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Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100075130-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Ferguson Planning		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Tim	Building Name:	Shiel House
Last Name: *	Ferguson	Building Number:	54
Telephone Number: *	01896668744	Address 1 (Street): *	Island Street
Extension Number:		Address 2:	
Mobile Number:	07960003358	Town/City: *	Galashiels
Fax Number:		Country: *	United Kingdom
		Postcode: *	TD1 1NU
Email Address: *	tim@fergusonplanning.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text"/>
First Name: *	<input type="text"/>	Building Number: <input type="text" value="17"/>
Last Name: *	<input type="text"/>	Address 1 (Street): * <input type="text" value="Commercial Road"/>
Company/Organisation	<input type="text" value="Bayhill Farming Ltd"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Hawisk"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="TD9 7AQ"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text"/>	

Site Address Details

Planning Authority:	<input type="text" value="Scottish Borders Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

Northing

Easting

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Proposed Storage Yard including siting of 7no Storage Containers and Change of Use of Land from Agricultural Land to Storage Yard

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please see Appeal Statement for full Grounds of Appeal

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 the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

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. You can attach these documents electronically later in the process: * (Max 500 characters)

Application Form Location and Site Plans Supporting Statement Email Correspondence (dated 4th September 2017) Planning Officer's Report of Handling Consultee Representations LRB Appeal Statement

Application Details

Please provide details of the application and decision.

What is the application reference number? *

17/00973/FUL

What date was the application submitted to the planning authority? *

05/07/2017

What date was the decision issued by the planning authority? *

11/09/2017

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.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

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

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: 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. 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.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

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 (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Ferguson Planning Tim Ferguson

Declaration Date: 10/11/2017



LOCAL REVIEW BODY – STATEMENT OF APPEAL
(17/00973/FUL)

**CHANGE OF USE OF AGRICULTURAL LAND TO FORM
STORAGE YARD AND SITING OF 7 NO STORAGE
CONTAINERS**

**LAND NORTH EAST OF GREENBRAEHEAD FARMHOUSE
HAWICK**

CLIENT: BAYHILL FARMING LTD

NOVEMBER 2017



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CONTENTS

1. Introduction
2. Reason for Refusal
3. Planning Context
4. Grounds of Appeal
5. Conclusion

Appendices:

- Appendix 1 – Appeal Documents
- Appendix 2 – Site Plan

LPA Ref: SBC
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Date of Issue: November 2017



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FERGUSON PLANNING



1. INTRODUCTION

- 1.1 This statement of appeal has been prepared by Ferguson Planning on behalf of Bayhill Farming Ltd who wish to change the use of agricultural land to form storage yard and siting of 7 No storage containers at land North East of Greenbraehead Farmhouse, Hawick.
- 1.2 The related planning application (17/00973/FUL) was lodged on 6th July 2017 with a decision, via delegated powers, to refuse the application received on 11th September 2017. As such, we now seek to appeal the decision via the Local Review Body.
- 1.3 This statement responds to the reason for refusal and, where appropriate, cross referring to the Local Development Plan and material considerations. The relevant appeal documentation is listed within Appendix 1.



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2. REASON FOR REFUSAL

2.1 Within the decision notice the reason for refusal was that:

1. *The proposal is contrary to Scottish Borders Council Local Development Plan Policy ED7 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 of a settlement and the siting and operation of a commercial storage facility would be highly unsympathetic to the rural character of the surrounding area.*

Representations

- 2.2 No representations were received from members of the public and there were no objections from the consultee responses;
- 2.3 The Council's **Flood Risk Officer** determined that following review of the application it was shown that the proposed site (or parts thereof) is within the 1 in 200 year (0.5% annual probability) flood extent and may be at medium to high risk of flooding. The risk to the proposed site is from surface water flooding only. However, they conceded that as this is a small scale development it is unlikely to affect local flooding problems and therefore had **no objection**.
- 2.4 The Council's **Economic Development Section** also had **no objection** to the scheme. They stated that this would appear to be a diversification of an agricultural business and assumed it is to support a demand from householders. The commented that the site appears set back such that it will not be substantially visible from the public road.
- 2.5 The **Outdoor Access Officer** highlighted that there are rights of way adjacent to the proposed development identified as routes BR117 and BR116 which are currently shared use with agricultural use and walkers, cyclists and horse riders. It was summarised that there would be **no objection** to this proposal regarding Countryside Access but also noted that the rights of way should be kept open and free of obstruction during and after construction.
- 2.6 Initial comments from the **Road Planning Service** stated that there were no objections in principle to the proposal, however concerns were held over the private track and in particular the current running surface which is unsuitable for domestic vehicles. The officer would not support development which would require increased vehicular movements on the present track. Additional information was submitted which incorporated details of the proposed upgrading to the private access track as well as the provision of passing places at intervals along the access track. Following the submission of this additional information, the Roads Planning Service had **no objection** to the proposal and suggested suitable conditions.





