

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 16/01536/PPP
APPLICANT : Miss Kerrie Johnston
AGENT :
DEVELOPMENT : Erection of dwellinghouse
LOCATION: Land East Of
Highland Brae
Lilliesleaf
Melrose
Scottish Borders

TYPE : PPP Application
REASON FOR DELAY: No Reason

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
OS EXTRACT	Location Plan	Refused

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

ROADS PLANNING SERVICE: Should the planning department be minded to support this proposal, I would have no objections to the application. The existing access is acceptable in terms of geometry and sightlines for the traffic associated with an additional dwelling. Any detailed application should include parking and turning for a minimum of two vehicles, excluding any garages, per property. This parking and turning should be available prior to the occupation of the new dwelling and be retained in perpetuity thereafter.

COMMUNITY COUNCIL: No response received. Consultation expired 11.01.2017.

EDUCATION AND LIFELONG LEARNING: Confirm the site is located within the catchment area for Lilliesleaf Primary School and Selkirk High School. There are no contributions sought for this application.

PUBLICITY AND REPRESENTATIONS

This application was publicised by means of the direct postal notification of one neighbouring premise. Further publicity was carried out in the form of an advert in the Southern Reporter, and an advert on the national public notices website "Tell Me Scotland". No objections or representations were received.

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Local Development Plan (Adopted 2016)

PMD1 Sustainability
PMD2 Quality Standards
HD2 Housing in the Countryside
HD3 Protection of Residential Amenity
EP13 Trees Woodlands and Hedgerows
IS2 Development Contributions
IS3 Development Contributions related to the Borders Railway
IS7 Parking Provisions and Standards
IS9 Waste Water Treatment Standards and Sustainable Urban Drainage

Other
Supplementary Planning Guidance
- Developer Contributions
- Guidance on Householder Developments
- Placemaking and Design
- Landscape and Development
- Trees and Development
- New Housing in the Borders Countryside
- Waste

Recommendation by - Andrew Evans (Planning Officer) on 25th January 2017

SITE

This application relates to the erection of a single detached dwelling on a site in the countryside to the south of Lilliesleaf. The plot is to the east of the existing dwelling "Highland Brae", a modern bungalow. The site is located in the southern corner of an existing agricultural field. The site is bound to the south east and south west by existing hedgerow, with the access track serving the site and the existing dwelling beyond. Further to the south west is located an existing agricultural shed, used for storing a caravan at the time of my visit to the site. The northern and western boundaries of the site are undefined, with the agricultural land initially rising across the site, and then falling away to the north towards Lilliesleaf.

PROPOSED DEVELOPMENT

Planning permission in principle is sought for the erection of a single detached dwelling. The submitted site plans shows a site of the same depth as the existing house at Highland Brae (just under 50m). The proposed site would be slightly broader, at around 40m, compared to the existing plot, which is roughly 30m in width. No indicative plans or elevations have been lodged with the application, so matters of design would be for subsequent consideration in the event of the principle being accepted here.

POLICY PRINCIPLE

The application required to be considered principally in terms of Policy HD2 of the Scottish Borders Local Development Plan (2016), and in terms of the current SPG on New Housing in the Borders Countryside. Policy HD2 of the Scottish Borders Local Development Plan 2016 sets out the Council position in terms of housing in the countryside. Policies PMD2 and HD3 of the Scottish Borders Local Development Plan 2016 are relevant to this proposal. Also relevant is the adopted Supplementary Planning Guidance on Householder Development, New Housing in the Borders Countryside, and development contributions.

BUILDING GROUP

Part A of policy HD2 sets out those additions to existing groups of dwellings can be possible where the criteria of the policy are met. The site must however be well related to a building group. The SPG sets out that the existence of a group will be identifiable by a sense of place which will be contributed to by:

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

In terms of assessment against the adopted policies and guidance, the proposed plot for this house is completely separated from any group. No building group is present at this location. There is a single

existing dwelling. There is no justification for a dwelling under part A of policy HD2. The application would involve development in an otherwise undeveloped field. There is no amendment possible to the siting which would make this application acceptable in policy terms. The application site is clearly only related to the existing single neighbouring dwelling.

