

**SCOTTISH BORDERS COUNCIL**

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

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

**REF :** 16/00397/FUL

**APPLICANT :** Wilson G Jamieson Ltd

**AGENT :** Peter Macleod

**DEVELOPMENT :** Change of use of land to commercial storage and siting of 42 No storage  
containers (retrospective)

**LOCATION:** Land East Of Langlee Mains Farmhouse  
Galashiels  
Scottish Borders

**TYPE :** FUL Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
001	Location Plan	Refused
101	Site Plan	Refused
102	Site Plan	Refused
GP DIMENSIONS	Elevations	Refused
GP ROOF	Roof Plan	Refused
GP DOOR END	Elevations	Refused
GP END WALL	Elevations	Refused
GP SIDE WALL	Elevations	Refused
BOTTOM SIDE RAIL	Other	Refused
SIDE WALL PANELS	Elevations	Refused
CONTAINER FLOOR SHEETS	Photos	Other Refused
REAR END WALL	Elevations	Refused
GP WALL SECTION	Sections	Refused
GP UNDERFLOOR	Elevations	Refused

**NUMBER OF REPRESENTATIONS: 0**

**SUMMARY OF REPRESENTATIONS:**

No representations.

Roads Planning Section: No objections. This proposal would create some additional traffic onto the C77 Langshaw public road. However, the increase is anticipated to be relatively low, and these vehicles would be generally spread out evenly throughout the working day. This would have little adverse effect on the current usage and free flow of traffic on the C77. It is noted that this is a retrospective application, and to date, Roads is unaware of any issues arising with the traffic generated with this development.

Environmental Health (Contaminated Land): no comments.

Environmental Health (Amenity and Pollution): There is potential for annoyance if exterior lighting is used. An informative is recommended to advise the Applicant with respect to potential light nuisance considerations.

Economic Development: would generally support facilities that support rural businesses and this form of rented storage would appear to provide this facility. It assumes that the Applicant must have determined that there was a market for renting these containers prior to incurring such high expense. Whilst container storage sometimes is contained within industrial estates, they are a poor use of serviced employment land, which is extremely expensive to create and does not generate many jobs in proportion to the expenditure incurred. Economic Development therefore supports this use, on what appears to be marginal land, which generally may be sterilised for other uses, due to the location of the gas main and overhead electricity cables. It considers that this use does not need public utility services. While the Applicant has tried to ensure that the containers blend in, they are generally quite urban in nature and would benefit from some form of screening. It is not clear exactly where the intended screen hedge is to be located, but as the containers are 2.6m high it would be some time before the hedge would have the desired effect. Planting adjacent to the public road verge may achieve screening much sooner than to the rear of the containers. In addition some woodland planting that would also screen the rest of the site may help, but its location would be restricted by services. It is suggested that the Council's landscape architect would be consulted for its views in this regard. However, it would not support the site being granted for Class 4, 5 & 6 uses, as this is perhaps not an ideal location for other types of businesses and that perhaps a section 75 agreement should be considered to restrict the site to only be used for rural business uses.

Forward Planning Section: This application must be assessed against Policy ED7 - Business, Tourism and Leisure in the Countryside of the Scottish Borders Local Development Plan 2016. 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. Particular attention needs to be given in the consideration of this application to criteria C in respect of the economic and/or operational need for the containers to be at this particular location. Due consideration needs to be given to the visual appearance of the proposed storage containers and whether appropriate landscaping could be considered.

Scottish Gas Networks: notes that there are high pressure pipelines in the area of the proposed works. It has sent correspondence to its local engineer to assess but in the meantime, formally objects to this planning application until such time as a detailed consultation has taken place.

HSE: Does not advise against.

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

Scottish Borders Council Local Development Plan 2016:

Policy PMD1: Sustainability

Policy PMD2: Quality Standards

Policy ED7: Business, Tourism and Leisure Development in the Countryside

Policy HD3: Residential Amenity

Policy EP6: Countryside Around Towns

Policy IS7: Parking Provision and Standards

Policy IS9: Waste Water Treatment Standards and Sustainable Urban Drainage

Policy IS12: Development Within Exclusion Zones

Other Planning Considerations:

National Planning Framework 3

Scottish Planning Policy (2014)

PAN 73 - Rural Diversification (2005)

SBC Supplementary Planning Guidance: Countryside Around Towns (approved January 2011)

**Recommendation by** - Stuart Herkes (Planning Officer) on 31st May 2016

## SITE DESCRIPTION AND PROPOSED DEVELOPMENT

This application seeks retrospective approval for a change of use of land within the farmyard at Langlee Mains, around half a kilometre to the north of Galashiels, to accommodate the siting and operation of 42 shipping containers as a commercial storage facility.