Planning Officers Observations

- 2.7 The Planning Officer's Report for Handling details the reasons for the current determination, they state the following:

The site is outwith any Development Boundary and is not allocated for employment/business use. The established planning use of the site is agricultural. The proposal for storage and the siting of the 7 containers would fall within Class 6: Storage and Distribution of the use Classes Order.

The surrounding area is agricultural in character, though the steading buildings are used for a livery business. Policy ED7 requires the use to be appropriate to the rural character of the area. No justification has been submitted demonstrating an economic or operational need for the use of this site for commercial storage. There appears to be no operational need for this particular rural location. There is no existing commercial/industrial/business use of the site or within the surrounding area and so the proposal does not constitute an expansion or diversification of an existing use. No evidence of demand for the containers or caravan storage in this location has been provided and in any case, such demand could be met within a settlement. There is vacant industrial land within the Development Boundary that could be utilised.

- 2.8 It is strongly disputed that there is no evidence for demand for this type of development. We would point to application reference: 05/01870/FUL which allowed for the development of a caravan storage area and a subsequent permission (reference: 09/00871/FUL) which was granted due to significant demand for the use. It is evident from this permission that the Council do not view the provision of storage for caravan storage and storage containers as inappropriate within a rural location.
- 2.9 Furthermore, the Council's conclusions that there is vacant land within the development boundary is also contested. The Grounds of Appeal in Section 4 demonstrate that this part of the Council's argument is flawed. It would appear that the Council have not undertaken an assessment of the employment land currently available within Hawick and no evidence is presented to suggest that there is suitable and available industrial land within the development boundary.

Policy ED7 also states that the use cannot be sited within the Development Boundary of settlement. The proposed storage use would be commercial in character and would be more suited to an urban location such as an existing industrial estate. The applicant has planning permission for 12 storage containers within a site on Commercial Road in Hawick, which has not been implemented but is still valid. The containers could be sited within Hawick. This would also be more sustainable, in reducing vehicle journeys to this rural location. It would appear that the site has been selected because it is within the applicant's ownership rather than for any economic or operation need.





The Council's Economic Development Section advises that this would appear to be a diversification of an agricultural business and assume it is to support a demand from householders. However, no evidence of this has been submitted with the application.

- 2.10 As highlighted within correspondence to the Officer during the determination of the application, the site at Commercial Road is currently being marketed and in the final stages of being sold to an interested party. It was confirmed the applicant's intention is to sell the site in Commercial Road and no longer wishes to develop the site himself therefore repositioning the containers at the Commercial Road site is no longer an option. This site is therefore not available for the proposed development. The likely future use being mainstream commercial which will sit better in this location and given the recent neighbouring additions of Aldi and Sainsbury's.
- 2.11 A rural location offers distinct advantages to a more urban location, within the settlement boundary which include operational benefits. One of the key business justifications is the affordability of the proposed containers and caravan storage provision. As highlighted by the planning officer, the applicant owns the current site and can therefore offer more reasonable rates for future users than would be viable in a more urban location.
- 2.12 The storage business would serve a local catchment potentially for domestic and small business customers. It therefore needs to locate within a fairly tightly defined catchment area around Hawick. The proposal seeks to serve a local need and it is considered that the proposed development complies with both national and local planning objectives particularly those concerned with rural economic development and farm diversification.
- 2.13 The location of the storage containers is not considered to conflict with the long term operation and viability of the existing livery business as it is located on adjacent land that does not form part of the operational land. The farming enterprise would remain the primary business and income generator. As such it is difficult to understand why the Planning Officer feels that the proposal would not fall within the description of rural diversification as outlined by the Council's own Economic Development team.
- 2.14 A non-agricultural business may always not be appropriate in an isolated rural location where it would be part of a cumulative trend that erodes the rural character and tranquillity of the locality. In this area there is little evidence of such a trend working to undermine the overall character of the area and coupled with the relatively low key nature of the proposed use, it is considered that the development is acceptable. In order to maintain the visual appearance, it may be appropriate to condition that the containers be single height only. The ongoing maintenance of the paint finish can also be controlled by condition.
- 2.15 It is considered that the proposal will enable a limited increase in traffic which may infringe marginally on sustainable development principles based on the need to reduce travel. However, it should be recognised that opportunities to maximise sustainable transport solutions vary from urban to rural areas and any such downside should also be outweighed by the positive economic benefits arising from allowing the rural diversification of the site. Paragraph 79 of Scottish