SUBMITTED JUSTIFICATION

In terms of justification for the application, it is accompanied by a letter setting out that the applicants search for a suitable dwelling nearby has been unsuccessful, primarily as the properties which have come on the market have been out of reach financially. The justification letter sets out that the principal reason for wishing to locate to Lilliesleaf is in order provide care to parents who are resident at Highland Brae (to the immediate west of the application site). The applicant is a nurse by profession. This site has become available to the applicants as it is owned by their Grandfather.

The applicants set out that having researched recent planning decisions in the area they note that there has been a similar proposal which is described as being "not dissimilar by way of circumstance" at Easter Lilliesleaf (13/00104/PPP) where a dwellinghouse was permitted by the Local Review Body, in a location outside the settlement boundary in order to allow for care to be provided (The care needs of the applicant's parents are set out in the accompanying letter).

It should be noted that the planning department did not support the principle of a dwelling in the case cited by the applicants. Medical and care needs do not form part of policy HD2, and do not provide justification for an approval under policy HD2. The care requirements can only be considered in terms of whether they would provide a suitable justification, overriding the need for policy compliance. I do not consider that on the basis of the submission made, a justification exists to permit a further dwelling at this location. It may be possible for consideration to be given to an extension or modest annexe within the grounds of the existing garden of the existing house, to permit a family member or a carer to be present. However that is not the proposal before the planning authority. I note the applicant is currently renting, and has not been able to find a plot, or suitable dwelling. That does not however render the current site as being policy compliant in terms of policy HD3 of the LDP, or the adopted SPG on new Housing in the Borders Countryside. In essence, what is being asked is that the Planning Authority set aside its adopted policies and guidance. It is however not considered that there is justification for this to happen.

ROAD SAFETY

Road Safety is a material planning consideration. The Roads Planning Service was consulted on the application, and advises of no significant concerns to the principle - detailed requirements for safety are set out in the Consultation reply and could be addressed via planning conditions. Subject to conditions to address the RPS requirements then it would be possible for the proposals to be considered acceptable in terms of impacts on road safety.

ADJOINING TREES AND BOUNDARIES

The site is located in the corner of an existing field, bound by mature beech hedge, and a post and wire fence. Policy EP13 of the LDP on Trees, Woodland and Hedgerows sets out that existing trees and hedgerows will be protected. A dwelling in the site proposed would require removal of hedging to permit access. There are no significant trees which would be affected by the proposed development.

AMENITY

Policy HD3 of the Scottish Borders Local Development Plan sets out that residential amenity will be afforded protection. The Council has adopted supplementary planning guidance on Householder Development which sets out standards for privacy and amenity. In the case of these current proposals, the site is located sufficiently distant from the nearest residential dwellings that I am satisfied that the proposed development of a house could be possible in a manner not resulting in an adverse impact on neighbouring amenity. The position of the house is such that acceptable privacy relationships could be achieved, and compliance with policy HD3 and the SPG standards on privacy and amenity could be achieved.

WATER SUPPLY AND DRAINAGE

The site is located in a rural area. Policy IS9 of the Local Development Plan on Waste Water Treatment Standards and Sustainable Urban Drainage is relevant to this application. Water and drainage services would require confirmation in due course, and this could be ensured via standard planning condition, were the application otherwise acceptable.

DEVELOPMENT CONTRIBUTIONS

Policy IS2 Developer Contributions of the LDP is relevant to this application. The policy is further set out in the adopted SPG on development contributions. The site would attract development contributions in terms of the Borders Railway. A legal agreement would have been necessary to collect these contributions were the proposed development otherwise acceptable. The applicant has indicated acceptance of meeting the identified contribution requirements.

REASON FOR DECISION :

The proposed development would be contrary to policy HD2 of the Scottish Borders Local Development Plan (2016), and contrary to the guidance within the adopted New Housing in the Borders Countryside Guidance Note (2008), in that the proposed development would not relate sympathetically to an existing building group and the supporting letter accompanying the application is not considered sufficient justification for what would be a development in open countryside.

Recommendation: Refused

- 1 The proposed development would be contrary to policy HD2 of the Scottish Borders Local Development Plan (2016), and contrary to the guidance within the adopted New Housing in the Borders Countryside Guidance Note (2008), in that the proposed development would not relate sympathetically to an existing building group and the supporting letter accompanying the application is not considered sufficient justification for what would be a development in open countryside.

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