The Applicant, 'Wilson G Jamieson Ltd Fencing and Forestry', is a fencing and forestry contractor, which is currently also seeking retrospective approval (Planning Application 16/00356/FUL) for the relocation of its forestry and fencing contractor business services and timber processing activities to the same site but also a wider area of adjacent land. This wider site (16/00356/FUL) includes an existing agricultural building to the immediate west.

In planning policy terms, the site lies out with the Development Boundary, and within the designated Countryside Around Towns Area.

The proposed commercial storage facility is explicitly identified within the Applicant's supporting statement as being a side-line to the forestry and fencing contractor business, to diversify that business' activities. The supporting statement advises that its customers are anticipated to be rural businesses or businesses serving rural customers.

The eastern extremity of the site is traversed by a gas main (Newhouses to Calfhill pipeline). The Applicant advises that due to the need not to develop land around the pipeline, this area would be converted back to use as a paddock. A new hedge of native species is proposed along the eastern side of the yard, to soften views of the site from the public road.

The site access, which is essentially that for the wider farmyard, is not included within the site boundary. It lies to the immediate northeast. The public road lies downslope, to the immediate east. Otherwise, adjacent land is all within the farmyard at Langlee Mains. This includes two existing and operational agricultural buildings to the immediate west of the site.

With respect to the site's wider environs, the land to the east, on the opposite side of the public road, was formerly a municipal landfill. This is no longer in service for refuse disposal, and has now been landscaped. It does however accommodate an operational landfill gas electricity generating station. This lies within approximately 25m of the site. Land to the south of the landfill site, accommodates an operational recycling facility. This lies at a distance of approximately 500m from the site. Further north and east of the application site, is a golf driving range, which lies at a distance of more than 1.5km.

## PLANNING HISTORY

The site is land within the farmyard at Langlee Mains, an established agricultural holding.

The existing building to the west of the site was originally consented as a cattle shed (Planning Consent 02/01163/FUL). Following its construction, Forth Meat Supplies Ltd obtained a further consent (05/02107/FUL) for a part change of use of the same building to accommodate a meat processing facility. The latter would have been a Class 5 industrial use, but there is no evidence that this use of the site was ever actually implemented. The Applicant does not challenge this understanding. It does allege that besides agricultural uses, Forth Meat Supplies Ltd also used the site for storing refrigerator lorries. However, it has provided no documentary evidence to substantiate the operation of any commercial storage use at the site. It also does not provide any details about the extent to which this was ever a main use of the site (or any part thereof); and no details about the length of time that any such commercial vehicle storage use was in operation. The Planning Authority has no record of the site ever having been used for any non-agricultural uses by Forth Meat Supplies Ltd. Accordingly, it is not accepted that Forth Meat Supplies Ltd's operations established any commercial use at the site. There is in short, neither express nor deemed planning approval for any Class 5 general industrial and/or Class 6 storage use(s) at the site.

Planning Consent 10/00249/FUL gave a temporary permission for the siting of four storage containers, seven office units, one security office and a heras boundary fence at the site in connection with a specific

and short-term temporary proposal. This related to service works then being carried out there by a gas pipeline operator. This permission was subject to a condition that all approved structures and fencing should be removed from the site at the end of the temporary period of consent. This expired at 31 December 2010.

The Applicant acquired the site in 2012. At the end of last year, the Applicant, of its own accord, made a planning application (15/01451/FUL) seeking approval for new commercial storage buildings at the farmyard, and without making any proposal to change the use of the site. The application did not include the 42 shipping containers, but these were observed to be in situ on the occasion of the Planning Officer's site visit.

Planning Application 15/01451/FUL was refused on the basis that the Applicant had not demonstrated any need for any general storage facility to be accommodated in this rural location, and additionally, also on the basis that the industrial character of development (appearance and operation) would be unsympathetic to the rural character of the site and surrounding area. An informative attached to the Decision Notice advised that the Applicant was operating unlawfully at the site, and that this situation required to be resolved in order to prevent enforcement action. This advice and follow-up discussions have directly prompted Planning Application 16/00356/FUL and Planning Application 16/00397/FUL.

