

**SCOTTISH BORDERS COUNCIL**

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

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

**REF :** 17/00926/PPP  
**APPLICANT :** Mr & Mrs Peter Gardiner  
**AGENT :** Kanak Bose Ltd.  
**DEVELOPMENT :** Erection of dwellinghouse  
**LOCATION:** Land Adjacent Deanfoot Cottage  
Deanfoot Road  
West Linton  
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>
OGS 259 01	Location Plan	Refused

**NUMBER OF REPRESENTATIONS: 0**

**SUMMARY OF REPRESENTATIONS:**

No representations were received.

Consultations were carried out with: Roads - access to the plot should be located at the eastern end of the site and should conform to standard specification (DC-3) which includes a service lay-by or similar. Parking and turning for two vehicles (excluding garages) to be provided within the curtilage; Education and Lifelong Learning - contributions for primary school and Peebles High School would be required if granted; community council - supports the application.

**PLANNING CONSIDERATIONS AND POLICIES:**

Scottish Borders Local Development Plan 2016  
PMD2 - Quality standards  
HD2 - Housing in the countryside  
HD3 - Protection of residential amenity  
EP13 - Trees, woodlands and hedgerows  
IS2 - Developer contributions  
IS7 - Parking provision and standards  
IS9 - Waste water treatment and sustainable urban drainage

Supplementary Planning Guidance  
Placemaking and Design  
New Housing in the Borders Countryside  
Trees and Development  
Development Contributions

The site is not strategic, therefore the policies contained within SESplan are not considered.

**Recommendation by** - Ranauld Dods (Planning Officer) on 25th August 2017

This application is made for planning permission in principle for a house on land west of Deanfoot Cottage which is on the C3, Deanfoot Road. The site is some 120m outwith the settlement envelope of West Linton and is approximately 1100m<sup>2</sup> in area. The site is an area of level garden ground associated with Deanfoot cottage, the western boundary of which is formed by semi-mature trees and a beech hedge. To the north is a narrow stand of semi-mature deciduous and evergreen trees and behind that, open farmland rising some 70m to the summit of a small hill approximately 650m to the north east. A beech hedge roughly 2m in height separates the site from the remaining garden of Deanfoot Cottage and a dry stane dyke approximately 1.2m in height separates the site from Deanfoot Road. The garden ground appears to have been left untended for some time. To the west of the site is an area of open field in active agricultural use. To the south lies more open farmland and beyond that lies the Linton Hotspur football ground, granted permission in December 2014. To the east lies Deanfoot Cottage itself and beyond that, a further area of agricultural land and Deanfoot farm, some 250m distant.

Whilst an application was made to extend Deanfoot Cottage, there is no planning history specific to this site. This part of the countryside around West Linton has seen a number of applications in the past for housing developments. An application for outline planning permission for the erection of a house (reference 01/01741/OUT) was made in in 2001 the field directly opposite the site. That application was refused in February 2002. An application was made in 2010, again in the field directly opposite the site, for the erection of 49 affordable houses. That application was withdrawn in December 2011 prior to determination. Slightly to the south-east, permission was refused in January 2016 for a change of use from an agricultural building to a motor repair facility. In the same area and prior to that, an application for a farmhouse with guest house wing was refused in April 2005. The planning history indicates that this area of countryside is sensitive to development pressures and granting permission could set an undesirable precedent.

The site is directly accessed off the C3 public road, some 120m east of the West Linton settlement envelope. No objection was received from Roads. They suggested a number of conditions should planning permission in principle be granted. The site is capable of providing two car parking spaces within the curtilage in line with their requirements. Whilst no concern is raised by Roads regarding safety, they recommend that if permission was granted, an access should be formed at the eastern end of the site. Those conditions would ensure compliance with policy IS7.

The application submission includes only a location plan, with no details of the proposed development. The fundamental issue in the determination of this application therefore is its principle, with specific reference to LDP policy HD2, Housing in the Countryside. The council aims to encourage a sustainable pattern of development focused on defined settlements. That aim does not preclude the development of housing in the countryside. Where rural housing is permitted by policy HD2, the aim is to locate development in appropriate locations. There are three general principles which are the starting point for the consideration of new houses in the countryside. Those are:

- 1) Locations within villages are preferred to open countryside, where permission will be granted in only special circumstances on appropriate sites;
- 2) sites associated with existing building groups and which will not be detrimental to the character of the group or surrounding area and;
- 3) sites in dispersed communities in the Southern Borders Housing Market Area (HMA).

