

Walling, Fiona

From: Buchanan-Dunlop <buchanan.dunlop@biggar.gov.scot>
Sent: 06 May 2016 11:10
To: localreview
Subject: Review of Planning Decision

Dear Ms McGeoch,

I refer to the appeal against the decision in planning application 15/00890/PPP, which concerns a proposal to build on the site of the former water treatment works at Broughton Place. The appeal reference is 16/00010/RREF.

I wish to record my continued objection to the granting of planning permission in this case. My reasons are as contained in my original representations to the Planning Department. I would suggest that the applicant has not produced any new evidence sufficient to overturn the Council's current refusal of planning permission.

Yours faithfully,
Graham Buchanan-Dunlop

The Potting Shed
Broughton Place
Broughton
BIGGAR
ML12 6HJ

Managers Cottage
Broughton Place Farm
Broughton
By Biggar
ML12 6HJ

7th May 2016

Planning Ref: 15/00890/PPP
Appeal Ref: 16/00010/RREF

Dear Sirs,

Thank you for your letter dated 21st April regarding an Appeal against refusal of planning permission for the site of the old waterworks northeast of the Managers Cottage (also known as Broughton Place Cottage).

I would like to make the comments below to aid the Local Review Body in their decision.

- One can only sympathise with the family concerned in seeking to provide a family home which eases the provision of full time care for a young family member whilst maintaining good internal and external access suitable for a wheel chair.
- Whilst a new house on the proposed site would doubtless go some way towards meeting some of the needs of this family, it would also, effectively, confine the young person to the site thus limiting an opportunity to socialise or even get "Out and about".
- Present policy for those in need of additional support is to provide that care within the Community and to encourage integration with the wider community wherever possible. Paradoxically, whilst this appeal is being made on the grounds that the Equalities Act should be actively considered, a successful appeal would arguably increase the inequalities experienced by, and limit the opportunities available to the young person in question through the location and agricultural access of this site.
- I feel there is little doubt that the applicant has a "Right of Access" to the site, but it is doubtful he has the right to upgrade the track, (the route of which for the final 200 metres is now indistinguishable), as it is unlikely he holds any rights over that track.
- The Appellants ownership rights extend only over the proposed site, not over the access tracks. The description of the site as purchased was - "DESCRIPTION: The site comprises a recently cleared and in filled rectangular area just inside the entrance to a grass field. The site is bounded to the southwest by a post and rail fence with one strand barb-wire and the remaining sides consist of post and one strand of barb-wire with six strands plain wire. There is a timber access gate providing vehicular access. The fence is dilapidated in places and no longer stockproof. The surrounding area is down to grazing and any such activity on this site is unauthorised." (Source: SVA Sales Particulars, 23rd November 2005. Lot 37.)

I trust this will help you in your deliberations.

Yours faithfully,

Bruce Fraser

Walling, Fiona

From: Jemima Elliott <...>
Sent: 01 May 2016 11:45
To: localreview
Subject: Appeal Ref 16/00010/RREF Redundant water Treatment Works

Dear Sirs,

Please accept the following representations in respect to the above review.

Site Access:

The appeal site is accessed across open farmland between the site and Broughton Place Cottage, which is unsuitable for regular use.

Between Broughton Place Cottage and the main avenue, the track is rough and unmade up, with many potholes.

Access from the A701 onto the main avenue has been identified by SBC as difficult, due to the width of the bridge. This causes problems for the existing residential properties and the farming operations. The avenue is a private road in the ownership of Broughton Place Farm, and is not salted or cleared of snow. At times it is impassable except on foot.

The applicant does not have the right to improve the access on the land out-with his ownership.

All of these factors make it unsuitable for a disabled person who may require regular attendance for 'overnight and respite care'.

Brownfield site:

The structure previously on the site was a 'water supply monitoring kiosk', covering the valve set. It was not a workshop or office. We continue to assert that there is not justification for suggesting it is a brown field site.

The setting:

Once again, we reject the claim that the site is within the Broughton Place group of loosely arranged buildings.

For accuracy, the existing properties at Broughton Place are all accessed directly off the main, historic, avenue (planted before 1775). There is no central field. The pattern of enclosed fields, avenues and hedges, was recorded in 1799, and have changed little since.

The proposed site conflicts with this history.

No new buildings have been built at Broughton Place since 1935 except where required by the farming activity undertaken by Broughton Place Farm.

The Potting Shed was a conversion and extension of an existing building, by the owners of Broughton Place.

Pollution:

As the Planning Process is the only stage when objections can be raised about issues relating to pollution, we think it is reasonable to ask the applicant to prove the capability of the site to accommodate the foul discharge from any associated treatment within the site boundaries, before any planning permission is granted.

Local Development Plan:

For Broughton, there are two sites identified for housing with indicative site capacity of 20 houses within the Development Boundary. Both are accessed directly off public roads. Both these sites will be required to provide an appropriate proportion of Affordable and Special Needs Housing.

Equalities Act 2010:

We do not believe that the intention of the Equalities Act was to overrule planning guidelines. The case cited is not relevant, as the circumstances are completely different. The current applicant has no connection to Broughton Place Farm or its operations. It is our understanding that the applicant bought the site with 'hope value' in 2005/6, and did not move into the Broughton area until about 2008. It is therefore a weak argument that it is 'necessary for the family to stay in Broughton as a result of school, work and personal commitments'. Furthermore if planning permission were to be granted on this basis, then it would follow that the use of the house should be restricted to a disabled family, and in future not sold on the open market without such a condition.

Planning Policy H8 Isolated Housing Proposals.

This policy is irrelevant as the proposed location is not essential for the needs of an agricultural business etc. The applicant has no connection with Broughton Place Farm or its operations.

In response to paragraph 6.3, we note the applicant states 'for someone to express an knowledge of the personal circumstances of another without being fully conversant in the facts is astonishing and something that the LRB should be mindful of'. There is much that the applicant states about Broughton Place Farm that is inaccurate, misleading and irrelevant to this planning appeal. The fact that the applicant is currently living in a property recently adapted by Eildon Housing Association for that family is relevant and invalidates the argument that there is not suitable accommodation within the village.

Yours faithfully

Peter and Jemima Elliott

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Jemima Elliott

Broughton Place Farmhouse, Broughton, Biggar, Lanarkshire. ML12 6HJ

01896 888 511

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