## PLANNING POLICY

The site is agricultural land out with the Development Boundary. It is not allocated for employment or any other uses. The Applicant has not substantiated its advice that part of the site is already within a commercial, non-agricultural use. Accordingly all the evidence is that the established use of the entire site is only reasonably considered to be agriculture.

The proposed commercial storage business use based on the leasing of the 42 shipping containers, also falls within Use Class 6 (storage or warehousing).

Scottish Borders Council Local Development Plan Policies ED7 and EP6 serve to test the acceptability or otherwise of the principle of the proposals in this case.

Specifically Policy ED7's item c. requires that a business or employment generating use in the countryside should be supported where the Council is satisfied, firstly, that there is an economic and/or operational need for the particular identified countryside location, and secondly, that this use cannot reasonably be accommodated within the Development Boundary of a settlement.

In its specific application to land that is within the identified Countryside Around Towns Area, Policy EP6's item a. also requires the Council to be satisfied that there is an essential requirement for a proposal's rural location and that the use would be appropriate to a countryside setting. Policy EP6's items b., c. and e., are not reasonably applied in principle to the assessment of the current proposals. It is conceivable that the proposals, or an aspect of them, might satisfy Policy EP6's item d's requirement for a landscape/trees/woodland/natural heritage/cultural heritage/access and/or recreational enhancement. However, were this to be the case, this would not negate the need for the principle of the proposals to be assessed against Policy ED7 (which does not include any equivalent provision to Policy EP6's item d).

Ultimately then, support for the principle of the proposal, comes down to whether or not the Council is satisfied that there is, firstly, a need for it to be accommodated at this particular countryside location; and secondly, that it cannot more reasonably be accommodated within the Development Boundary, rather than within the countryside more generally, or within the Countryside Around Towns Area more specifically.

## PLANNING PRINCIPLE

The Applicant has provided a supporting statement which presents the proposed commercial storage use, and retrospective siting of 42 shipping containers, as a side-line or offshoot business from the fencing and forestry contractor business, which it is advised, needed to diversify its business activities. There is however no inherent link between the two operations. Nor are there any details of the business' concern or efforts to secure premises that would have been more acceptable in planning terms to accommodate this part of its business operations. No site selection process is in fact detailed at all beyond the considerations which informed the Applicant's original need and decision to relocate its forestry and fencing contractor operations to the site in 2012.

I have reviewed that the supporting statement but do not consider that it demonstrates that there is an economic and/or operational need for the proposed commercial storage use to be accommodated at this particular countryside location, nor that it has demonstrated that the proposal cannot more reasonably be accommodated within the Development Boundary of a settlement. On the contrary, I would observe that this proposal is of a decidedly general industrial character which would in fact more reasonably be anticipated to be sited within an industrial estate within the Development Boundary, where its appearance and operation would be more sympathetically accommodated. It is, I consider, only reasonably concluded that this proposal is contrary in principle to both Policy ED7 and Policy EP6 item a.

In its supporting case however, the Applicant explicitly appeals to mitigating or "redeeming" circumstances which it considers justify the proposal being made the subject of an exceptional approval. In addition to this, the Council's own Economic Development Section has identified other considerations which it advises, justify the proposal being made the subject of an exceptional approval. The material considerations identified by the Applicant and Economic Development principally relate to economic, land use and landscape considerations. I consider these in turn, below:

### ECONOMIC CONSIDERATIONS

In its supporting case, the Applicant advises that there is "a demand for this type and location of storage unit". However, this assertion is non-specific, and is not substantiated or justified by any documentary evidence; and critically, not in any terms which explain or justify operation from this or any other countryside location.

Economic Development is satisfied on the basis of the Applicant's considerable investment in this business venture to date that such demand must reasonably be understood to exist. However, this is somewhat axiomatic and is ultimately not a planning consideration when the need for the particular site and countryside location cannot be justified in planning terms. At least in planning terms, it is reasonable to ask whether the demand could not more appropriately be met at a site within the Development Boundary. Within land use planning, a wider consideration of the proposal's impacts upon the environment and amenity of the site and surrounding area requires to be balanced with economic considerations. Such a balance is substantially enshrined within the considerations required by Policy ED7, with which, as noted above, the proposal does not comply. There is no basis for setting aside the need for this wider consideration with respect to this or any other planning proposal that may be able to deliver an economic benefit. The proposal is unexceptional in this respect.

