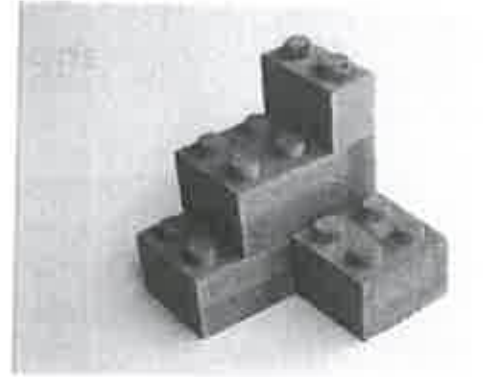


**Corporate Administration,  
Council Headquarters,  
Newtown St  
Boswells,  
Melrose  
TD6 OSA**



12 August 2016

Dear Sir/Madam,

**PLANNING REFERENCE: 16/00397/FUL - Change of use of land to commercial storage and siting of 42 No storage containers (retrospective) at Land East Of Langlee Mains Farmhouse, Galashiels**

Please find enclosed our appeal to the Local Review Body relating to the refusal of planning permission for the above planning application.

Yours faithfully,



Peter MacLeod, BSc. MSc. MRTPI

Peter MacLeod, 122 Scott Street, Galashiels, Scottish Borders, TD1 1DX  
01896 750 355  
07910828625  
[pkmacleod@gainplanningservices.co.uk](mailto:pkmacleod@gainplanningservices.co.uk)



**NOTICE OF REVIEW**

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

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

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

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

**Use BLOCK CAPITALS if completing in manuscript**

**Applicant(s)**

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

**Agent (if any)**

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

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

Yes No

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

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application  Date of decision (if any)

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

**Nature of application**

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

**Reasons for seeking review**

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

**Review procedure**

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

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

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

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

**Site inspection**

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

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

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

The units are not easily viewed from the public road. There is heavy plant and vehicles moving on site which could be a risk to the safety of persons on site.

**Statement**

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. **Note:** you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

The applicant wishes to appeal under section 43A (8) a of the Town and Country Planning (Scotland) Act 1997 against the refusal of the planning application.

The application was refused for the following reason:

"The proposal does not comply with Scottish Borders Council Local Development Plan Policies ED7, EP6 and PMD2 in that there is no overriding economic and/or operational need for the proposal to be sited in this particular countryside location; the proposal would more reasonably be accommodated within the Development Boundary; and the siting and operation of a commercial storage facility would be highly unsympathetic to the rural character and amenity of this site and the surrounding area, principally through the landscape and visual impacts that would result from such an industrial type and scale of operation being accommodated at this highly visible countryside location."

Whilst it is appreciated that the proposed change of use does not satisfy the usual criteria for a countryside location it is considered that there are a number of mitigating circumstances and material considerations that require to be fully considered.

The applicant made a substantial case for the support of the proposals in the planning statement submitted with the planning application. The applicant now wishes to expand on some of these considerations and a further report has been submitted with this appeal in a separate Appeal Statement document.

It is not clear whether the option for a hearing requires to be taken. The applicant and/or his agent would like to submit further written representations and have the opportunity to speak at the local review.

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

Yes  No

If yes, you should explain in the box below, why you are raising 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.

The submitted material is more of an elaboration on what has already been submitted in the planning statement concentrating more on the reasons for refusal.

In addition we have obtained statements from business occupiers of the storage units and from the surrounding land owner.

These have been submitted in response to the reasons for refusal. The planning statement submitted with the planning application had previously been considered sufficient to support the proposal. The reasons for refusal and the report of handling have raised points which now require further elaboration on points previously made.

**List of documents and evidence**

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

Original Planning Statement  
 Original plans  
 Appeal statement (including letters of support)

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

**Checklist**

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

**Declaration**

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

Date

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

**Appeal against refusal of Planning Permission for Commercial Storage Use  
At  
Farknowes, Langshaw Road, Galashiels**



**12 AUGUST 2016**

Peter Macleod, BSc, MSc, MKTPI  
122 Scott Street  
Galashiels  
Selkirkshire  
TD5 1DF

## **Contents**

<b>1. Introduction</b>	<b>3</b>
<b>2. The appeal</b>	<b>5</b>
<b>3. Concluding Remarks</b>	<b>11</b>
<b>4. Summary of facts</b>	<b>12</b>
<b>5. Appendices</b>	<b>13</b>





## **1. INTRODUCTION**

### **THE SITE**

The site is the former Forth Meats Supplies depot at Farknowes on the Langshaw Road. It is currently the base for Wilson G Jamieson Fencing & Forestry Ltd (the appellant).



**Figure 1. An aerial image of the surrounding area. The site is marked by a red dot**

### **THE PROPOSAL**

The proposal is retrospective, and is for the change of use of part of the site to commercial storage. The storage is provided within 42 steel freight containers. The proposal includes the planting of a hedge of indigenous species between the road side and the containers.

The proposal uses existing infrastructure, existing access and it requires no further staffing resources.

### **EVOLUTION OF THE SCHEME**

The appellant acquired the site in 2012 from the landowner, who also is owner of the surrounding farm land and cattle sheds.

The appellant invested a large amount of money in the improvement of the site, much of which had serious ground conditions and drainage problems. This required approval from SEPA. One of the conditions that SEPA attached to the granting of the license was that the improvement was required for an enhanced use of the land. The appellant decided that the storage facility was a simple way of achieving this. The use would require no further staff, it was a low intensity use and it involved no buildings. At the time he was not aware that the placing of the containers would require planning permission or that it would be a problem use in this location. The

containers were placed adjacent to the existing building and were factory painted a dark green to match the existing shed.

#### **PLANNING HISTORY (Land East of Langlee Mains Farmhouse Galashiels)**

The matter first came to light when the appellant made an application for a new building in connection with his forestry operations in December 2015.

05/00890/COU – “Part change of use and alterations to form meat processing facility”.  
Approved subject to conditions

05/00891/OUT - Erection of offices and welfare accommodation to service meat processing facility . Approved subject to Conditions & Informatives

05/02107/FUL – “Part change of use and alterations to form meat processing facility and erection of welfare and office accommodation”. Approved subject to conditions.

10/00249/FUL - Change of use of land to form temporary construction base, siting of 4 No storage containers, 7 No office units and 1 no security office, and erection of temporary ‘heras’ boundary fencing. Approved subject to Conditions & Informatives.

15/01451/FUL - Extensions to form 2 No storage units (retrospective) and 7 No storage units and erection of wood storage building . Refused

16/00397/FUL - Change of use of land to commercial storage and siting of 42 No storage containers (retrospective). Refused with informative.

#### **The Reason For Refusal Of Application 16/00397/FUL**

*“The proposal does not comply with Scottish Borders Council Local Development Plan Policies ED7, EP6 and PMD2 in that there is no overriding economic and/or operational need for the proposal to be sited in this particular countryside location; the proposal would more reasonably be accommodated within the Development Boundary; and the siting and operation of a commercial storage facility would be highly unsympathetic to the rural character and amenity of this site and the surrounding area, principally through the landscape and visual impacts that would result from such an industrial type and scale of operation being accommodated at this highly visible countryside location.”*

An informative was also attached which stated:

*“All shipping containers require to be removed from the site at the appellant’s earliest opportunity. While it is reasonable to allow sufficient time for the appellant to make alternative arrangements for the removal and disposal of all shipping containers, the Planning Authority reserves its right to inspect the site subsequent to this planning decision to ensure that the site is being operated in accordance with planning regulations, and if necessary, to pursue enforcement action against any observed breaches of these regulations if the containers, or any part thereof, are found to be still in situ.”*

## 2. THE APPEAL

### CONTEXT

The business is run in conjunction with the appellant's forestry and fencing business on site. The operator is an established Galashiels based family business, and a recognised sponsor of the Galashiels Braw Lads Gathering.

The site is located in the countryside to the outskirts of Galashiels. It originated as a farm yard but had been in use as a meat supplier's depot prior to ownership by the present appellant. It has recently been granted planning permission to operate as a forestry business including the erection of a new storage building and an extension to the existing building, all as ancillary buildings to the forestry and fencing operations at Farknowes.

The site no longer forms part of an agricultural unit and is unlikely ever to return to such a use.

Two cattle sheds are located to the immediate west side of the site, which add to the local activity and the generally 'developed' appearance of the site. To the east is the former landfill site and land gas generating plant. Not much further south on the east side of the road is the Council's refuse and recycling site (see aerial image above).

### COUNCIL POLICIES

The original planning report listed all of the relevant policies, however the only policies referred to in the reason for refusal are Policies ED7, EP6 and PMD2. These relate to business in the countryside, countryside around towns and quality standards respectively. All three are listed in full in the appendix.

### RESPONSE TO THE COUNCIL'S ASSESSMENT AND DECISION

The report of handling states that "*The site is agricultural land out with the Development Boundary*". It is considered that this is a misleading description of the site. It is a long time since it was in any form of agricultural use and a significant period of time since it was agricultural land. It was previously part of a meat supplier's site and it now has planning permission for forestry and fencing related activities. It is unlikely to return to agricultural use.

#### Planning Principle/Policy

The report advises that Policy ED7 requires a business to have an economic or operational need for the countryside location. In this instance the principal reason is that the site is within the location of the appellant's main business.

The site at present has much more space than the appellant needs for the forestry and fencing business. Also the ground improvements carried out were licensed by SEPA on the basis that it was needed for a specific use. The appellant had been aware that there was a need for cheap storage solutions for local businesses and the opportunity arose to purchase the containers. Therefore the business idea developed from this. The storage use is a very low intensity use. There is no pollution and very little activity associated with the use. It also requires little in the way of supervision, however it does require secure presence. It therefore was appropriate to combine the storage use with the existing uses which allows the operation to be managed simultaneously with the forestry/fencing operation, requiring no further staff or infrastructure. There is no additional lighting required other than that which already exists with the forestry operations. The existing use already has security measures in place which will also ensure that the storage use is made secure (fencing, cameras and lighting).