Planning Policy is clear that planning should support economic growth in rural areas in order to create jobs and prosperity. We would also assert that there would not be a conflict with the environmental role of sustainable development in terms of the scheme's acceptable impact on the character and appearance of the area and consequently, as a whole the scheme would be sustainable development.

Policy ED7 requires that the development respects the amenity and character of the area. Where a new building is proposed the developer will be required to provide evidence that no appropriate existing building or brownfield site is available.

- 2.16 The Officer's use of this part of the policy illustrates a misunderstanding of the proposed development and misapplies the relevant provisions of Policy ED7. The proposal does not seek the erection of any 'new buildings', instead the development will provide 7 no. storage containers which are notable by their temporary nature. Caravan storage would also be on a temporary basis. Should the operations cease trading the lands would revert to as they are today.
- 2.17 It is therefore contested that there is a requirement for a 'brownfield' site or existing building to accommodate the proposed development by virtue of its temporary nature. As such, no evidence is required to justify the development in this regard.

The containers and storage area would be sited adjacent to the existing farm buildings. The containers would be industrial in character and the site is 5,016 square metres in area, which could accommodate a large number of caravans and mobile homes. The existing buildings and woodland would provide a degree of screening from the south and west and the land form rises up to the north and east to provide a backdrop.

The site is contained and would not be prominent in the landscape. Any adverse visual impacts could be mitigated by appropriate boundary planting and this could be secured by a planning condition.

- 2.18 The Planning Officer's overall assessment that the site would not be prominent in the landscape is agreed with, however, it is noted that this would somewhat contradict the assertion that the use would not be appropriate to the rural character of the area. It is also concurred that the site would be substantially screened, and this again contradicts the officer's assertion that proposal would be 'highly unsympathetic' when it would substantively not be viewed from any important public vantage points
- 2.19 Public views of the site, the farm and its associated buildings are limited when viewed from key public receptors or highway. Views of the site are possible from a private right of way that runs long the access drive leading to the farm.





- 2.20 The appearance of the scheme is generally akin to many rural farmyards in the countryside. The surrounding land will remain in agricultural use and there is sufficient room for additional landscaping should that be required. It is accepted that containers are not an overly common feature in the open countryside. However, the containers are located in close proximity to the existing farm buildings and are seen against the backdrop of this existing built form in the landscape. This backdrop means the containers are not seen against a rural skyline and this significantly reduces their potential visual impact.
- 2.21 The site contains adequate turning and manoeuvring space within the boundary to allow vehicles to access and egress in a forward gear. The nature of the use is such that high levels of parking are not required and use infrequent. Notwithstanding this, the layout of the site offers ample opportunity for vehicles to park within the site if so required. The amount of caravan and motorhome storage could be contained via a suitably worded condition to ensure that there is no detrimental impact which would create the potential for an industrial site character. Traffic movements to/from the proposed development will be minimal (as per the existing business) and are unlikely to have any impact or loss of amenity for neighbours.
- 2.22 A further condition could be imposed for the provision of additional planting to soften the edge of the development together with the treatment of the external surfaces of the containers with, for example, a dark green finish. The overall effect of which would be to reduce the visual impact when viewed from within the site. The application of a single paint finish to all the containers would add to the uniformity of the containers and thus reduce the visual impact further.