Further details (specifically with respect to who it is that is generating this demand, and why it cannot be met within the Development Boundary, including within existing storage facilities) might have been helpful to the Applicant's case. However, I would anticipate, firstly, that the Applicant would be unable to demonstrate that its proposed facility actually fulfils any requirements or needs which in planning terms, are not more reasonably and appropriately met at a storage facility within the Development Boundary. Secondly, I would anticipate that the advised demand for the facility is liable to be less of a direct response to the site's countryside location (specific or general) than a direct response to an economic advantage that the Applicant can hand on to its customers from having secured a larger area of land in the countryside more cheaply than it would have done within the Development Boundary. Since the Applicant has proceeded to this position without first having secured planning approval, its advantage over potential competitors in the provision of commercial storage in the area, appears to have been wrought directly through a planning breach. The case that there is a demand for the facility appears to rest somewhat precariously upon the Applicant operating, and being allowed to continue operating, in circumstances that are contrary to planning policy. Were this allowed, this circumstance in itself, would serve to protect the Applicant's advantage from rival operators of commercial storage facilities, who are required to base their operations within the Development Boundary.

The Applicant advises that its concern is to limit the lease of its containers to rural-based businesses or businesses that service rural customers. However, there is no inherent need for any business whose storage needs can be met off-site in a shipping container to have to have that shipping container accommodated at a location in the countryside. This becomes even more untenable when it is considered that the site in question is not within any particularly remote rural area, at distance from a main settlement. On the contrary, it lies in close proximity to Galashiels, where there is employment land, and business premises, which are both actually and potentially available for this purpose, and within only a relatively short

distance. It is therefore unclear how the facility is in any locational sense, meeting any need or demand that cannot be met within the Development Boundary. The latter is liable to offer a more accessible and sustainable base for such an operation without having any unacceptable impacts upon the rural environment and amenity of the site and surrounding area. The Applicant's concern to vet or screen the facility's users is in any event unworkable in theirs or the Planning Authority's terms. Ultimately this is of no substantial consequence or relevance to the decision before the Planning Authority. Leasing in this situation would, and could, only practically be left to the Applicant's own discretion.

The Council has through its Forward Planning processes, and in consultation with statutory consultees and the public, carefully assessed the optimum locations for employment land, and where this can be accommodated most effectively and sustainably. Planning Application 16/00397/FUL effectively seeks to circumvent this process, proposing what is effectively a new industrial estate without the planning need for this facility, let alone the need for it to be in this location, first having been appropriately demonstrated. It would be a very ad hoc way for general employment land, including commercial storage space, to be delivered, were this proposal to be supported in the absence of any planning justification at all. It is a unilateral initiative whose success appears heavily, if not directly, dependent upon the operation being allowed to continue in circumstances that are directly contrary to planning policy. The latter would thereafter be liable to serve to protect its 'advantage' from its potential competitors - although, if the application were supported contrary to the requirements of planning policy, it might also be liable to encourage other similar proposals to accommodate general employment uses on farm land. Support for the current application would be liable to be perceived by others, as setting a precedent for exceptional approvals of general industrial and storage proposals on agricultural land in the countryside.

#### LAND USE CONSIDERATIONS

The Applicant cites the fact that the surrounding area already accommodates a number of land uses which are not so much countryside uses in their character, but peripheral, municipal, edge-of-settlement uses. Principally, it notes the former landfill (which still powers a generator) and recycling plant to the east and south. These however are confined to the opposite side of the road from the site, and there is no logical or reasonable requirement for a land use that would more readily be accommodated within the Development Boundary, to now be permitted to spread this municipal, quasi-industrial character of development any further north and west; at least not without it first having been demonstrated that the need could not be more reasonably met within the Development Boundary. (No regard can or should be had to the proposal that was the subject of a recent Screening Opinion Request which relates to land to the north and west of the site. A Screening Opinion Request is not a planning application, let alone a planning approval, and therefore that proposal, which has not been subject to the full scrutiny of the planning application process, does not reasonably inform the context in which the current proposals must be assessed).