Therefore the main operational/economic reasons are that the site already contains all the necessary infrastructure and staff resources to support it. There were already business activities on site and it made sense to combine the two rather than have two separate sites.

The second reason is that the site is easily accessible from both the town and the countryside. It is only 850 metres from the B6374 Melrose Road.

Thirdly, there are in fact very few locations within the Galashiels development boundary where such a use could be accommodated. It is also argued that the proposed use would not make very good use of urban sites as it is a very low intensity use with very little in the way of job creation. The urban sites are better reserved for more intensive uses with higher employment rates. Also the urban sites would draw a far higher land cost and this would reduce the attractiveness of the storage units to small business looking for low cost solutions, in particular starter companies. In the current economic climate the cost of off-site storage needs to be kept as low as possible.

The report states that **Policy EP6** also requires that there is an essential requirement for a rural location and that it is appropriate to the countryside setting. The area is not wholly rural in character and the proposed use has little in the way of impact in visual terms. The units have been carefully laid out so they are viewed against the existing and proposed buildings, and they have been factory painted to match these rural buildings. It has always been the appellant's intention to further screen these to the road side with indigenous hedge planting. This was put on hold until the current application process has been concluded. The site is actually not very visible from the surrounding countryside. It is set within a dip and is further screened by existing vegetation. If driving along the Langshaw Road it is only visible for a relatively short length of the road. It is not visible from the road to Langlee Mains, above and to the west of the site.

### **Economic Considerations**

In the case officer's report under the sub-heading 'Economic Considerations' it is clear that the proposal is supported by the Council's Economic Development division, but that the planning case officer is not satisfied that the use can be justified in this location.

The suggestion that the appellant's assertion that there is a demand for storage in the area is 'non-specific' is unreasonable. The appellant did not carry out a market survey, however the nature of the appellant's business, and the numerous business contacts that he has developed meant that not only was he very aware himself that such a facility was in demand and in low supply, he was also getting the same views expressed to him by other businesses. It is for this reason that he invested over £50,000 in purchasing the storage containers.

The demand would not be met in the development boundary. There are no suitable sites. Any sites involving buildings within business locations would increase the cost to a point that would not be viable to the small businesses that are using the facility.

The feedback from the questionnaires sent out was conclusive of several things, most notably that there are no other similar facilities available locally and that the site is very easily accessed.

The report suggests that the appellant is taking advantage of the low cost of an 'out of town' location to get a better position in the market over rivals, and that demand only exists due to the low price derived from the locational advantage. This is very misleading. The main point here is that there are no rivals. Also, a very valid point is that this business idea only becomes viable if the costs are very low as the market is not for businesses with unlimited finances. It is a relatively marginal market. Businesses do not wish to spend large amounts of their budget on storage of equipment that may or may not be required. It is not a service that can charge the high costs that would be associated with a building, or serviced site within the town. This is possibly why there are no existing similar services available. What such a use requires is some low cost land close to the town with good access and good security. The Farknowes site has these attributes. It also benefits from being a secluded and well screened site and located in an area where there are other activities that impact upon the character of the area in general.

It is true that the storage containers are available to any businesses and not just to rural businesses. However they are still available to rural businesses or to town based business that carry out work in the countryside and the site now provides this facility that previously did not exist to either. The location provides easy access for both rural and town based businesses. The appellant also offers the opportunity to hire a unit on your own land, and will arrange delivery of the storage container.



## Landscape Considerations

The site benefits from being well screened and the further proposed landscaping would enhance this further.

In the report under the sub-heading 'Landscape Considerations' the case officer advises that the shipping containers are an alien form to be found in the countryside, that they are an industrial feature more reminiscent of a dockyard or haulage yard. This is disputed. Shipping containers are frequently utilised by farmers and others in rural locations, but it is agreed that they are not often seen in the numbers presently present at Farknowes. The appellant has however taken great care to have these containers painted a dark rural green colour, and has arranged them so they align with the existing building on site and the proposed new building. These containers are no higher than the block-work base of the existing and proposed buildings and they are the same colour as the metal cladding. If this permission is granted then the appellant will proceed with his proposed planting scheme which will further screen the containers. Also, the containers that are seen in haulage yards and dockland areas are usually bright red, orange, white or blue in colour. The comparison is considered to be inaccurate. Furthermore, the smaller numbers of containers often seen in farms and other rural areas tend to be these brighter colours.

The case officer comments that the site is highly visible. It is contested that this is not accurate. The site is only visible for a relatively short stretch of the public road. Yes it is highly visible from the adjacent public road, but that is because it is only 12 to 15 metres away. Once a hedge is allowed to mature the visibility from the adjacent road will be significantly lower even from close distance. Also, it is viewed in the context of the existing buildings, and the units have been painted to match.

The following four images demonstrate the limited visibility of the site. The first of the photographs shows the first point at which it becomes visible from the south.. The final three are of varying distances away from the site to the north on the Langshaw Road .



Figure 2. The site first comes into view heading north on the Langshaw Road



**Figure 3. View to the site at around 600 metres to the north**



**Figure 4. View to the site at around 300 metres to the north**



**Figure 5. View to the site at around 100 metres to the north**

### **Access and Road Safety**

The operation has a very low intensity of traffic generation. This has created no problems to date and there have been no conflicts between the three uses that utilise the existing shared access. The access has good visibility and has a non-loose surface adjacent to the road.

The appellant has right of access for his business operations. If necessary the access could be improved either in terms of width, surfacing or sight lines.



**Figure 6. The existing site entrance**



## CONCLUDING REMARKS

The proposed use provides an invaluable resource to local companies at an affordable price. The demand for such a use has been clearly demonstrated by the rate at which the units were filled and the positive feedback received from business customers.

The proposal makes good use of surplus land and the existing infrastructure, staff and security within the appellant's existing site.

There are no alternative sites presently available for a development of this nature within the Galashiels settlement boundary.

There are very limited commercial storage solutions presently available in the Borders area.

The use is not out of character with the area. The use is a very low intensive one and the units have been carefully sited and coloured to blend in with the surroundings. Landscaping will further enhance this. Even if another farm user could be found for this part of the site, the impacts on the surrounding environment in terms of movement of farm machinery and goods vehicles on the local roads would be no different from (and could indeed be greater than) the proposed Class G use.

The proposed development will have minimal impact upon the landscape setting of the site and the character of the area in general. The colour of the storage units and their positioning has been well thought out and the proposed landscaping measures will mitigate visual impact further.

The proposal will not undermine the policies of the development plan. These policies are not unreasonable and are appropriate in the majority of cases, but as with all policies they cannot be written to cover every single eventuality and in this case there are circumstances which the policies have not prescribed for.

The proposed development should not set an undesirable precedent as the set of circumstances demonstrated in this case would not normally be present. Each case that the Council considers will be dealt with on its individual merits in the context of the development plan and other material considerations.

**The appellant therefore submits that under these circumstances an exception to policies ED7 EP6 and PMD2 be allowed and that planning permission be granted for the proposed storage use.**

Addendum: If the Local Review Body Members have any concerns about granting planning permission, as this is a retrospective proposal and the investment has already been made, the appellant would be willing to accept a temporary consent (suggested three years). At the expiry of this temporary consent the appellant would be entitled to make a further application to continue the use either permanently or for a further temporary period.

## **SUMMARY OF FACTS**

- **The site has existing activities and will unlikely return to agricultural use**
- **The Site is well laid out and well managed**
- **Units are painted to match existing buildings, and are sited between the buildings and the road**
- **There are no alternatives locally**
- **There have been no complaints regarding the operation**
- **Positive feedback received from surrounding landowner**
- **It provides a valuable facility for local business**
- **Low cost due to location makes it a viable business**
- **Utilises existing infrastructure and staff resources on site**
- **Other local commercial uses in the area**
- **Low visibility within the surrounding landscape**
- **Proposed landscaping will further improve the setting**

## 5. APPENDICES

### A. Policies referred to in reasons for refusal: -

#### **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.

A set of standards are listed under the headings of SUSTAINABILITY; PLACEMAKING & DESIGN; ACCESSIBILITY; and GREENSPACE OPEN SPACE & BIODIVERSITY.

#### **POLICY ED7: BUSINESS , TOURISM AND LEISURE IN THE COUNTRYSIDE**

The aim of the policy is to allow for appropriate employment generating development in the countryside whilst protecting the environment and to ensure

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

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

In addition the following criteria will also be considered:

- a) the development must respect the amenity and character of the surrounding area,
- b) the development must have no significant adverse impact on nearby uses, particularly housing,
- c) where a new building is proposed, the developer will be required to provide evidence that no appropriate existing building or brownfield site is available, and where conversion of an existing building of architectural merit is proposed, evidence that the building is capable of conversion without substantial demolition and rebuilding,
- d) the impact of the expansion or intensification of uses, where the use and scale of development are appropriate to the rural character of the area,
- e) the development meets all other siting, and design criteria in accordance with Policy PM D2, and
- f) the development must take account of accessibility considerations in accordance with Policy IS4.

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

#### **POLICY EP6: COUNTRYSIDE AROUND TOWNS**

Within the area defined as 'Countryside Around Towns', proposals will only be considered for approval if they meet the following considerations:

- a) there is an essential requirement for a rural location and the use is appropriate to a countryside setting e.g. agricultural, horticultural, forestry, countryside recreation, nature conservation, landscape renewal, community facilities, or
- b) it involves the rehabilitation, conversion, limited extension or an appropriate change of use of an existing traditional building of character, or
- c) in the case of new build housing it must be located within the confines of an existing building group as opposed to extending outwith it and it must be shown the high quality environment will be maintained. The definition of a building group is stated within Policy HD2 Housing in the Countryside, or
- d) it enhances the existing landscape, trees, woodland, natural & man-made heritage, access and recreational facilities, or
- e) subject to satisfactory design and setting, it has a proven national or strategic need and no alternative is suitable.