3. PLANNING CONTEXT

- 3.1 The site is situated approximately 1.2km from the centre of Hawick and comprises a small portion of the wider Greenbraehead Farm with an area of approximately 5016 sq.m.
- 3.2 The farm is currently used as a livery farm for horses and the proposed site is used as a stack yard / general storage area for the farm. There are no permanent buildings or features on the proposed site.
- 3.3 The farm and farm yard is accessed from a minor road named Lovers Loan which in turn connects to the B6399. There is also a private track which continues through the farm yard (passing the proposed site) in a northerly direction and links to public road D21(Area 3) Wellogate to Ormiston.
- 3.4 The site is situated approximately 217m to the west of Liddesdale Road (B6399) and separated by significant mature planting along the western boundary of the site. Also to the west is Slitrig Water which meanders from the site into Hawick as well as to the south. Land levels at the site are approximately 144m AOD with land rising significantly to the north, east and south, but slopes gently down to the west.

Figure 1: Aerial View of Property



Source: Google Earth

Figure 2: Wider Context View of the Site



Source: Google Earth

Figure 3: Aerial View of Site



Source: Bing Maps



Related Planning Policy

- 3.5 Within the Report of Handling the Planning Officer has concentrated their determination on Policy ED7: Business, Tourism and Leisure in the Countryside, of the adopted Scottish Borders Local Development Plan:

Policy ED7 states:

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

a) the development is to be used directly 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 where relevant, it 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 be reasonably accommodated within the Development Boundary of a settlement.

- 3.7 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.

d) the development meets all other siting, and design criteria in accordance with Policy PMD2, and

e) the development must take account of accessibility considerations in accordance with Policy IS4.

Material Considerations

- 3.8 Other material considerations that should be taken into account in the determination of this proposal include:





Scottish Borders Local Development Plan

Policy PMD1: Sustainability seeks to ensure sustainability principles which underpin the Plan's policies and which should be incorporated into development proposals. The following principles should be incorporated;

- a) *The long terms 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*
- j) *The support of 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 PMD2 determines that all new developments will be expected to be of a high quality in accordance with sustainability principles, design to fit with Scottish Borders townscapes and to integrate with its landscape surroundings.

Scottish Planning Policy

3.9 The SPP introduces a presumption in favour of sustainable development. The planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place.

3.10 Paragraph 79 requires that plans should set out a spatial strategy which:

- *reflects the development pressures, environmental assets, and economic needs of the area, reflecting the overarching aim of supporting diversification and growth of the rural economy;*
- *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;*





PAN 73 Rural Diversification

- 3.11 The PAN highlights that Scottish Ministers are committed to supporting rural life, rural communities and the rural economy and highlights how the planning system can assist in rural diversification by:
- *promoting diversification through development plans;*
 - *giving sound and helpful advice;*
 - *encouraging sustainable diversification;*
 - *addressing issues of accessibility, infrastructure, scale and design; and*
 - *recognising individual circumstances.*
- 3.12 Paragraph 11 determines that in its simplest terms rural diversification means the establishment of new enterprises in rural locations. This can mean existing businesses entering into new areas of activity or the creation of entirely new enterprises.
- 3.13 The PAN further goes on to states that there are many activities that make a valuable contribution to the rural economy that are less immediately obvious such as large scale industrial activities like quarrying and waste disposal, hydro-electric schemes and wind turbines, as well as light industrial activities such as repair shops and machinists. The fact is that, although they may sometimes take a different form or be delivered in unique ways, nearly all of the businesses and services we find in urban areas can be found to some extent in rural areas. When planned well, all of these activities can contribute to the diversity of rural Scotland.
- 3.14 Successful diversification means supporting existing businesses and traditional activities whilst embracing innovation, new activities and new business ideas.



4. GROUNDS OF APPEAL

- 4.1 The reason for refusal is outlined in chapter two. It centres on the belief that the application fails to comply with Policy ED7 of the Scottish Borders Council Local Development Plan (2016) insofar as:
- *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 of a settlement.*
 - *The siting and operation of a commercial storage facility would be highly unsympathetic to the rural character of the surrounding area.*
- 4.2 Our response to the reason for refusal forms the Grounds of Appeal and which are now listed below. These should be read in conjunction with comments made in relation to the Planning Officer's Report of Handling in Section 2.