The Council's own Economic Development Section supports the shipping container installation on the grounds that this is a use of a site that might not otherwise be put to productive economic use. However, the land is agricultural land (or if Planning Application 16/00356/FUL is approved, a fencing and forestry contractor business premises). It does not reasonably fall to be acceptably characterised as marginal or unproductive land in need of any new land use in the terms that Economic Development appears to anticipate. At least, I do not consider that the site's circumstances are particularly notable or exceptional. It is a farmyard and not an area of waste ground. A great deal of farm land throughout the region lies within the vicinity of settlements, pipelines, and other utilities, and any view that such a setting might render land unproductive for agriculture or other uses, risks encouraging the view that consideration should be given to other non-agricultural proposals for other areas of land still within agriculture, notwithstanding that the latter is a productive economic use of land in its own right. Again, the admission of any such consideration, without the need for the specific facility in this specific rural location first having been properly established in planning terms, is at risk of promoting a view, or sense, of an ad hoc, evolving approach to land use planning, which contradicts the careful and reasoned considerations that have informed the formulation of the plans and policies of the statutory development plan. Ultimately, I do not consider that there is reasonably any compulsion to accept any view that the Applicant is somehow making use of, and recovering, land that is in any way lost, or at risk of being lost, to farming and the wider rural economy.

Economic Development's support for a long-established and successful local business is entirely understandable, but the identification and achievement of the most productive economic use of any isolated piece of land is not an overarching planning consideration. Land use planning exists to ensure that all land uses are appropriately accommodated within the context of wider local, strategic and national level planning

aims, and are appropriate to their specific site and surroundings. This requires that appropriate consideration should be given in the public interest more widely, to amenity and environmental considerations, as well as to the accommodation of economic requirements.

## LANDSCAPE CONSIDERATIONS

The shipping containers would appear alien to a farmyard, and more generally to a rural and agricultural context. Shipping containers, particularly in such numbers, have an unequivocally industrial character. The appearance is incongruous and completely unlike anything that might be expected to result as a consequence of normal farming and/or rural land management operations. Indeed in its character, the facility is more reminiscent of a dockland or haulage yard than a Borders farm. I consider that this appearance and character of development, unmitigated as it is, is in itself objectionable, and contrary both to Policy ED7 and Policy PMD2 of the Local Development Plan.

While some modest new landscaping proposals are identified by the Applicant by way of mitigation, these would not be sufficient to address, or counteract the currently unmitigated view of rows of shipping containers which are within full view of the public road. The site is not visually well-contained within the surrounding landscape, and the proposal therefore does not reasonably benefit from characterisation as being discreet or unobtrusive in the terms the Applicant anticipates should apply. On the contrary it is highly visible, and particularly in views from the adjacent public road. There is, I consider, an unacceptable landscape and visual impact, which would be further exaggerated by the appearance of business vehicles and cars which would only consolidate the appearance of an industrial estate, undermining any sense of an agricultural context. There is then nothing within the character of the operations, or the screening of the site, which actually mitigates the appearance of the proposed operation in the way the Applicant considers applies.

The commercial storage facility does not comply with any of the exceptions allowed by Policy EP6, including that policy's 'item d.' The latter allows for the principle of a development to be supported where it otherwise delivers an enhancement at the site, including in terms of landscape and ecology, however the land that the Applicant proposes to 'restore' to a field or paddock is already agricultural land and therefore is not dependent upon the approval of this, or any other proposal, for the deliverance of its 'restoration' to open field and agricultural use. This is not reasonably an enhancement in planning terms. Similarly a new agricultural hedge is similarly not reasonably an enhancement that requires 'enabling development', and is a particularly modest and underwhelming response in landscaping terms to the starkly industrial appearance of the shipping containers.

## OTHER MATERIAL CONSIDERATIONS

I note the Applicant's appeal to national level planning policy and guidance including National Planning Framework 3, SPP and PAN 73. However, while these documents are supportive of rural economic growth, including redevelopment of brownfield land, and opportunities for business in rural areas, this support is generic, and does not outweigh the need to assess the potential impacts upon the environment and amenity of the specific site and surrounding area as a consequence of the specific proposals.

All in all, the Applicant's supporting case does not provide any advice, or demonstrate any case that might reasonably be seen to override the need to determine this application in accordance with the requirements of planning policy. The proposal is unexceptional and I consider, is only appropriately refused in the circumstances.

## ACCESS AND ROAD SAFETY

The Roads Planning Section has noted with specific reference to the operation of the shipping containers that there is potential for some additional traffic onto the C77 Langshaw public road. It does not however anticipate any unacceptable impacts, and takes some comfort from the facility already being in place and operational.

Ultimately, I would not challenge Roads' consideration of these matters, but I am unaware from the Applicant's supporting details of what the existing level of operation of these containers actually is. They appear to have been installed relatively recently. I am not reassured that the absence of concerns raised to date with respect to traffic impacts is a fair reflection of the level of operation that the facility might be

capable of generating, particularly if the numbers of containers were to be increased within the site boundary.