**B. The questionnaire and cover letter**



Dear Valued Customer,

Scottish Borders Council has recently refused a planning application submitted by ourselves in relation to our storage containers and our last option is to take the decision through the appeals process. I am currently building our case for the local review body and it would be greatly appreciated if you would complete this short questionnaire and return it as soon as possible.

All submitted questionnaires will be used as evidence in our appeals process.

Yours faithfully,

Wilson Jamieson  
Company Director



**Questionnaire**

**Business name:**

**Contact name:**

**Has the storage facility helped your business in any way? If yes, please explain below:**

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**Has the storage facility allowed you to employ any additional staff?**

**What affect would it have on your business if this storage facility were to be removed?**

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**Are there any other suitable options available to your business that compare locally?**

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**Any other comments i.e. location, availability & suitability**

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**C. The responses from tenants to the questionnaire**



E-mail: [wilson@wilsonjamieson.co.uk](mailto:wilson@wilsonjamieson.co.uk)

**Questionnaire**

Business name: SPG FIRE & SECURITY LTD

Contact name: ANGELA GILLIE

Has the storage facility helped your business in any way? If yes, please explain below:

Yes, it has enabled us to store bulky and expensive equipment which we do not have room for at our office, with the peace of mind it is safe and secure and available to us 24hrs a day 365 days a year.

Has the storage facility allowed you to employ any additional staff?

NO

What affect would it have on your business if this storage facility were to be removed?

Possibly have to sell equipment and hire when required, which would not give us the flexibility as sometimes equipment is required after office hours if we are called to an emergency.

Are there any other suitable options available to your business that compare locally?

NO

Any other comments e.g. location, availability & suitability

Location is great for us as it is 5 minutes from our offices.



E-mail: [wilson@wilsonjamieson.co.uk](mailto:wilson@wilsonjamieson.co.uk)

## Questionnaire

**Business name: Bank Street Dental Practice, 19 Bank Street, Galashiels**

**Contact name: Ian Mascal 01896 752752 bankstdent19@gmail.com**

**Has the storage facility helped your business in any way? If yes, please explain below:**

**The storage facility has been a huge benefit to our practice where storage has been a major problem for years with nowhere to expand premises further in Bank Street, Galashiels. The facility has enabled us to clear a room and create a decent sized staff room that has been greatly appreciated by all our staff. We now also have space to store more day to day items, with easier access as the items requiring longer term storage are conveniently located in the storage unit**

**Has the storage facility allowed you to employ any additional staff?**

**No more staff, big improvement in moral of staff with more space for changing and refreshments**

**What affect would it have on your business if this storage facility were to be removed?**

**Now that we have use of the facility it would be a huge backward step to lose the ability to have spare equipment at such a close, convenient location. We store equipment that should something breakdown we can replace it quickly without having to access an engineer who needs to travel several hours to provide service and charges a very large call out fee**

**Are there any other suitable options available to your business that compare locally?**

**Before renting a storage unit we could not find any similar facility so conveniently located, in such good condition (brand new) and at such a reasonable rate**

**Any other comments e.g. location, availability & suitability**

**There would appear to be a great shortage of storage facilities in the region as we were struggling to find somewhere and would have had to consider consigning some heavy equipment to landfill if this unit had not been available. It is convenient as the rental can be cancelled at short notice without penalty. The whole scheme appears to have been well planned and runs efficiently with easy 24 hour access. It is ideal for our needs – loss of the facility would create massive difficulties for our business now that we depend on using the unit**



Old Parish Manse, Barr Road, Galashiels, TD1 3HX  
Tel. 01896 758902, Mobile 07831 178069  
VAT Reg. No. 502 1623 04  
E-mail: wilson@wilsonjamieson.co.uk

## Questionnaire

Business name:

C. WADDELL JOINERY

Contact name:

COLIN WADDELL

Has the storage facility helped your business in any way? If yes, please explain below:

THE STORAGE FACILITY HAS ALLOWED ME AT A MINIMAL COST TO HAVE ACCESS TO THE SMALL AMOUNT OF GROUND MY BUSINESS REQUIRES.

Has the storage facility allowed you to employ any additional staff?

NO

What affect would it have on your business if this storage facility were to be removed?

IF IT WERE TO BE REMOVED THIS WOULD RESULT IN ME HAVING TO RENT A BIGGER UNNECESSARY SPACE AT A QUOTE UNQUOTE PROBABLY INVOLVING RATES IF I HAD TO RENT A YARD.

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Are there any other suitable options available to your business that compare locally?

NOT THAT I AM AWARE OF

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Any other comments e.g. location, availability & suitability

IF THIS WERE TO LOSE IT WOULD BE A GREAT INCONVENIENCE TO MYSELF & OTHER SMALL BUSINESSES THAT RELY ON THE SERVICE PROVIDED. THE PROBLEM OF ONLY PREMISES IN THIS FORM ARE RARE & YARDS THAT ARE FEW & FAR BETWEEN ARE MORE EXPENSIVE & UNNECESSARY, GROUND FOR RENTAL IS VERY SCARCE

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E-mail: [wilson@wilsonjamieson.co.uk](mailto:wilson@wilsonjamieson.co.uk)

### Questionnaire

Business name: Kings Arms Hotel

Contact name: Elaine Kennedy

Has the storage facility helped your business in any way? If yes, please explain below:

This storage facility is a huge benefit to my business as i store my catering equipment in it for outside functions

Has the storage facility allowed you to employ any additional staff?

Yes as i can take on more work as i have storage space for the equipment

What affect would it have on your business if this storage facility were to be removed?

Are there any other suitable options available to your business that compare locally?

no

Any other comments e.g. location, availability & suitability

Fairknowe is in an ideal location as it is out of the main town and has room to park without causing any disruption to the public it has to stay or a lot of people will struggle without it mainly businesses



E-mail: [wilson@wilsonjamieson.co.uk](mailto:wilson@wilsonjamieson.co.uk)

## Questionnaire

**Business name:** Well Kept Gardens

**Contact name:** Neil Howlieson

**Has the storage facility helped your business in any way? If yes, please explain below:**

The storage facility has enabled me to have a very secure place to store my expensive gardening equipment. Previously had limited storage (garden sheds at home) which were overlooked by social housing flats and my equipment was constantly in view of the residents. We have already had a situation at home where an individual was challenged in our rear garden casing out our garden shed, the matter was reported to the police.

As I do not have the luxury of a large vehicle to carry all my equipment I need this facility which is away from prying eyes when I change over my equipment. The storage unit gives me this as I can drive up close and quickly make the equipment changes necessary.

This has also allow me to the space to purchase larges pieces of plant ( which could not be stored at home) that was required to grow my business.

**Has the storage facility allowed you to employ any additional staff?**

I subcontract some work to another individual who has now became a sole trader in his own right. I continue to subcontract to him as his business grows and we share some of the equipment stored at the facility.

**What affect would it have on your business if this storage facility were to be removed?**

If the storage facility is removed I would have no where in my mind to securely store my equipment /plant that I have accumulated on my six years of trading and the last thing I want to do is downsize.



**WILSON G JAMIESON LTD**  
FENCING & FORESTRY  
Old Parish Manse, Barr Road, Galashiels, TD1 3HA  
Tel. 01896 758902. Mobile 07831 178069  
VAT Reg. No. 502 1623 04

E-mail: [wilson@wilsonjamieson.co.uk](mailto:wilson@wilsonjamieson.co.uk)

**Are there any other suitable options available to your business that compare locally?**

I have not seen or know off any other place that offers a storage facility to meet all my needs, namely security, easy access from home , not overlooked and seen by the general public, a working facility that offers additional security and finally vehicle access directly and up close to the unit itself.

**Any other comments e.g. location, availability & suitability**

The location and access road to this facility are ideal and meets all the requirements for a whole host of trades that use a wide range of transport vehicles for their business needs.

**D. Letter from surrounding land owner**



Jim Hewit  
Park Lane  
Croft Park  
Kelso  
TD5 7ET

19 July 2016

Dear Sir/Madam,

I am the owner of the land surrounding the site at Farknowes, Langshaw Road, Galashiels for which Wilson Jamieson is applying for planning permission for change of use of land to commercial storage and the siting of storage containers.

There have been commercial activities on this site for many years and Wilson Jamieson's use of the site does not interfere with the agricultural use of the adjoining land. The 42 containers that are already on site do not cause any disruption, concern or any nuisance as there is not a lot of traffic associated with them. The site has always been tidy, well managed and maintained. The alterations do not do harm to the character or the landscape of the area with the containers installed matching the large building already on the site.

For these reasons I do not have any objection to planning permission being granted for the proposed change of use of land to commercial storage and siting of storage containers.

Yours faithfully,



James Hewit



**Caroline Law  
Development Management  
Scottish Borders Council  
Council Headquarters  
Newtown St Boswells  
Melrose  
TD6 0SA**



22 March 2016

Dear Ms Law,

Further to our discussion earlier today, please find enclosed the planning application submitted on behalf of Wilson G Jamieson Ltd for the site at Farknowes, on the Langshaw Road by Easter Langlee.

The proposal is for change of use of what is lawfully agricultural land to commercial storage (class 6) inclusive of the siting of 42 shipping containers within the site boundary. This is a retrospective application. The fee should be £401.

I look forward to confirmation of the receipt and registration of the application in due course.

I am aware that you will likely be requiring a fee for advertising the application under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. I understand that the fee for this will be £80.

The applicant should be in touch with regards paying the £481 in fees.