GROUNDS OF APPEAL

GOA 1

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 of a settlement

- 4.3 With regards to the above stated reasons for refusal we would like to point out the representation received by the Council's Economic Development department which stated:
- This would appear to be a diversification of an agricultural business and assume it is to support a demand from householders... The Economic Development section has no objections.*
- 4.4 It would appear that the case officer directly contradicts the support offered by the Economic Development department, with regards to location and rural diversification, and puts forward no reasons for this departure.
- 4.5 The provisions of PAN 73 are highlighted above and in particular we would reiterate the belief that successful diversification means supporting existing businesses and traditional activities whilst embracing innovation, new activities and new business ideas. In light of this, the proposal should therefore be welcomed as an innovative rural diversification of the existing agricultural business and deemed acceptable in this regard.





- 4.6 Whilst it is acknowledged that the Council deem this to be a ‘commercial operation’, this opinion alone does not justify the refusal of the application. It should be noted that a ‘commercial operation’ and ‘rural diversification’ are not mutually exclusive descriptions and a development can fall under both categories. It is emphasised that this is the case for the determination of this proposal.
- 4.7 Furthermore, it is stressed that rural diversification is supported at both the National and Local planning policy level and should be viewed favourably as such.
- 4.8 It is unclear why the Council believe that this site would be more appropriate within the settlement boundary. The nature of the site currently is for storage in association with the existing farm operation. The applicant therefore seeks to diversify their existing farm operations to allow for the use of the storage yard for caravans and mobile homes during the “off holiday” season and potential use of the storage containers for parties requiring long term storage.
- 4.9 We would strongly contest the assertion by the Planning Officer that the use would be better located within the Settlement Boundary. Furthermore, we would counter this argument by stating that there are no available suitable sites within the settlement of Hawick and the proposal could therefore not be located within it’s boundary. The following is a directory of sites identified within the adopted Local Development Plan for Business and Industry;

Table 1: Hawick Industrial Property Directory

Property Name	Comments
Allocation Reference – ZEL49	
Barrie Knitwear	Occupied
Howdens Joinery	Occupied
Screwfix	Occupied
Turnbull and Scott	Occupied
Proposed Bonded Warehouse	Application Ref: 17/00595/FUL
Dove Builders Merchants	Occupied
McLeod Glass	Occupied
Jewsons Builders Merchants	Occupied
2 nd Hand Car/Van Sales (Redpath Construction)	Occupied
Stone Mason	Occupied
Building Supplies (Border Hardware)	Occupied
SBC Recycling Depot	Occupied
Allocation Reference – ZEL62	
TMS Motor Spares	Occupied
Former Mill Building	Occupied



FERGUSON PLANNING



Large Open Yard – Emtelle Ltd	Occupied
Allocation Reference – ZEL50	Area at Risk of Flooding
Various Small Commercial/Industrial Units including:	
Hawick Plant Auctions Ltd	Occupied
Mansfield Workshops	Occupied
GM Brown and Sons (Joiners and Contractors)	Occupied
J Telfer (Blacksmith)	Occupied
Craig Motors	Occupied
Johnson’s of Elgin	Occupied
6 No Units to the rear of Former Woodcocks Factory	Occupied
Former Woodcocks Factory	Vacant
Knitwear Factory	Occupied
Eastfield Road	Vacant Site – Not owned by applicant and not large enough for current proposal. Adjacent to river and at risk of flooding.
Allocation Reference: ZEL51	
Lochpark Industrial Estate	Various small commercial/industrial businesses – no vacant or developable land.
Allocation Reference: ZEL52	
Lyle and Scott Factory	Occupied
Hawick Knitwear Factory	Occupied
Allocation Reference: ZEL48	
House of Cheviot Ltd	Occupied
Scottish Borders Art Glass	Occupied
Caledonia Mill Shop	Occupied
Protech	Occupied
Blair and Patterson	Occupied
Roxburghe Windows and Doors	Occupied

4.10 As can be seen within the above table, there are currently no options for available for the proposed development within the settlement boundary of Hawick. The applicant requires an approximate site area of 5016 sq.m, as described within the application, to accommodate the proposed development.