Moreover, I would note that the site access would be shared between the farm and the Applicant's businesses. There would be potential for conflicts between farm traffic, forestry contractor business traffic and any and all users of the proposed commercial storage facility (potentially business vehicles, vans and vehicles of members of the public). While it may not be objectionable, I would still note that there is clearly potential for farm and forestry contractor business traffic to conflict with more general vehicles liable to be generated by the shipping containers' operation in and around the road junction and shared access road.

Going forward, I would also be concerned that the Applicant does not appear to own or control the site access it shares with the farm. The access would be liable to be maintained by its owners at a level sufficient to accommodate farm traffic (which would also be liable to serve the needs of the forestry and fencing contractor vehicles). However, this does not factor in what would be required in the long-term to serve commercial and private vehicles requiring to access the shipping containers.

The Applicant, concerned to demonstrate sustainability, considers that regular bus services accessible at Melrose Gait, 900m from the site, gives the opportunity to travel by bus and walk to the site. However, the links between the site and the wider public transport network are patently poor and do not recommend the site as a location to which the public in particular, should be appropriately encouraged or directed. This is all the more so when the mix of traffic operating at and within the near vicinity of the site is considered.

Ultimately I accept Roads Planning's assessment, and would not consider any of the above concerns in themselves, to be objectionable.

#### OTHER CONCERNS

Environmental Health notes the potential for lighting to be installed in relation to the yard and storage container use. No lighting is proposed. In the event of approval, an informative might be included to advise that any future proposals for lighting (even in relation to the yard operations of the forestry and fencing contractor business) should be discussed with the Planning Authority to establish the planning requirements in advance.

The Applicant advises, and it is accepted, that its operations have, or would have, no unacceptable impacts upon the qualifying interests of any natural heritage or cultural heritage designations within the surrounding area.

In the event that the storage facility proposal were supported, it would be reasonable to require by condition that the proposed new hedge at least - if not actually a new woodland or tree belt - should be established on the Applicant's land to the east of the site; that is, on the 'paddock' the Applicant proposes to restore between the yard and the public road.

Scottish Gas Networks has issued a conditional objection which is to stand until such time as it has assessed the impacts upon the pipeline. In the event of approval, an informative would be appropriately attached to advise that the pipeline operator may have concerns with respect to the operation of the shipping containers. Notwithstanding that this is nominally an objection, SGN's advice does not reasonably justify refusal of the proposal as being contrary to Policy IS12 since the proposal could still be found to be acceptable further to SGN's assessment. Moreover, this consultee has not provided any further advice to this point to update its provisional advice.

In the event that the shipping containers application is refused, an informative should be attached to the Decision Notice issued in that case, to advise that these containers should now be removed from the site at the Applicant's earliest opportunity. In this case however, the advice requires to allow that the Applicant might wish to exercise its right to appeal, and accordingly the timetable needs to allow for this.

The Applicant has provided a lot of drawings with respect to the appearance of the shipping containers but these are already in situ, and the application is first and foremost for the use of the land to site and operate the shipping containers as a commercial storage facility. Were the proposal supported, it would be appropriate to rationalise these details on the decision notice to the minimum and most salient descriptions, omitting details of "bottom side rail" and "container floor sheets" etc.



## CONCLUSION

The proposed commercial storage use does not comply in principle with Adopted Local Plan Policy ED7 in that the Applicant has not demonstrated any overriding economic and/or operational need for this particular countryside location, and the proposal would more reasonably be accommodated within the Development Boundary of a settlement rather than in this particular countryside location. Nor does it satisfy any of the five exceptions allowed by Policy EP6. The proposals are contrary in principle to both of these policies. There are no material considerations which are so significant in isolation, or indeed in culmination, as to justify any contrary decision.

Further, and taking account of the agricultural character of the site, its still predominantly rural setting, and exposure to public view, the proposal does not comply with Adopted Local Plan Policies ED7 and PMD2 in that the operation of the business, including the siting and operation of the proposed shipping containers, would be highly unsympathetic to the rural character of the site and surrounding area, and would have an unacceptably detrimental landscape and visual impact upon the appearance of the site and its environs.

## REASON FOR DECISION :

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.

### **Recommendation:** Refused with informatives

- 1 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.

### **Informatives**

It should be noted that:

- 1 **INFORMATIVE NOTE 1:**

All shipping containers require to be removed from the site at the Applicant's earliest opportunity. While it is reasonable to allow sufficient time for the Applicant 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.

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

