give rise to even greater biosecurity concerns.

The statement argued that locating buildings at Sunwick Farm would have resulted in overdevelopment of the main steading. However, this is the standard approach for the siting of modern farm buildings and is supported by planning policy and guidance, including Planning Advice Note 39: Farm and forestry buildings. Clustering farm buildings is preferable to sporadic development. No information was provided to support the claim that the listed farmhouse at Sunwick could not be protected by such development. It is acknowledged that the applicant offered a 20 year temporary approval, but this would have been a significant period of time and would not have justified such a departure from policies and guidance.

Concern was raised by objector that the application was a trojan horse for biofuel production. Biofuel production did not form part of the application proposals and is not a consideration for this application.

Landscape and Visual Impacts

Local Development Plan (LDP) policy PMD2 (Quality Standards) requires all development to be of high quality in accordance with sustainability principles, designed to fit in with Borders townscape and landscape surroundings. Development should be of a scale, massing, height and density appropriate to its surroundings. The policy contains a number of standards that would apply to all development.

Farm buildings within the Scottish Borders countryside are generally fairly standardised in terms of form, massing and materials. Planning Advice Note 39: Farm and forestry buildings provides guidance on achieving the appropriate design and appearance of modern farm buildings.

The proposed development was to vary considerably from the normal appearance of a modern farm building. This has been the subject of extensive discussions during the course of the application. Originally a white PVC type material was to cover the proposed farm building. It is acknowledged that the Landscape Officer expressed little concern in terms of wider landscape impact of this development. However there was considerable concern at the potential closer range visual impact of the development, and how this would affect the more immediate landscape setting of the site. Bunding and tree planting would not have addressed such impacts adequately. A further concern was the potential for an effective precedent to be set in allowing such a material to be used on a large scale in the open countryside. The applicant explored alternative materials and a similar material coloured green was put forward. It was agreed that a smaller demonstration unit could be erected in a more discreet location to demonstrate the appearance of the structure in this material. A considerable period has since passed and this development is not thought to have been completed. Significant concerns at the appearance of these structures remain. It is considered that the proposed development would have an adverse visual impact, to the detriment of the landscape surroundings of the area.

The proposed development would be sufficiently distant from the Hutton Castle Designed Landscape (SBC and HES designations) to avoid any adverse impacts.

Ecology

Ecological assets are protected by Policies EP1-EP3 of the Local Development Plan covering a range of sites and species from international to sites and species of local interest. Of these, Policy EP1 (International Nature Conservation Sites and Protected Species) aims to give designated Natura sites such as SACs protection from potentially adverse development.

The applicant provided an Ecological Impact Assessment, which was reviewed by the Ecology Officer. A number of outstanding issues were identified in terms of incomplete information, a lack of clarity in the scope of potential construction/ development works, and potential impacts on protected species. The Ecology Officer raised concerns regarding potential impacts on badgers, breeding birds, bats, grey-crested newts and potential impacts on the River Tweed SAC via potential connectivity via a tributary stream to the south of the site. The Ecology Officer and Community Council raised the potential issue of pollution. Mitigation was required to ensure pollutants did not reach the SAC via the stream. Information on potential cumulative effects in combination with other development was also requested. No further information was provided to address these concerns.

Given the insufficiency of the ecological information provided to date, and the significance of the outstanding concerns, these are not matters that could be secured by planning condition. Accordingly, the application must be refused as contrary to Local Development Plan policies EP1 (International Nature Conservation Sites and Protected Species), EP2 (National Nature Conservation Sites and Protected Species), EP3 (Local Biodiversity) and EP15 (Development Affecting the Water Environment) in that the development has not demonstrated that unacceptable adverse ecological impacts would not arise.

Had the applicant provided further information in response the outstanding issues, it may have been appropriate to consult SNH and a Habitat Regulations Appraisal may have been required. The proposals were not considered to amount to EIA development.

Trees

Policy EP13 of the Local Development Plan seeks to protect trees from development.

Trees are understood to have been felled or damaged at the access and elsewhere within the proposed site prior to the submission of the application. Insufficient information has been provided to confirm whether the development would harm trees further. Were the application to have been supported, it would have been appropriate to secure tree protection measures and a compensatory planting plan by condition, to ensure Policy EP13 was met.

Residential Amenity

Policy HD3 (Residential Amenity) of the Local Development Plan states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted.

The nearest residential properties are several hundred metres from the site. A holiday development is also located within the wider vicinity. Manure would be stored on fields. The primary issues associated with this type of development would therefore be odour nuisance, as well as pests/ vermin, seepage and insect nuisance. The proposals were assessed by the Environmental Health team who considered these issues could be adequately addressed by a Nuisance Management Plan, which could be secured and controlled by planning condition. Were the application to be supported, it would be appropriate to attach such a condition.

Vehicular Access and Road Safety

Policy PMD2 requires developments to have no adverse impact on road safety and adequate vehicular access.

The Community Council raised concerns with implied traffic generation resulting from dispersal of manure. The Roads Planning Service did not raise any concerns in this regard and were generally content with potential impacts on the wider public road network, but improvements to the new access were sought via condition. Were the application to be supported, it would be appropriate to attach such a condition.

Parking

Policy IS7 of the Local Development Plan requires that car parking should be provided in accordance with the Council's adopted standards.