Yours faithfully,



**Peter MacLeod, BSc. MSc. MRTPI**

Peter MacLeod, 122 Scott Street, Galashiels, Scottish Borders, TD1 1DX  
01896 750 355  
07910828625  
[peterm@gainplanningservices.co.uk](mailto:peterm@gainplanningservices.co.uk)



# PLANNING APPLICATION

1. Name and Address of applicant	Name and Address of Agent
<p>WILSON &amp; JAMIESON LTD OLD PARISH HAUSE, BARR RD GALASHIELS Post Code TDI 3HX</p> <p>Tel. No. [REDACTED]</p> <p>E-mail address [REDACTED]</p>	<p>PETER MACLEOD 122 SCOTT STREET GALASHIELS Post Code TDI 1DX</p> <p>Tel. No. [REDACTED]</p> <p>E-mail address P.MACLEOD@GARDENING SERVICES.CO.UK</p>

2. Full Postal Address of Application Site (edged in red on the site plan)

WILSON & JAMIESON LTD, FACKINGWES, LANASHAW FORD, GALASHIELS

Is this address a flat?  
 Yes  No

3. Brief Description of Proposed Development

CHANGE OF USE OF LAND TO COMMERCIAL STORAGE  
(IN RETROSPECT)

4. Type of Application (tick one box only)

- (a) Full application for new building works and/or a change of use and/or engineering works
- (b) Full application for a change of use not involving any building works
- (c) Planning permission in Principle
- (d) Approval of matters specified in conditions (pursuant to a Planning Permission in Principle)
- (e) Application for removal or variation of a condition on a planning permission previously granted  
(Please indicate reference number of previous application)
- (f) Application for renewal of a limited period permission  
(Please indicate reference number of previous application)
- (g) Application for renewal of an unimplemented permission  
You need only answer Questions 17 and 18  
(Please indicate reference number of previous application)

5. Applications for Matters Specified in Conditions (if you ticked (d) in Q.4, please complete)

- (a) State the reference number and date of the planning permission in principle .....
- (b) State which of the conditions are submitted for approval as part of this application:  
 All Conditions (please tick)  or Condition Numbers

**6. Pre-Application Discussion and Consultation**

(a) Has assistance or prior advice been sought from Scottish Borders Council about this application?

Yes  No

If yes, please complete the following information about the advice you were given:

Officer Name:  Date:   
 Council Reference:

(b) Has Pre-Application Consultation taken place (for MAJOR developments: See Notes for Guidance)?

Yes  No

If Yes, a Pre-application Consultation Report should accompany this application

7. Site Area	8. State whether applicant owns or controls any adjoining land (edged in blue on submitted plans)
..... <u>0.22</u> ..... hectares	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

**9. Existing/Proposed Uses**

Please indicate all existing and proposed uses that are the subject of this application:

Existing	Proposed
AGRICULTURAL	COMMERCIAL STORAGE

**10. Commerce and Business**

<b>(A) Floorspace</b> Please indicate the total amount of floorspace (in square metres) to which this application relates	
Existing - <u>—</u>	Proposed - <u>IT IS AN EXTERNAL STORAGE AREA OF 2000m<sup>2</sup> JAN WHICH 42 CONTAINERS ARE LOADED SEE PLANS.</u>
<b>(A) Employment</b> Please indicate the number of staff employed (including part-time):	
Existing - <u>13</u>	Proposed - <u>13</u>
<b>(B) Traffic Flow</b> What is the anticipated traffic flow to the site during a normal working day? (No. of vehicles moving in and out of the site) (Include all vehicles except those used by individual employees driving to work)	
Existing - <u>20-25 per day</u>	Proposed - <u>25-30 per day</u>
<b>(C) Industrial Processes</b> In the case of industrial development, please give a description of the processes to be carried on and of the end products, as well as the type of machinery to be installed:	
<u>NONE</u>	
<b>(D) Storage of Hazardous Substances</b> Will the proposal involve the use or storage of any materials of a type and quantity defined as hazardous substances? If YES, please state materials and quantities below:	
<u>NONE</u>	

**11. Car Parking**

Please indicate car parking facilities/spaces:

Existing:

THERE IS SPACE IN FRONT OF EACH CONTAINER FOR LOADING AND UNLOADING  
Proposed:

**12. Accesses and Rights of Way (Please tick those that apply)**

- (A) There will be no new access to a highway (either vehicle or pedestrian), no alteration to an existing access to a public road and no alteration to any public right of way or other public path
- (B) There will be a new or altered access to a public road      Vehicular       Pedestrian
- (C) A public right of way or other public path will be affected by the proposed development

**13. Trees**

Will the proposed development involve the felling of any trees?      Yes       No   
(If YES, please indicate positions on plan)

**14. Drainage and Water Supply**

(A) Please state how surface water will be disposed of: EXISTING SITE DRAINAGE TO SOAKAWAY LEAD TO

(B) How will foul sewage be dealt with?

Mains sewer       Septic Tank and Soakaway       Other (Please specify).....

(C) From where will the proposed development receive its water supply?

Public mains supply       Private source

Where the water supply is from a private source, has any testing or analysis been undertaken?

Yes       No

Please indicate position of source on location/site plan, and where possible provide details of the source (e.g. borehole, spring etc.), and of any related pipework or apparatus

**15. Materials**

Please state type and colour of materials to be used (if known)      STEEL      SHIPPING CONTAINERS

	EXISTING	PROPOSED
Exterior Walls	—	STEEL
Roof	—	STEEL
Windows	—	NONE

**16. Additional Information**

Is there any additional information you wish to give in support of this application?

NO BUILDINGS OR BUILDING WORKS ARE PROPOSED THIS IS A CHANGE OF USE ONLY

17. Declaration

I hereby apply for planning permission and declare that, to the best of my knowledge, the information contained in this application and on the submitted plans is correct.

I attach FOUR copies of the application forms and enclose the application fee of £.401, together with:

- Four sets of the necessary plans and drawings
- In the case of MAJOR developments, a Pre-Application Consultation Report
- A Design and Access Statement or Design Statement, where the application site is situated within a conservation area, historic garden or designed landscape, a National Scenic Area, the site of a scheduled monument or the curtilage of an A Listed Building (see notes for Guidance for further information)

Signed..... on behalf of WILSON S. JAMIESON Date 31 MARCH 2016

18. Please complete Certificate A and Certificate B (please tick ONE box in each)

CERTIFICATE A under Section 35 of the Town and Country Planning (Scotland) Act 1997, as amended

I certify that:

- At the beginning of a period of 21 days ending with the date of this application, nobody other than the applicant was the owner<sup>1</sup> of all of the land to which the application relates
- OR
- The applicant has given the required notice to everyone who, at the beginning of the period of 21 days ending with the date of the accompanying application, was the owner<sup>1</sup> of any part of the land to which the application relates, as listed below:

Owner's Name	Address at which notice was served	Date on which notice was served

Signed..... on behalf of WILSON S. JAMIESON Date 31 MARCH 2016

CERTIFICATE B under Section 35 of the Town and Country Planning (Scotland) Act 1997, as amended

I certify that:

- At the beginning of a period of 21 days ending with the date of this planning application, none of the land to which the application relates is, or is part of, an agricultural holding;
- OR
- The applicant has given the required notice to every person other than the applicant who, at the beginning of 21 days ending with the date of the application, was a tenant of an agricultural holding on all or part of the land to which the application relates, as follows:

Tenant's Name	Address at which notice was served	Date on which notice was served

Signed..... on behalf of WILSON S. JAMIESON Date 31 MARCH 2016

<sup>1</sup>An owner includes anyone with a lease on the land that has at least seven years left to run



# PLANNING APPLICATION

1. Name and Address of applicant	Name and address of Agent
<p>WILSON G. JAMESON LTD            OLD PARISH MANSE, BARR ROAD            GALASHIELS Post Code TD1 3HX            Tel. No. [REDACTED]            E-mail address [REDACTED]</p>	<p>PETER WATSON            122 SUTT STREET            GALASHIELS Post Code TD1 1DX            Tel. No. 01896 750 355            E-mail address p.watson@scottishplanning.com</p>

2. Full Postal Address of Application Site (edged in red on the site plan)

WILSON G JAMESON LTD, FACKNOSES, LANGSHAW ROAD, GALASHIELS

Is this address a flat?  
 Yes  No

3. Brief Description of Proposed Development

CHANGE OF USE OF LAND TO COMMERCIAL STORAGE AND SITING OF 42 NO. STORAGE CONTAINERS (RETROSPECTIVE)

4. Type of Application (tick one box only)

(a) Full application for new building works and/or a change of use and/or engineering works

(b) Full application for a change of use not involving any building works

(c) Planning permission in Principle

(d) Approval of matters specified in conditions (pursuant to a Planning Permission in Principle)

(e) Application for removal or variation of a condition on a planning permission previously granted  
 (Please indicate reference number of previous application)

(f) Application for renewal of a limited period permission  
 (Please indicate reference number of previous application)

(g) Application for renewal of an unimplemented permission  
 You need only answer Questions 17 and 18)  
 (Please indicate reference number of previous application)

5. Applications for Matters Specified in Conditions (if you ticked (d) in Q.4, please complete)

(a) State the reference number and date of the planning permission in principle .....

(b) State which of the conditions are submitted for approval as part of this application:

All Conditions (please tick)  or Condition Numbers

**6. Pre-Application Discussion and Consultation**

(a) Has assistance or prior advice been sought from Scottish Borders Council about this application?

Yes  No

If yes, please complete the following information about the advice you were given:

Officer Name: Stewart Harkes Date: FEB 2016

Council Reference: 15/01451/FUL

(b) Has Pre-Application Consultation taken place (for MAJOR developments. See Notes for Guidance)?

