

**SCOTTISH BORDERS COUNCIL**

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

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

**REF :** 16/01425/PPP  
**APPLICANT :** Mr & Mrs Brian Soar  
**AGENT :** Aitken Turnbull Architects Ltd  
**DEVELOPMENT :** Erection of dwellinghouse  
**LOCATION:** Land East Of Keleden  
Ednam  
Scottish Borders

**TYPE :** PPP Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
PP-01	Location Plan	Refused

**NUMBER OF REPRESENTATIONS: 1**  
**SUMMARY OF REPRESENTATIONS:**

RPS: I shall have no objections to this proposal provided the following points are included in any subsequent detailed application:

- o The access to be formed with a service layby as per my standard specification DC-3.
- o The first 5m of the access to be no steeper than 1 in 15.
- o Measures to be put in place to prevent the flow of water onto the public road.
- o Two parking spaces, not including any garage, to be provided within the site and retained in perpetuity.

It should be borne in mind that only contractors first approved by the Council may work within the public road boundary.

CC: No response

E&LL: A contribution of £2718 will be sought for the High School.

**Third Party Representations**

One letter of objection was received in connection with this application. The grounds of objection can be summarised as follows:

- Contrary to Local Plan
- Increased traffic
- Road safety

As before this development is outwith the village boundary with houses being refused permission in the past on this site. This is on a narrow unlit fairly busy road with no passing places. Indeed the last house built on this side of the road was constructed without the stipulated service lay-by contributing to traffic problems.

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

SBC LDP 2016

Policy PMD4

Policy ED10

Policy HD2

Policy IS5

Policy IS7

**Recommendation by** - Barry Fotheringham (Lead Planning Officer) on 4th January 2017

This application seeks planning permission in principle for the erection of a dwellinghouse on land to the East of the property known as Keleden, Ednam. The application site is an area of previously undeveloped land which is currently laid to grass and is used as a paddock/storage area by the applicant/landowner. The application site is located on the south side of the minor public road between Ednam and Highridgehall and extends to 0.136 ha or thereby. The nearby properties known as The Old Smithy, River Cottage and Oaklands as well as the land extending south towards the Eden Water, are within the ownership of the applicant. The site is currently defined by road side hedging to the north, a post and wire fence to the east and timber fence and coniferous hedging to the west. The south boundary is currently undefined.

The application site is located outwith the development boundary as defined by the Local Development Plan 2016. Policy PMD4 of the Plan aims to ensure that development is located within defined development boundaries. These boundaries indicate the extent to which town and villages should be allowed to expand during the local plan period and proposals for development outwith this boundary, and not on allocated sites, will normally be refused. Exceptional approvals may be granted however, provided a number of criteria can be met.

This application follows an earlier planning application in principle for the erection of a dwelling on the same site (16/00617/PPP). This application was refused on 29.06.2016 for the following reasons:

The proposals would be contrary to Policy PMD4 of the Scottish Borders Local Development Plan 2016 in that the erection of a dwellinghouse on this site would result in development outwith the development boundary of the village as defined on the settlement profile map for Ednam, leading to unjustified encroachment into the open countryside and coalescence with the Cliftonhill building group. The proposed dwelling is not a job generating development in the countryside that has economic justification under Policy ED7 or HD2; it is not an affordable housing development that can be justified in terms of Policy HD1; a shortfall in the provision of an effective 5 year land supply has not been identified and it is not a development that would offer significant community benefits that would outweigh the need to protect the development boundary.

It should be noted that the Planning Authority provided the applicant with pre-application advice on the acceptability of a dwellinghouse on this site on three separate occasions prior to the submission of the 2016 application. In 2008, 2009 and 2015, the case officer advised that the proposed erection of a dwelling on this site would be contrary Policy G8 of the Consolidated Local Plan, and in the case of the 2015 enquiry, contrary to Policy PMD4 of the Emerging Local Development Plan 2016 in that the site would be outwith the development boundary. Furthermore, the proposed development would not meet the essential criteria for an exceptional approval. The applicant was advised that the planning authority would not be in a position to support the proposals if an application was forthcoming.