A car park was formed close to the minor public road. The proposals were assessed by the Roads Planning Service who expressed no concerns in terms of parking provision.

Prime Quality Agricultural Land

Local Development Plan policy ED10 (Protection of Prime Quality Agricultural Land and Carbon Rich Soils) seeks to ensure our finite agricultural land resource is retained for farming and food production. The policy states that development which results in the permanent loss of prime agricultural land will not be permitted unless the land is allocated for development; 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.

There is no established need for the proposed development and the site is not allocated for development. However it would be directly related to a rural business, and its scale would be relatively small compared to the scale of the wider resource.

Water Supply

The development was to connect to the public mains water supply. Were the application supported, it would have been appropriate to control the development subject to a planning condition which evidenced the agreement of Scottish Water to this before works recommenced.

Contaminated Land

Policy IS13 advises that where development is proposed on land that is contaminated or suspected of contamination, appropriate site investigation and mitigation will be required.

The Contaminated Land Officer had no comments to make on the proposals.

Other Matters

Considerable concern was expressed around potential animal welfare implications that objectors suggested could arise from this and related developments. Animal welfare/ ethics are not planning matters and would not form a reason for refusing the application.

The refusal of the application leaves the status of the works carried out in advance of the application technically unauthorised (bundling, hardstanding and access upgrade works). The issues associated with these works are less significant, and the damage from tree felling and loss of prime quality farmland are irreversible. The former falls largely outwith the planning process in this instance. Were a standalone application submitted to regularise these works, it would likely be supported. The primary concerns related to the works which were prevented from being carried out.

REASON FOR DECISION :

The development is contrary to Local Development Plan policies EP1 (International Nature Conservation Sites and Protected Species), EP2 (National Nature Conservation Sites and Protected Species), EP3 (Local Biodiversity) and EP15 (Development Affecting the Water Environment) in that the development has not adequately demonstrated that unacceptable adverse ecological impacts would not arise.

The development is contrary to LDP policy ED7 (Business, Tourism and Leisure Development in the Countryside) in that the development would adversely affect the rural character of the area by introducing sporadic new build development to an undeveloped area without adequate justification.

The development would be contrary to Local Development Plan (LDP) policy PMD2 (Quality Standards) in that development would not fit in with Borders landscape surroundings. The proposed materials and the sporadic nature of the development would contribute to an unacceptable appearance giving rise to unacceptable visual impacts, to the detriment of the landscape surroundings of the area.

Recommendation: Refused

- 1 The development is contrary to Local Development Plan policies EP1 (International Nature Conservation Sites and Protected Species), EP2 (National Nature Conservation Sites and Protected Species), EP3 (Local Biodiversity) and EP15 (Development Affecting the Water Environment) in that the development has not adequately demonstrated that unacceptable adverse ecological impacts would not arise.
- 2 The development is contrary to LDP policy ED7 (Business, Tourism and Leisure Development in the Countryside) in that the development would adversely affect the rural character of the area by introducing sporadic new build development to an undeveloped area without adequate justification.
- 3 The development would be contrary to Local Development Plan (LDP) policy PMD2 (Quality Standards) in that development would not fit in with Borders landscape surroundings. The proposed materials would contribute to an unacceptable appearance giving rise to unacceptable visual impacts, to the detriment of the landscape surroundings of the area.

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



Local Review Body – List of Policies **23rd October 2023**

Local Review Reference: 23/00509/PPP

Planning Application Reference: 23/00039/RREF

Development Proposal: Erection of dwellinghouse

Location: Land North East of Alba Cottage, Fishwick, Berwick Upon Tweed

Applicant: Aver Chartered Accountants

National Planning Framework 4 (NPF4)

Policy 1: Tackling the Climate and Nature Crises

Policy 2: Climate Mitigation and Adaptation

Policy 3: Biodiversity

Policy 4: Natural Places

Policy 5: Soils

Policy 6: Forestry, Woodland and Trees

Policy 9: Brownfield, Vacant and Derelict Land and Empty Buildings

Policy 13: Sustainable Transport

Policy 14: Design, Quality and Place

Policy 15: Local Living and 20 Minute Neighbourhoods

Policy 16: Quality Homes

Policy 17: Rural Homes

Policy 18: Infrastructure First

Policy 23: Health and Safety

Scottish Borders Local Development Plan 2016 (LDP)

PMD1: Sustainability

PMD2: Quality Standards

ED5: Regeneration

HD2: Housing in the Countryside

HD3: Protection of Residential Amenity

EP1: International Nature Conservation Sites and Protected Species

EP2: National Nature Conservation Sites and Protected Species

EP3: Local Biodiversity

EP13: Trees, Woodlands and Hedgerows

IS2: Development Contributions

IS7: Parking Provision and Standards

IS9: Waste Water Treatment and SUDS

Other Material Considerations

- Proposed Local Development Plan 2020: Policy ED5 Regeneration
- SBC Supplementary Planning Guidance on Placemaking and Design 2010
- SBC Supplementary Planning Guidance on Development Contributions 2011 (updated 2023)
- SBC Supplementary Planning Guidance on Sustainable Urban Drainage Systems 2020
- SBC Supplementary Planning Guidance on Householder Development (incorporating Privacy and Sunlight Guide) 2006
- SBC Supplementary Planning Guidance on Trees and Development 2008
- SBC Supplementary Planning Guidance on Biodiversity 2005

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