Yes  No

If Yes, a Pre-application Consultation Report should accompany this application

7. Site Area	8. State whether applicant owns or controls any adjoining land (edged in blue on submitted plans)
<u>0.22</u> hectares	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

**9. Existing/Proposed Uses**

Please indicate all existing and proposed uses that are the subject of this application:

Existing	Proposed
<u>AGRICULTURAL</u>	<u>COMMERCIAL STORAGE</u>

**10. Commerce and Business**

<b>(A) Floorspace</b> Please indicate the total amount of floorspace (in square metres) to which this application relates	
Existing - <u>—</u>	Proposed - <u>IT IS AN EXTERNAL STORAGE AREA OF 2500M<sup>2</sup> UPON WHICH 42 CONTAINERS ARE LOADED SEE PLANS</u>
<b>(A) Employment</b> Please indicate the number of staff employed (including part-time):	
Existing - <u>13</u>	Proposed - <u>13</u>
<b>(B) Traffic Flow</b> What is the anticipated traffic flow to the site during a normal working day? (No. of vehicles moving in and out of the site) (Include all vehicles except those used by individual employees driving to work)	
Existing - <u>20-25 per day</u>	Proposed - <u>25-30 per day</u>
<b>(C) Industrial Processes</b> In the case of industrial development, please give a description of the processes to be carried on and of the end products, as well as the type of machinery to be installed:	
<u>NONE</u>	
<b>(D) Storage of Hazardous Substances</b> Will the proposal involve the use or storage of any materials of a type and quantity defined as hazardous substances? If YES please state materials and quantities below:	
<u>NONE</u>	

**11. Car Parking**

Please indicate car parking facilities/spaces:

THERE IS SPACE IN FRONT OF EACH UNIT FOR LOADING AND UNLOADING

Existing:

Proposed:

**12. Accesses and Rights of Way (Please tick those that apply)**

- (A) There will be no new access to a highway (either vehicle or pedestrian), no alteration to an existing access to a public road and no alteration to any public right of way or other public path
- (B) There will be a new or altered access to a public road  Vehicular  Pedestrian
- (C) A public right of way or other public path will be affected by the proposed development

**13. Trees**

Will the proposed development involve the felling of any trees? (if YES, please indicate positions on plan) Yes  No

**14. Drainage and Water Supply**

(A) Please state how surface water will be disposed of: EXISTING SITE DRAINAGE TO SOAKAWAY AND TO GULLY UNDER PUBLIC ROAD

(B) How will foul sewage be dealt with?  
 Mains sewer  Septic Tank and Soakaway  Other (Please specify).....

(C) From where will the proposed development receive its water supply?

Public mains supply  Private source

Where the water supply is from a private source, has any testing or analysis been undertaken?

Yes  No

Please indicate position of source on location/site plan, and where possible provide details of the source (e.g. borehole, spring etc.), and of any related pipework or apparatus

**15. Materials**

Please state type and colour of materials to be used (if known) STEEL SHIPPING CONTAINERS

	EXISTING	PROPOSED
Exterior Walls	---	STEEL
Roof	---	STEEL
Windows	---	NONE

**16. Additional Information**

Is there any additional information you wish to give in support of this application?


NO BUILDINGS OR BUILDING WORKS ARE PROPOSED THIS IS A CHANGE OF USE ONLY

**17. Declaration**

I hereby apply for planning permission and declare that, to the best of my knowledge, the information contained in this application and on the submitted plans is correct.

I attach ~~FOUR~~ copies of the application forms and enclose the application fee of £. 401 ..... together with:

- Four sets of the necessary plans and drawings (see to follow)
- In the case of MAJOR developments, a Pre-Application Consultation Report
- A Design and Access Statement or Design Statement, where the application site is situated within a conservation area, historic garden or designed landscape, a National Scenic Area, the site of a scheduled monument or the curtilage of an A Listed Building (see Notes for Guidance for further information)

Signed.....  on behalf of WILSON & JAMIESON Date 5 April 2016

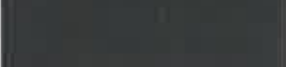
**18. Please complete Certificate A and Certificate B (please tick ONE box in each)**

**CERTIFICATE A** under Section 35 of the Town and Country Planning (Scotland) Act 1997, as amended

I certify that:

- At the beginning of a period of 21 days ending with the date of this application, nobody other than the applicant was the owner<sup>1</sup> of all of the land to which the application relates
- OR
- The applicant has given the required notice to everyone who, at the beginning of the period of 21 days ending with the date of the accompanying application, was the owner<sup>1</sup> of any part of the land to which the application relates, as listed below:

Owner's Name	Address at which notice was served	Date on which notice was served
		

Signed.....  on behalf of WILSON & JAMIESON Date 5 April 2016

**CERTIFICATE B** under Section 35 of the Town and Country Planning (Scotland) Act 1997, as amended

I certify that:

- At the beginning of a period of 21 days ending with the date of this planning application, none of the land to which the application relates is, or is part of, an agricultural holding;
- OR
- The applicant has given the required notice to every person other than the applicant who, at the beginning of 21 days ending with the date of the application, was a tenant of an agricultural holding on all or part of the land to which the application relates, as follows:

Tenant's Name	Address at which notice was served	Date on which notice was served
		

Signed.....  on behalf of WILSON & JAMIESON Date 5 APRIL 2016

<sup>1</sup>An owner of the land that has at least seven years left to run

**PLANNING STATEMENT FOR PROPOSED CHANGE OF USE TO  
COMMERCIAL STORAGE FACILITY  
AT  
FARKNOWES, LANGSHAW ROAD, GALASHIELS**



**March 2016**

**Peter MacLeod, BSc. MSc. MRTPI  
122 Scott Street  
Galashiels  
TD1 1DX**

## **Contents**

<b>1. Introduction</b>	<b>3</b>
<b>2. The Proposal</b>	<b>9</b>
<b>3. Constraints and Policy Considerations/Assessment</b>	<b>12</b>
<b>4. Conclusion</b>	<b>22</b>
<b>5. Appendices</b>	<b>23</b>

## 1. Introduction

### **The surrounding area**

The area is a rural edge of town location to the west side of Galashiels in the Scottish Borders. It is located on the Langshaw Road which runs from Easter Langlee to Lauder.

It is at an altitude of around 150 metres AOD on the west side of the Allan Water valley. It is a rolling landscape of mainly grazing and woodland plantations.

To the east, across the road is Scottish Borders Council's Farknoves Landfill Site. Adjacent and to the south of the landfill site is the Council's public recycling depot. The landfill site has ceased taking in material and currently houses a landfill gas electricity generator sited directly across from the application site.

To the east side of the landfill and waste recycling plants is the Allan Water. This is the only nearby watercourse and the application site is within the catchment.

The current edge of the built up area of Galashiels is 420 metres to the south at Coopersknowe Crescent, and 500 metres to the south west at Broom Drive.

There are two farm sheds to the immediate west side of the application site, and they share the same access from the public road.

Further to the west and considerably higher than the site, at a distance of at least 680 metres there are several dwellings and farm buildings at Langlee Mains Farm. To the north the next property is at Glendearg Farm at 1.4 kilometres.

To the north of Glendearg is Meadowfield Golf Driving Range.



**Figure 1: Map showing the wider area context (the site centre is marked by the red dot)**



## The Site

The site is part of a former farmyard site. The main site is in the ownership of Wilson G Jamieson Ltd extends to 1.78 hectares (combined red and blue lined area on site plan). The main site is presently occupied by a large agricultural style shed with an open side to the west and a side extension to the west elevation. The existing shed measures approximately 42 by 21 metres with an extension to the west side measuring 18 metres by 7 metres. This is subject to a separate planning application.

The part of the site for which the change of use to commercial storage business relates extends to just under 2200 square metres (red line). The proposal is being applied for retrospectively as the storage use is already taking place on the site.



**Figure 2: Aerial of site showing boundary (red) overhead power line (pale blue) and gas pipe (green)**

The site is traversed by a gas main (Newhouses to Calfhill pipeline) which runs north to south across the east side of the site. It is also traversed by an overhead electricity cable (132 kv) which connects the sub-station at Melrose Road, Galashiels to Dun Law Windfarm.

The site is accessed through the yard of the forestry business which in turn is accessed from a shared access via a metal gate leading onto the main public road to the north end of the application site.





**Figure 3: The existing access from the public road. The first two containers visible to the right.**

The site is enclosed with post and wire fencing.

There are presently several caravans and mobile homes stored to the south of the site but these do not form part of this application. These are to be removed over the next few months and it is not intended to offer this service in future.



**Figure 4: View showing the southern end of the storage site and caravans to be removed**

## **The applicant**

The applicant is Wilson G Jamieson Fencing and Forestry, a Galashiels based company. It is primarily a forestry and arboricultural contractor, and has been in operation for over 30 years. It is the largest Fencing and Forestry Company in the South of Scotland. Work that the company undertakes ranges from tree limb removal within a domestic environment to large scale forestry removal for national utility operators. They also provide a fence building and maintenance service.

The company also leases its own vehicles plant and machinery, along with operators if necessary, to local farmers and estates.

The company's customer base includes Scottish Borders Council, Midlothian Council, local farms, and the majority of the large estates in the Borders. An important customer is Scottish Power with which the company has held the contract for tree clearance of overhead power lines exclusively since 1988.

The company employs 13 staff at present, 11 full-time and 2 part time. Staffing can vary and has been as high as 23.

## **Site History**

The company acquired the Farknowes site in the summer of 2012. The previous occupier of the site was Forth Meat Supplies Ltd. The site was used for the garaging of refrigerator lorries and also for the transfer of cattle. Cattle were brought to and from the site by cattle truck before being transferred to the nearby abattoir for slaughter. They were held here and checked and treated if necessary. Lorries were garaged in the large agricultural shed.

The site has not been part of the field to the west for at least 20 years as is evident from online aerial photography records. There is no aerial photographic evidence between 1945 and 1999. In 1945 it was an open field.