In this case, the site is not within a village or settlement envelope. Deanfoot Cottage is remote from the eastern settlement envelope of West Linton and from other residential properties at Deanfoot Farm. It is not associated with a building group of at least three houses or buildings capable of conversion to residential use. The application site is within the garden ground of Deanfoot Cottage which, as noted above, is an isolated property. As such, there is no building group. Finally, the site is clearly within the Northern HMA and not the Southern HMA. The application therefore fails to meet any of the general principles used when assessing whether or not an application for rural housing is appropriate.

The policy sets out 6 further main criteria against which applications are assessed. Those are:

- a) Building groups;
- b) dispersed building groups;
- c) conversions of buildings to a house;
- d) restoration of houses;
- e) replacement dwellings
- f) economic requirement.

The site is not: Part of a building group, as already stated; not within a dispersed building group, as generally found in the Southern HMA; a conversion but is instead a proposed new build; a restoration, rather a new build; a replacement dwelling and; justified on economic requirement grounds.

The proposed development is, therefore, contrary to policy HD2, Housing in the Countryside.

The New Housing in the Borders Countryside supplementary planning guidance (SPG) reinforces the terms of policy HD2. No support for the proposal can be found within the SPG nor has the applicant advanced a case setting out why there is an overwhelming need for the development of the site. No justification has been provided by the applicant which indicates that it may be possible to set aside the terms of the SPG.

Since no supporting case has been submitted in support of the application, this proposal remains wholly inconsistent with planning policy and guidance. There are no material considerations of which I am aware that would suggest that policy provisions should be set aside in favour of the development and granting permission in principle would set an undesirable precedent.

Notwithstanding above matters regarding the principle of development, the site would appear reasonably capable of accommodating a modest house. That would, however, need to be balanced by the impact on amenity of both existing residents and those who would inhabit the house and the visual amenity of the rural location resulting from eventual design of the development. Whilst no drawings have been submitted which show an intended design, if permission in principle were granted, it would be for a future application to demonstrate compliance with policies PMD2 (in terms of design and materials) and HD3. In order to comply with policy IS9, a future application will have to demonstrate that the site can be adequately serviced in terms of water and drainage.

The trees to the north and west of the site, although only semi-mature, are of high amenity value to the area and separate the site from the farmland outwith the site boundary and their loss would be contrary to policy EP13. Ideally, consideration of the suitability of the site for a house should be supported by a tree survey, identifying root protection areas and indicative layout and levels plan. In the event that permission were to be granted in principle, it would be for a detailed application to demonstrate that a house could be developed here in a manner that the trees and hedging of high value could be retained.

Finally, if permission were to be granted, developer contributions would be required for education provision to comply with policy IS2. That payment would be secured by means of either a section 75 or a section 69 agreement.

In conclusion, the proposed development is located within the garden ground of a house which is within the countryside. Notwithstanding the lack of objection from consultees and the fact that it may be possible for a future application to show that a house could be accommodated on the site in order to comply with policies relating to design, amenity, parking, trees and hedgerows and drainage, the critical issue with the proposal is that it is outwith the defined settlement envelope of West Linton and does not respect the rural character of the area and neighbouring land uses and would not add to the sense of place. The proposal is therefore contrary to policy HD2 and published guidance on new housing in the countryside and policy PMD2. The applicant has advanced no material reasons to set aside the terms of the development plan and it is recommended that planning permission in principle is refused.

**REASON FOR DECISION :**

The development would be contrary to Policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 in that it would amount to sporadic residential development in a countryside location, and no overriding case for a dwellinghouse has been substantiated.

**Recommendation:** Refused

- 1 The development would be contrary to Policy HD2 of the Local Development Plan 2016 and New Housing in the Borders Countryside Guidance 2008 in that it would amount to sporadic residential development in a countryside location, and no overriding case for a dwellinghouse has been substantiated

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