4.11 Many of the sites within the settlement boundary are subject to a high-medium risk of river flooding and would therefore be unsuitable for the proposed development. It is acknowledged that, as highlighted by the Council’s Flood Protection Officer, the risk to the proposed site is from surface water flooding only. However, the officer accepts that *“this is a small scale development that is unlikely to affect local flooding problems and I would not oppose it on*



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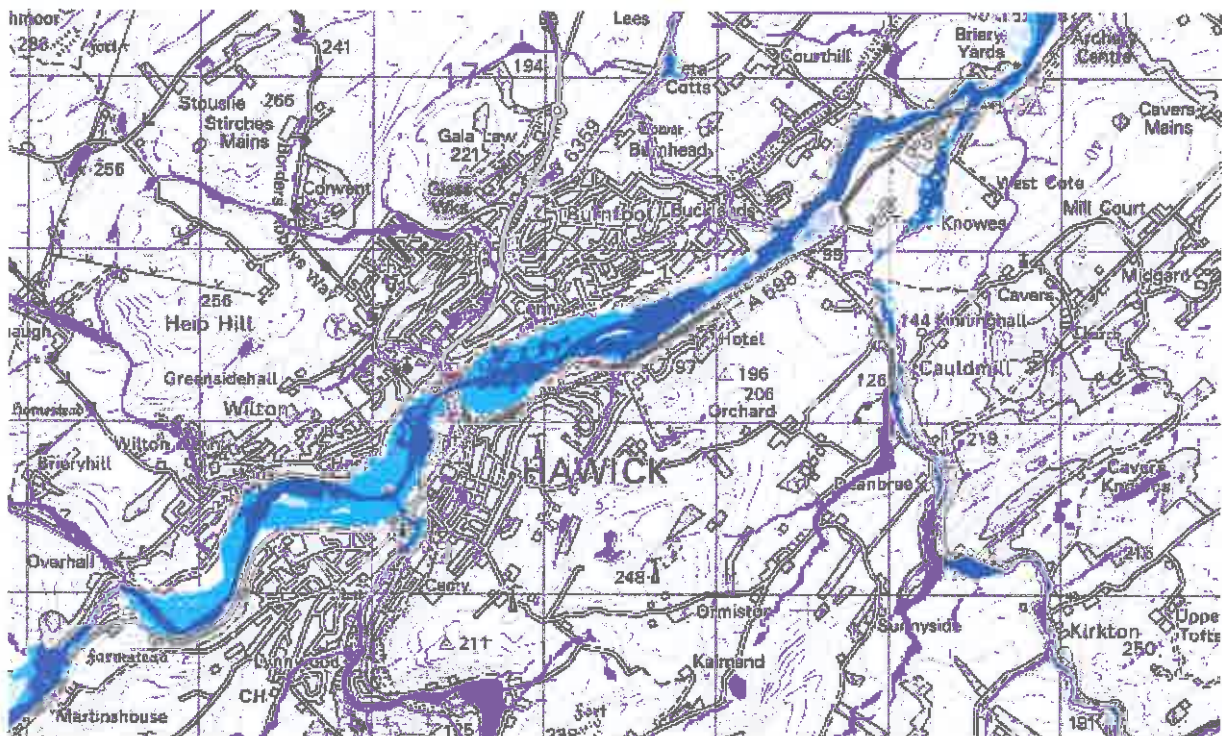
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flooding grounds.”.

- 4.12 The following figure is an extract taken from the SEPA Flood Map and demonstrates that the Industrial sites within the settlement boundary are subject to flooding;

Figure 4: SEPA Flood Map



Source: SEPA

- 4.13 The Planning Officer points to the applicant’s current site at Commercial Road which has permission for storage containers as a viable option for the proposed development. However, they fail to take into consideration that this site is currently on the market and no longer available for the applicant’s proposal. Furthermore, the proposal seeks to allow the parking of caravans and campervans in the “off season”. This requires a higher level of security and surveillance than can be offered at the Commercial Road premises. It is considered that the applicant will be able to offer the comfort of a secure, location for those leaving caravans, as well as to any person who may wish to utilise the storage containers.
- 4.14 This is one of the operational requirements of the development which would demonstrate a requirement for a location not within the settlement boundary. In addition to the acceptance of the Economic Development team that the proposal would constitute ‘rural diversification’, it is considered that the proposal entirely complies with Local Development Plan Policy ED7 in this



regard.