## **The following is a summary of recorded planning applications since 2000:**

Reference: **02/01163/FUL**  
Received: **12 Jul 2002**  
Address: **Easter Langlee Farm Galashiels Selkirkshire TD1 2NU**  
Proposal: **Erection of cattle shed with hardstanding**  
Status: **Application Permitted**

Reference: **05/00890/COU**  
Received: **06 May 2005**  
Address: **Agricultural Implement Shed Field 4560 Easter Langlee Galashiels**  
Proposal: **Part change of use and alterations to form meat processing facility**  
Status: **Approved subject to conditions**

Reference: **05/00891/OUT**  
Received: 06 May 2005  
Address: Land Adjacent Agricultural Shed Field 4560 Easter Langlee Galashiels  
Proposal: Erection of offices and welfare accommodation to service meat processing facility  
Status: Approved - Conditions & Informatives

Reference: **05/02107/FUL**  
Received: 14 Nov 2005  
Address: Agricultural Implement Shed Field 4560 Easter Langlee Galashiels  
Proposal: Part change of use and alterations to form meat processing facility and erection of welfare and office accommodation  
Status: Approved subject to conditions

Reference: **10/00249/FUL**  
Received: 01 Mar 2010  
Address: Land East Of Langlee Mains Farmhouse Galashiels  
Proposal: Change of use of land to form temporary construction base, siting of 4 No storage containers, 7 No office units and 1 no security office, and erection of temporary 'heras' boundary fencing  
Status: Approved - Conditions & Informatives

Reference: **15/01451/FUL**  
Received: 01 Dec 2015  
Address: Land East Of Langlee Mains Farmhouse Galashiels  
Proposal: Extensions to form 2 No storage units (retrospective) and 7 No storage units and erection of wood storage building  
Status: Refused

The site has been an area of development and activity for the past 20 years or so. Prior to that little is known about the precise use and activities carried out on the site. Initially the activities were local farm related, branching out into general agricultural processes, cattle/meat marketing, and then into forestry operations (the subject of the current application for planning permission). It is clear that in 1945 it was just open grazing and was part of a much larger field.

The more recent occupation by Forth Meat Supplis Ltd was for a use related to agriculture. Forth Meats operate in the cattle market business, handling cattle and then meat from farm to slaughterhouse and then on to market (retail and catering). Cattle would be sent to Scottish Borders Abattoir Ltd in Winston Road which is close to this site. The cattle could be brought here from any sites within or outwith the Galashiels area. The storage of feed and vehicles, again whilst agricultural in nature, were not part of the local farm activities.



Figure 5: 2009 Aerial image (Google Earth)

The site has therefore evolved over the years and the current use is a continuation and diversification of that evolutionary process. Planning permission had in fact been granted for the site to be used as a meat processing facility in 2005, however this was never initiated.

The fact that it was recently utilised temporarily as a yard for the upgrading of the main gas pipeline is further testament to the yards suitability for storage of materials and plant and as an operations centre.

The southern part of the site was previously not suitable for any use, agricultural or otherwise, due to it having become waterlogged and also due to the fact that there was also a large depression in the ground. With the consent of SEPA this matter has been resolved, at significant expense to the current owner, and the site is now significantly improved. This work involved upgrading and replacing site drainage to the existing culvert that passes under the public road.

In 2015 the applicant took the decision to diversify business and to make use of the extra ground not presently being used. It was seen to be an ideal location for business storage units and for the storage of vehicles/caravans. The applicant was not aware that this would require planning permission. The matter only came to the attention of the local planning authority because of the submission of the planning application.

It is also of note also that adjacent land to the west and north is currently the subject of a proposed 20MW solar farm of around 36 hectares for which two screening opinion requests have been submitted (14/01223/SCR and 15/00369/SCR).

The land to the east and south east, across the road, has been used in the past as a domestic refuse landfill site and still contains the Council's recycling depot. I



Figure 6: Proposed solar Farm to east



Figure 7: Former landfill site to west

## **2. The proposal**

It is proposed to use part of the forestry business site for leasing to businesses as commercial storage. This may include the storage of plant, materials, equipment and other items for local businesses. It is principally intended for rural based business, for example landscaping, horticulture, Forestry, farming services, equine services, and other rural based service industries. It would not be for domestic storage purposes.

The business will be operated by Wilson G Jamieson Ltd from within their existing site and Galashiels offices and there will be no additional staffing requirements for this use.

No buildings are proposed to be erected within the site. Items would be kept within the moveable storage containers. The containers are not fixed to the ground. They have no services connected to them. They sit on concrete blocks which are sitting on a hardcore base.

At present there are 42 steel storage containers located within the application site boundary and most of these are presently being used by local businesses. The containers are all standard ISO Shipping Containers. These measure approximately 2.4 metres wide by 2.6 metres high and are 6.1 metres long. These have all been factory painted dark green. These were all purchased brand new by the company at a cost in excess of £100 000.

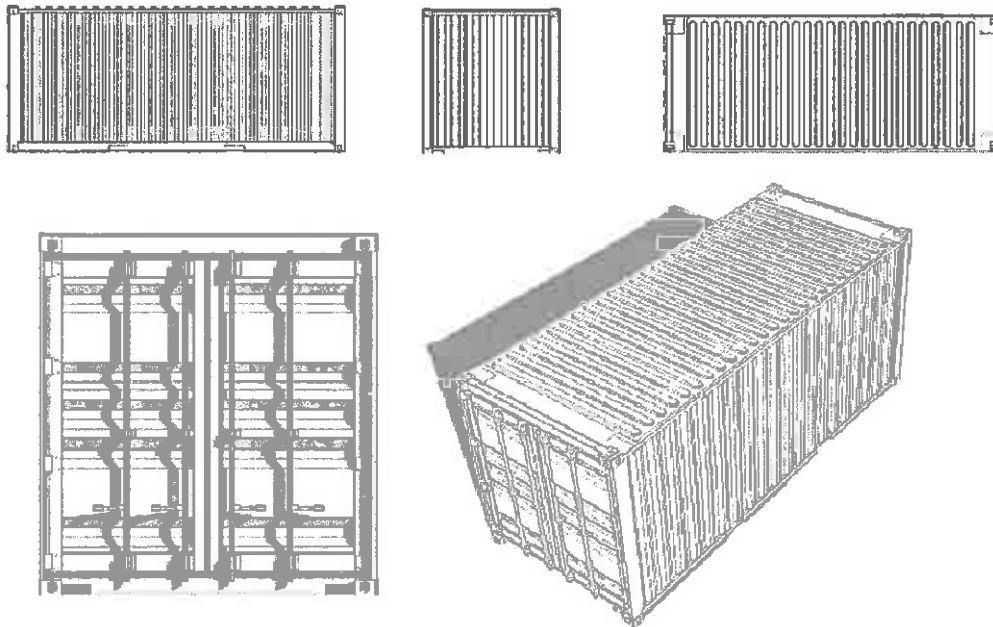
The site is surfaced in a permeable compacted hardcore base with no concrete or asphalt surfaces. There is adequate vehicle manoeuvring space between the containers and the adjacent main building. Access is to be shared with the forestry operation. No new access is required.



**Figure 8: The storage area viewed across the proposed paddock area**

The precise dimensions of a standard ISO shipping container are 6058mm long, 2440mm wide and 2591mm high. The Construction characteristics of a standard ISO shipping container are as follows:

- Monocoque body
- Corner Castings
- Steel corrugated sheet sidewalls, roof, and back panel
- All-welded-steel, continuously
- Purin reinforced Plywood Floors
- Forklift pockets
- Grappler pockets
- Gooseneck tunnel



**Figure 9: Technical drawings of a container**





Figure 10: A typical shipping container as used on site

### 3. Constraints and Policy Considerations

There are no cultural heritage designations, protected landscapes or wildlife designations directly affected by the development. The nearest such designation is the Avenel Hill and Gorge SSSI to the east and the Allan Water which forms part of the River Tweed SAC. The site is separated from both of these by the former domestic refuse landfill site and the operation of the business on this site will have no impact upon the qualifying interests of these designations.

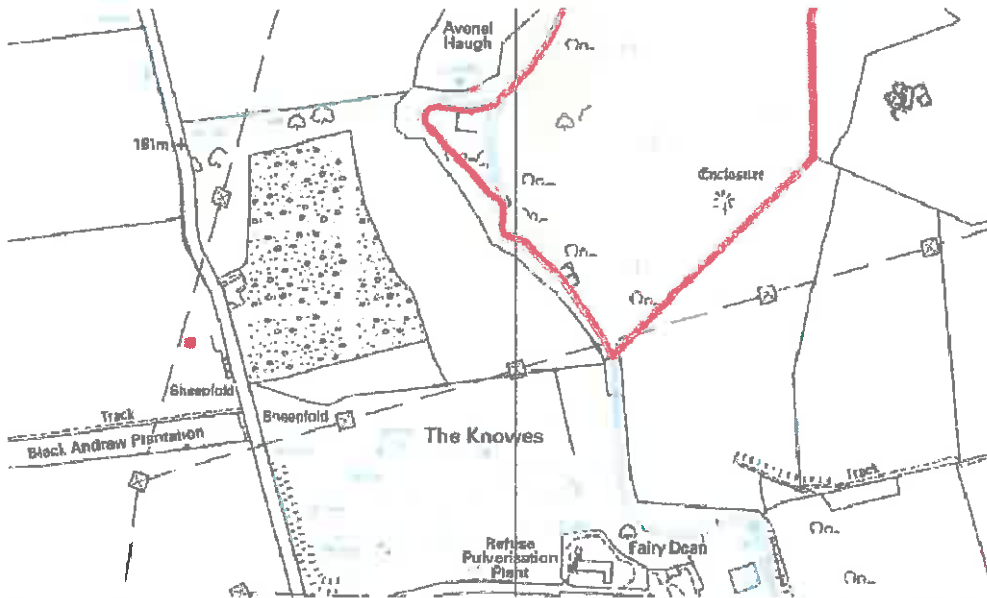


Figure 11: The Avenel SSSI boundary and the Allan Water to the west beyond the landfill site

There are two physical constraints to development, these being the 132kv overhead power line and the Newhouses to Calhill gas main mentioned above (shown on figure 2 above). The site is relatively level. There are no trees or hedges within the body of the site. There are no watercourses. The site has good access to the public road network. It is located on a two carriageway road with acceptable visibility which can be improved if required. The Langshaw Road joins the B6374 about 1km to the south. The site is serviced with electricity, mains water supply and telecommunications. It has a good soak-away system already in place.

The relevant planning policies and considerations are listed in the appendices to this planning statement. Of these, the critical policies are going to be **Policy G8** – Development Outwith Development Boundaries, **Policy EP3** – Countryside Around Towns, and **Policy D1** – Business, Tourism and Leisure Development in the Countryside of the Consolidated Local Plan. Also **Policy PMD4** - Development Outwith Development Boundaries, **Policy ED7** - Business , Tourism and Leisure in the Countryside, and **Policy EP6** - Countryside Around Towns of the Proposed Local Development Plan. Also the **Supplementary Planning Guidance - Countryside Around Towns (SPG)**.