As with the earlier 2016 application, the current proposals have been submitted without additional supporting information that would justify an exceptional approval. In order to qualify as an exceptional approval the proposals must meet one of the four following criteria, provided strong reasons can be given that it is a job generating development that has an economic justification under Policy ED7 - Business, Tourism and

Leisure Development in the Countryside or HD2 - Housing in the Countryside; OR it is an affordable housing development that can be justified under Policy HD1 - Affordable and Special Needs Housing; OR the Council has identified a shortfall through the housing land audit with regards to the provision of an effective 5 year housing land supply; OR the proposed development is considered to offer significant community benefit that would outweigh the need to protect the development boundary. Policy PMD4 also requires the proposals to represent a logical extension of the built up area and to be of an appropriate scale in relation to the size of the settlement. It must not prejudice the character of the settlement and not cause a significant adverse impact on the landscape character of the settlement. Notwithstanding the fact that the proposed development does not meet any of the principal criteria contained within Policy PMD4, the erection of a dwelling on this site may represent a logical extension of the built up area. It would be acceptable in terms of its scale relative to the existing village but it is considered that it would extend the village in a linear fashion along the minor public road towards the Cliftonhill building group. This would be to the detriment of the built up edge of the settlement and would lead to a coalescence of Ednam village with the nearby Cliftonhill building group.

Although not relating specifically to this application site, the planning history associated with the land to the NE of the application site is relevant in this case. Planning permission in principle (11/00750/PPP) was granted for the erection of 2 dwellings on land to the south west of Millburn, Cliftonhill. These dwellings were approved following a successful appeal to the Local Review Body where Members expressed their concerns regarding the coalescence of the group with the village. They were satisfied that the development of two dwellings on land adjacent to Milburn would not result in coalescence with Ednam or constitute an inappropriate form of ribbon development. They agreed that due to the degree of separation from the village and the nature of the existing topography and vegetation, the development was clearly related to the Cliftonhill building group. Members accepted that the group could be added to along the roadside in a sympathetic way and allow the group to be balanced with the two detached houses to the east of the group; "The Seasons" and "Hillend". Detailed planning consent has been granted on both plots and both houses have been constructed. It is clear from the LRB decision that Members were concerned about the potential coalescence of Ednam village with the nearby Cliftonhill building group. Although not directly opposite the dwelling on Plot 2, the proposed dwelling on the current application site would extend the settlement towards Cliftonhill and would remove the degree of separation between the village and Cliftonhill. Members were keen to ensure that Cliftonhill remains detached from the village.

In terms of application consultees, the CC has not responded. Roads Planning have no objections provided a number of points relating to vehicular access and parking are included in any subsequent detailed application. The Director of E&LL advises that a development contribution towards Kelso High School would be required by this development. There is one letter of objection in relation to this application for the owner/occupier of the neighbouring dwelling. The grounds of objection are consistent with his previous objections and can be summarised as follows:

Contrary to Local Plan - outwith the village boundary with houses being refused permission in the past.  
Increased traffic

Road safety - the site is on a narrow unlit fairly busy road with no passing places. The last house built on the site of the road was constructed without the stipulated service lay-by.

Since the last application was submitted and refused there has been no change in policy or circumstances that would warrant a different decision in this case. The application has not been justified as an exception under Policy PMD4 and the proposed erection of a dwellinghouse on this site remains outwith the development boundary of the village and contrary to adopted LDP policy.

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

Taking into account the planning history associated with the related sites and the pre-application advice given in relation to the current application site, it is felt that the proposed erection of a dwellinghouse would be contrary to Policy PMD4 of the Local Development Plan 2016 in that it would result in development outwith the development boundary. Furthermore, strong reasons have not been given to justify an exceptional approval. The proposed dwelling is not a job generating development in the countryside, it is not an affordable housing development that can be justified in terms of Policy HD1, a shortfall in the provision of an effective 5 year land supply has not been identified and it is not a development that would offer significant community benefits that would outweigh the need to protect the development boundary.

There has been no shift in policy or a change in circumstances since the earlier decision (16/00617/PPP) that would warrant a difference decision in this case.

**Recommendation:** Refused

- 1 The proposals would be contrary to Policy PMD4 of the Scottish Borders Local Development Plan 2016 in that the erection of a dwellinghouse on this site would result in development outwith the development boundary of the village as defined on the settlement profile map for Ednam, leading to unjustified encroachment into the open countryside and coalescence with the Cliftonhill building group. The proposed dwelling is not a job generating development in the countryside that has economic justification under Policy ED7 or HD2; it is not an affordable housing development that can be justified in terms of Policy HD1; a shortfall in the provision of an effective 5 year land supply has not been identified and it is not a development that would offer significant community benefits that would outweigh the need to protect the development boundary.

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