- 4.15 Whilst it is accepted that all planning applications should be determined on their own merits, it is also important to understand the planning context of the local area. We would therefore like to point to the Caravan Storage site located at Courthill Farm. This is approximately 850m to the north of the settlement boundary of Hawick. The farm benefits from two permissions for the storage of caravans: 05/01870/FUL and a later extension to the business under reference 09/00871/FUL. The granting of these permissions illustrates that the Council have previously been willing to accept this type of development as suitable within a countryside location.
- 4.16 It is therefore unclear from the Officer's summary, why it is considered that this proposal would be more appropriate within a settlement boundary and no justification has been provided as to why this would indeed be the case.

GOA 2

The siting and operation of a commercial storage facility would be highly unsympathetic to the rural character of the surrounding area.

- 4.17 There is extremely limited visibility of the site from the surrounding area and to suggest that the proposal would be 'highly unsympathetic' is in our opinion incorrect. Given the undulating nature of the local topography and presence of existing mature planting, the site is substantially screened from public vantage points. Indeed, as shown on Figure 5 below (Shown in Blue), there is a single section of road measuring approximately 147m from which the site could be viewed from.



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Figure 5: Blue section of road indicates the long range views of the site



Source: Google Earth

- 4.18 Snapshots from vantage points have been provided in Figures 6 – 8. View 1 is from the road to the north, identified as the D21(Area 3) Wellogate to Ormiston road. It is evident that the site can be viewed from this location, however given the limited length of road from which it is visible and the likely speeds which will be travelled along this road, the potential visual impact will be low.

Figure 6: View 1 - site from D21 to the north



Source: Google Maps

- 4.19 Figure 7 is taken approximately 585m from the south of the site which is the closest southerly road. It is evident that the sloping nature of the surrounding area restricts any views of the farm and the proposals will not be able to be viewed from this location.

Figure 7: View 2 - from the South



Source: Google Earth

- 4.20 Figure 8 is from the B6399 to the west. This is the main arterial road joining Hawick with settlements further south. There is no direct view of the application site from this location due to the existing mature planting.

Figure 8: View 3 - from B6399 to the west



Source: Google Earth

- 4.21 The above demonstrates that there will be limited visual impact from the proposed development on the surrounding rural area.
- 4.22 Furthermore, the siting of the storage containers has been carefully considered to ensure that their overall potential impact would be minimised. The containers are to be located close the existing farm buildings to form a compact group of development. It is asserted that this siting will enable the provision of development which is consistent with the agricultural nature of the existing on site operations.
- 4.23 The yard is currently an agricultural stacking and storage yard which is used to store agricultural vehicles which includes equine lorries and hay/straw trailers. These are of a similar scale and mass to the proposed storage containers, thus resulting in a limited visual change to the site and a non-demonstrable impact on the character of the surrounding area. The proposal could therefore not be deemed as highly unsympathetic and we strongly contest this conclusion by the Council.
- 4.24 The (General Permitted Development) (Scotland) Order 2011 in principle allows for the provision of agricultural buildings of up to 465 sq.m and up to 12m in height. This would create a far greater visual impact should such a structure be constructed and as such it is considered that the scale of development being proposed is relatively modest and in keeping with the scale of



the existing farm operations.

- 4.25 No objections were raised by consultees to suggest that the proposal would be unsympathetic to the character of the rural area. The Economic Development response states that:

The site appears set back such that it will not be substantially visible from the public road.

- 4.26 It is therefore considered that the proposed development would not substantially alter the character of the existing area and would not create an industrial development within the rural location. The existing extensive screening that is available will ensure that there would be no significant change to the landscape character of the site from the wider area and would indeed only be predominantly evident once within the site.



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5. CONCLUSION AND SUMMARY

- 5.1 We believe that the subject site represents a sound location for the provision of storage containers and a storage yard for caravans and motorhomes. It is asserted that it does not conflict with the character of the area and represents a suitable rural location which would allow for rural diversification of an existing livery business.
- 5.2 There have been no statutory consultee objection to the proposal and we believe that the proposal, for reasons outlined in the 'Grounds of Appeal', provide more than sufficient evidence to show compliance with related planning policy and an operational need for the proposed development in this rural location.
- 5.3 Taking the 'Grounds of Appeal' noted within Chapter 4 we therefore respectfully request that this appeal be allowed.



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