The Council has identified a core area of countryside from Galashiels to Newstead where it considered protection was needed. The justification was to protect the high



quality living environment from piecemeal developments that could detract from the area's outstanding biodiversity, landscape, historical and recreational context. It was also to prevent coalescence of towns and villages and to protect their individual identity.

The SPG advises that policy EP3 was derived from a study originally aimed at identifying and conserving areas of undeveloped land between settlements to prevent coalescence from occurring and promoting landscape enhancements. Its objectives were:

1. To identify additional areas in the Central Borders to be protected by Policy EP3;
2. To conserve and enhance the character, landscape and identity of settlements within the Galashiels - Melrose - St Boswells corridor;
3. To encourage opportunities for recreation, both formal and informal; and
4. To encourage the re-use of brown field sites.

The proposed development is located within this policy designation.



Figure 12: The countryside around designation in green (the site is marked by small red dot)

The first redeeming point is that the site is not a green undeveloped site. It contains a large building and it is an area of ground that has been used for various activities over the past 20 years or so. There are a further two large farm buildings to the west and various activities related to these. These may have been agriculture related uses, but they involved physical development and activities that have given the site the character of a developed site. The addition of the green storage units, once partly screened by a hedgerow of indigenous species, will have a very limited visual impact.

Secondly, there are other uses within the relative vicinity of the site that ensure that the ongoing and proposed use would not appear out of character with the location.

There is the Council's own recycling depot across the road to the south. There is the former landfill site directly opposite which also contains electricity power generation plant and site access. There are two large agricultural buildings immediately to the west of the site. There is a farm with ancillary business operations further to the north at Glendearg. There is also a golf driving range located slightly further to the north. Also there is the edge of the development boundary at just over 400 metres to the south including Easter Langlee Industrial Estate and housing developments.



Figure 13: Aerial photograph with the site in the central upper area of the image

Thirdly, the development can in no way be seen to contribute towards coalescence of settlements as there are no further settlements in this direction. It will have no impact upon the setting of the town or its identity.

Fourthly, the proposed development will have very little impact upon the landscape setting of the site. The containers are only 2.6 metres high. They have been chosen in a dark green to match the metal cladding on the existing and proposed sheds. It will also be screened by the proposed hedgerow. The topography of the site also ensures that it is not highly visible from any public roads (see below).

Finally, the site is not of recreational value to residents of Galashiels or the Borders in general, and it does not provide any open space value nor is it accessible land. There are no rights of way across the site, and the proposal will not hinder public access to the countryside.

Therefore whilst the development is located within this restrictive countryside policy area, the development proposed would not undermine any of the main principles upon which the policies and the SPG are based.

With regards to the use of the site, the use is for commercial storage. Wilson G Jamieson Ltd is predominantly a forestry service operator providing woodland clearance and forestry management services and various arboricultural work. It also provides a fence construction and maintenance service which is a related activity. The proposed storage operation was a means of diversifying the business and to make use of the extra land that the site has to offer. There was also a demand for this type and location of storage unit.

A lot of investment was put into the improvement of the site and to improve the drainage and surface of the land. There was in fact a requirement of the SEPA license that the improvements had to be justified by an enhanced use of the land, and this was seen to be a positive way of achieving this. The applicant has carried out the development in a very diligent manner and has made every effort to ensure that the site is well managed, carefully laid out and with respect to the environment and the appearance of the area. Once the hedge is planted and is allowed to mature the site will have a very positive impact upon the area.

The use has to be seen as a subsidiary use to the main use of the overall site for the forestry operations. It is not a use that generates a large amount of traffic and activity. Therefore whilst the use is not one that would be encourage in the countryside in its own right, it should be justified as a subsidiary operation of the main forestry business.

## **Topic Issues**

### **Landscape/Urban character**

The site has relatively low visibility as it is located in a significant dip. On approaching the site from the south the site only becomes visible once you have passed the site's south boundary. Heading south from Glendearg it becomes visible at a distance of around 320 metres. The site is not readily visible from the road to Langlee Mains.



**Figure 14: The site viewed from the north, at around 320 metres, heading towards Galashiels**



**Figure 15: The site viewed from a point level with the south boundary, heading towards Langshaw**

The use of a dark agricultural green colour for the storage containers will help to ensure that the site remains in keeping with the character with the area.

It is intended to plant a hedge of indigenous species along the edge of the yard (e.g. hawthorn/beechn/blackthorn). This will separate the storage area from the small field and will provide some further screening.

The creation of the small field will itself be a significant visual enhancement for the site and will put to good use a previously unusable area of ground. This is part of the separate planning application.

The development will respect the landscape character of the area and will have no significant adverse impacts. It therefore complies with the objectives of the current local plan and proposed development plan in this respect.

### **Cultural Heritage**

The site contains no items or sites of cultural or historical significance. There are no such designations nearby. The site is not expected to contain any archaeological remains. The Black Andrew Plantation to the south and west is listed on the Canmore website as a possible enclosure.

There are no conflicts with the existing or proposed plan policies in this respect.

### **Wildlife/biodiversity**

The site has no wildlife or biodiversity designation, nor does it share any boundary with such a site. The nearest such site is the Avenel Hill and Gorge SSSI to the east and the Allan Water which forms part of the River Tweed SAC.

The proposed use of the site will have no trans-boundary impacts. The site is within the catchment for the Allan Water, however there are no polluting activities proposed. It will not be permitted to store toxic or hazardous materials on site.

There have been no trees or hedges removed. There is no plan to remove any trees or hedgerows. Hedge planting is proposed which will utilise native tree species.

There will be no adverse impact upon any wildlife or biodiversity interests. The proposals comply with the relevant policies of the existing and proposed development plans.

### **Site drainage and flooding**

The main drainage issue is pluvial run-off from roofs and hardstanding.

All of the external hardstanding on site will be a porous hardcore base.

Rainwater will be allowed to soak into the ground in a manner no different to that which existed prior to the siting of the containers. They are not on an impervious base. They site clear of the ground which is a permeable hardcore base.

There will be no adverse impact upon flood risk or site water run-off, and the proposal does not conflict with with policy Inf6 and IS9 of the respective development plans.

### **Residential Amenity/Noise**

The nearest residential property is 430 metres from the site boundary to the south. It is obscured by topography and there will be no impact. The nearest property with line of site is at Langlee Mains at a distance of around 665 metres (wall to wall). The movement of vehicles and movement of items within the storage containers will not create any disturbance over this distance.

There will be no adverse impact upon residential amenity.

### **Design and Landscaping**

Typical storage containers are often brightly coloured (orange, blue, white or red) and can have a very negative impact in a rural area. Storage containers are not altogether an alien form in the countryside and are often used by farmers for agricultural storage. What is different in this instance is the large number of units. To reduce this impact, the proposals are laid out in a very simple manner and have been chosen in a uniform dark green factory finished colour. Therefore whilst the containers are of a fairly alien form to a rural setting they have been purposefully



designed to integrate as best as possible with the site. Once again, the proposed hedge planting will greatly help in softening any impacts.

All fencing will be of a form suitable to a rural location with timber post and wire fencing and galvanised metal gates.

As part of the earlier main application, it is proposed to reinstate the triangular area of ground to the roadside as a paddock. This will be a significant mitigation to the visual impact.

The applicant has taken care in ensuring that the proposed use does not lead to the site being out of keeping with the area.

### **Access and parking**

The access from the public road is an existing one which serves the two sites. It is shared with the farm buildings and cow sheds located adjacent and to the west. The storage operation will share its access with the forestry business.

The site has good access from the public road network. The Langshaw Road is a two carriageway adopted road which provides perfectly adequate access for large vehicles. This road has to provide access to the Council's refuse sites. The visibility at the entrance to the site is partially restricted and would have to be improved through vegetation removal and subsequent maintenance. This can be successfully resolved.

The site will be managed by the Wilson G Jamieson Ltd and so there is no need for additional parking for staff. There will be adequate space for staff and visitor car parking either in the shared area to the north of the site or within the yard itself.

There will be adequate manoeuvring space to the front of each container (10 metres) where vehicles can rest whilst loading or unloading.

This will fully comply with policies Inf4 and 11 of the current plan and policy IS7 of the proposed plan.

## National Planning Policy and Advice

The National Planning Framework (NPF3) seeks a future vision for Scotland where it will be a successful, sustainable place; a low carbon place; a natural, resilient place; and a connected place. The proposed development does not undermine any of these four objectives.

The development allows for the growth of a successful local business that will create and support employment and local investment. The location of a storage facility at Farknowes will be as sustainable a location as a location within the urban boundaries because it is for commercial use and not domestic. It is a facility most suitable for rural businesses to use, for example small businesses carrying out landscaping, forestry, agricultural services, equestrian and other countryside related business.

The impact on the local environment will be negligible and will even lead to some positive benefits such as the drainage improvements and the landscaping, as well as securing a financial future for the site.

The NPF recognises that Galashiels will continue to be a focus for economic investment and services. At section 2.26 the NPF3 advises that *"We do not wish to see development in our rural areas unnecessarily constrained..... we expect more people to live and work in Scotland's rural areas as digital links and opportunities for remote working and new enterprises continue to grow."* Whilst the NPF recognises that careful planning is required to manage demand in our most accessible countryside around towns it is clear that there should be positive consideration of business development opportunities. Development must however be controlled in a sustainable manner. The current proposal, as a subsidiary operation to the forestry business can achieve this.

The Scottish Planning Policy (SPP) states that the Scottish Government's central purpose is to create a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth.

The SPP introduces a presumption in favour of development that contributes to sustainable development. At section 29 it lists thirteen guiding principles for decision making for new development. The proposed development does not undermine any of these principles.

Under the chapter "Promoting Rural Development" it is stated that in rural areas the planning system should promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces, and encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality. The development and use of the site for the commercial storage use will be in keeping with the character of the area and will support local rural business opportunities and will allow the main forestry business to prosper and expand.

From paragraph 78 onwards, the SPP advises that in the areas of intermediate accessibility and pressure for development, plans should set out a strategy that promotes economic activity and diversification, including, where appropriate, sustainable development linked to tourism and leisure, forestry, farm and croft diversification and aquaculture, nature conservation, and renewable energy developments, while ensuring that the distinctive character of the area, the service function of small towns and natural and cultural heritage are protected and enhanced. Whilst it is appreciated that it might be difficult to control the exact nature of the end user, the site provides a very excellent opportunity to establish and assist in the enhancement of rural business opportunities. Furthermore it is proposed in a manner which protects heritage assets and does not threaten the extraction or access to natural resources.

In **PAN 73** the Scottish Executive defines rural Scotland as the countryside, and settlements of 3,000 people or less. Under this core definition, rural Scotland accounts for 98% of the Scottish landmass and 19% of the population (approximately 1 million people). The main focus of this PAN is on those areas that fall within this core definition, but this definition of rural Scotland should not be applied too strictly. Many settlements with a population greater than 3,000 people experience aspects of 'rurality'. Urban fringes can have an intensely rural character, and the economic activities of urban and rural areas are strongly connected.

The PAN defines rural diversification as "*the establishment of new enterprises in rural locations*".

A particularly relevant point is made in section 15, under "recognising individual circumstances". It is advised that a flexible approach is often required to help businesses realise their opportunities. It is important to take into account the particular needs or special circumstances of a business and be realistic about the resources available to them. It is also recognised that environmental sensitivities also need to be considered and there can be difficult issues about the design quality of new build or the re-use of old buildings. The current proposal raises none of these concerns.

Planners should be sensitive to the fact that land ownership, financial considerations, and site availability can also constrain business location. New premises modest expansion can be of great significance to the operation of a company, and proposals sometimes bring significant benefits to communities with only minor environmental implications. Council planners should be realistic about the opportunities available to a new or expanding business and be aware of the real constraints that they sometimes face. The facility being provided here by Wilson G Jamieson gives far greater opportunities for rural business to become established by providing a location for their business plant/machinery/equipment etc to be securely stored.

Section 53 of the PAN also recognises the need for proximity to source and again this is a very important criteria for the intended customers. In all these instances the



rural location of the storage facility provides an excellent location with good accessibility to rural businesses as well as those who carry out work within an urban realm.

#### **4. Conclusions**

Having assessed the pertinent planning issues above, the critical determining issues will be those relating to the justification of the proposed use within a 'rural' location and more specifically to the location within the area designated as "countryside around towns".

With regards to the use, taking into account the applicant's main intention for this to be a facility for businesses of a similar nature to his own, the use is one that is best suited to an accessible rural location. The proposed use and development of the site will not undermine any of the guiding principles of the local plan and proposed development plan policies. It is appreciated that it may be difficult to legally control who leases storage space on the site however the proposal provides an excellent opportunity for rural businesses to establish or expand.

The design layout and appearance of the site has been carried out in a manner intended to respect the rural location. It is considered that this does not undermine the principles of policies G1, G8, EP3 and D1 of the current local plan and policies PMD1, PMD4, ED7 and EP6 of the proposed development plan. The introduction of the hedge planting will lead to some noticeable visible enhancements.

It is also clear from national planning policy and advice that there is a support for development in rural areas subject to it being carried out in an appropriate and sustainable manner.

Therefore the proposal, whilst appearing to strongly conflict with certain development plan policies, actually provides a very positive opportunity to rural businesses in an accessible location where the visual impacts respect the character of the area and have no negative environmental impacts.

There is therefore significant evidence that justify the granting of planning permission for the proposed use in the context of the present and proposed planning policy regime.

## **5. Appendices**

### **A - List of all relevant Policies of the Scottish Borders Consolidated Local Plan 2011**

#### **Policy G1 – Quality Standards for New Development**

This expects developments to integrate well with the landscape surroundings; respects the surrounding area; is of appropriate scale and materials; retains important physical and natural features; it contains appropriate planting or screening with appropriate boundary treatments; it maximises efficient use of energy and resources; it has good links to urban areas; and appropriate sustainable drainage systems are incorporated into the design.

#### **Policy G8 – Development Outwith Development Boundaries**

Planning permission will not normally be granted for development outwith allocated sites unless it can be justified economically for job creation reasons under policy D1 or D2. It will also be expected that the site forms a natural extension to the settlement and that it has no significant adverse impact on landscape setting or natural heritage of the surrounding area.

#### **Policy EP3 – Countryside Around Towns**

Proposals will only be considered favourably if: there is a need for a rural location and the use is appropriate to the setting; and it enhances the landscape character of the area.

#### **Policy Inf4 – Parking Provisions and Standards**

Development proposals should provide car and cycle parking in line with the Council's parking standards. .

#### **Policy Inf6 – Sustainable Urban Drainage**

Surface water management should comply with SUDS best practice.

#### **Policy Inf11 – Developments that Generate Travel Demand**

The Council is committed to guiding developments to areas accessible to public transport and where opportunities for walking and cycling are maximised.

#### **Policy D1 – Business, Tourism and Leisure Development in the Countryside**

Proposals for business developments in the countryside will be approved and rural diversification opportunities encouraged provided that: the development is to be used directly for agricultural, horticultural or forestry operations; or it is to be used for other employment generating subject to there being an economic or operational need for a rural location and that it could not be reasonably located within the development boundary. In all cases the development must respect the amenity and character of the area; have no adverse impact on nearby uses; that no existing building or brownfield site is presently available; the use and scale of the development are appropriate to the area; and it takes account of accessibility criteria under policy Inf11.

#### **Policy D3 – Advertisements in the Countryside**

Roadside advertisements in the countryside will only be acceptable where it does not detract from the amenity of the area, it is not a threat to road safety, it is principally directional and not advertising, and the premises cannot otherwise be reasonably identified.

**B - List of all relevant policies of the Scottish Borders Proposed Local Development Plan 2013.**

**Policy PMD1 Sustainability** - The Council will have regard to the following sustainability principles which developers will be expected to incorporate into their developments:

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

**Policy PMD4: Development Outwith Development Boundaries** - Development should be contained within defined Development Boundaries and proposals for new development outwith this, and not on allocated sites identified on the proposals maps, will normally be refused. Exceptional approvals may be granted provided strong reasons can be given that:

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

AND the development of the site:

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

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

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

**Policy ED7: Business , Tourism and Leisure in the Countryside** - Proposals for business, tourism or leisure development in the countryside will be approved and rural diversification initiatives will be encouraged provided that:

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

In addition the following criteria will also be considered:

- a) the development must respect the amenity and character of the surrounding area,
  - b) the development must have no significant adverse impact on nearby uses, particularly housing,
  - c) where a new building is proposed, the developer will be required to provide evidence that no appropriate existing building or brownfield site is available, and where conversion of an existing building of architectural merit is proposed, evidence that the building is capable of conversion without substantial demolition and rebuilding,
  - d) the impact of the expansion or intensification of uses, where the use and scale of development are appropriate to the rural character of the area,
  - e) the development meets all other siting, and design criteria in accordance with Policy PM D2, and
  - f) the development must take account of accessibility considerations in accordance with Policy IS4.
- Where a proposal comes forward for the creation of a new business, a business case that supports the proposal will be required to be submitted as part of the application process.

**Policy EP6: Countryside Around Towns** - In this area proposals will only be considered for approval if they meet the following considerations:

- a) there is an essential requirement for a rural location and the use is appropriate to a countryside setting, or
- b) it involves the rehabilitation, conversion, limited extension or an appropriate change of use of an existing traditional building of character, or
- c) in the case of new build housing it must be located within the confines of an existing building group as opposed to extending outwith it and it must be shown the high quality environment will be maintained, or
- d) it enhances the existing landscape, trees, woodland, natural & man-made heritage, access and recreational facilities, or
- e) subject to satisfactory design and setting, it has a proven national or strategic need and no alternative is suitable.

**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) ensure appropriate replacement planting, where there is an unavoidable loss of the woodland resource; and
- c) adhere to any planning agreement sought to enhance the woodland resource.

**Policy IS3: Developer Contributions Related to the Borders Railway** - 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** - 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.

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, Scottish Natural Heritage and other interested parties where required. Development will be refused unless surface water treatment is dealt with in a sustainable manner that avoids flooding, pollution, extensive canalisation and culverting of watercourses. A drainage strategy should be submitted with planning applications to include treatment and flood attenuation measures and details for the long term maintenance of any necessary features.

**Policy IS16: Advertisements** - Applications for advertisements will be assessed against the Council's published supplementary guidance. All proposals will be assessed against the following criteria:

- a) advertisements/signs must not represent a threat to road safety or other hazard to the public;
- b) advertisements/signs must be related to the location at which they are displayed and must be in keeping with the character of the building to which they are attached and/or the area in which they are located in terms of positioning, scale, design or materials;
- c) excessive or badly arranged advertisements/signs which cause unsightly clutter will not be permitted;

In addition to the above criteria and outwith settlements, roadside advertisements in the countryside will only be permitted if:

- d) a statutory road sign has been considered as a first option,
- e) the sign is primarily directional, and does not advertise particular products or facilities,
- f) the premises to be signed are not clearly visible from a major road and cannot already be reasonably identified by means of an existing directional sign advising of the place name of the locality within which it is located, and
- g) not more than one sign is proposed at the nearest junction of the public road and the access road to the premises. In the case of two or more neighbouring premises, a series of individual signs will not be permitted, and composite signs will be encouraged as an alternative, where appropriate.

**C - Other referenced policies and documents**

SBC Supplementary Planning Guidance on Countryside Around Towns [January 2011]

Scottish Planning Policy [June 2014]

PAN 73 - Rural Diversification [February 2005]

A Guide to Farm Diversification and Planning Permission in Scotland [April 2003]

Our Rural Future - The Scottish Government's response to the Speak Up for Rural Scotland consultation [March 2011]