

**From:** Patricia Houston [REDACTED]  
**Sent:** 22 May 2018 14:50  
**To:** localreview  
**Subject:** APPEAL REFERENCE: 18/00013/RREF

PLANNING REFERENCE: 16/01371/FUL  
APPEAL REFERENCE: 18/00013/RREF  
Agricultural Buildings, South East of Merlewood, Hutton Castle Barns, Hutton

In the Part III Report (incorporating Report of Handling) relating to the above application which is now subject to an Appeal I wish to comment on the statement in the third party objections :  
*"The lowest point of the development site is the north east corner which then discharges under our yard through the wood to a drain in one of our fields. Both the drain under our yard and the field drains are under our control. These drains need repaired, upgraded or replaced and access to these will not be permitted for improvement works required for developing this site. I question the applicant's proposal that a septic tank will discharge to soakaway. By definition a soakaway has to discharge somewhere, I can confirm any new septic tank will not be allowed to discharge to our land"*

This statement suggests that the wood is part of the yard associated with the grain store. For clarification I own the wood and would therefore give the developer permission to lay pipes through the wood to other land which I own. The MacLeans only own the grain store and yard and I control the land around them.

James Houston



**AGRICULTURAL BUILDINGS, HUTTON CASTLE BARNS, HUTTON, TD15 1TT  
CHANGE OF USE OF AGRICULTURAL BUILDINGS AND ALTERATIONS TO FORM NO 12  
DWELLINGHOUSES.**

**16/01371/FUL**

**Appeal Reference: 18/00013/RREF**

As one of the closest residents to the potential development and the seller of the development site subject to receipt of planning, to Mr G Bain the developer, I am writing to provide some clarity on this application and the way that it is being presented by others. For ease I have addressed the key issues and concerns that I have with regard to the information that has been presented under five headings (Purported future use of the Grain Store, Objectors V Supporters, Conflicts with a working farm, Drainage, and Planning rules and governance). My understanding is that Mr Bain had discussions early on in the planning process with Lucy Hoad (the former planning officer for this application) regarding procedures that required surveys and also contributions such as schools. It was understood that these matters would be dealt with by conditions if approval was granted.

As per the rules set out by the Council I request that this application is reviewed in relation to the relevant planning policies and the material that is considered directly related to the application. It is important to keep in mind that any application would rarely be able to meet all the matters set out in planning policy and guidance especially when dealing with the conversion of existing buildings.

The current condition of these buildings is becoming poor. Unless something is done as a matter of urgency these 19<sup>th</sup> century buildings will be lost forever as they are currently of no use for agriculture, and if this application is rejected then there is no scope for any regeneration in any form.

I wish to reiterate that I believe the overall design approach of this proposed development is to respect the surviving fabric of the farm buildings and to adopt a contemporary approach to new openings etc, which is indeed endorsed by the Built heritage and design officer, as well as the Community Council.

**Purported future use of the grain store**

Following the significant number of poultry sheds erected in the area, containing some 100,000 birds within a 0.5 mile radius of the development site, and a further 32,000 hen shed in the planning process, I feel that a better residential to agricultural balance is required.

The planning approval of these poultry developments does not comply with current legislation with regard to recommended distances of poultry sheds to housing. As such I can only assume that the Environmental Health recommendations do not carry a significant weighting when reviewing / approving planning applications,

As much as I feel that the purported introduction of "pigs" to the area does not relate to this application I must briefly touch on it due to the amount of times others have chosen to refer to it. Following receipt of the Environmental Health recommendation, I understand that one of the proposed developments (closest to the current grain store) within this application has been omitted meaning that there are now no NEW properties within a 20m radius of the "grain store".



With regards to this application, Environmental Health has stated that they class the threat of siting pigs in the "grain store" as a potential nuisance, for which current legislation exists in terms of section 79 of the Environmental Protection Act 1990 to protect the public from the impacts of statutory nuisance. No pigs are in residence or in fact have ever been in residence during the 40 years existence of a grain store – once again is it fair that a "possible" potential purported future use can be used as the main angle to attempt to stop the development?

As can be seen from the attached photograph (appendix 1), the existing house, Merlewood, is located less than 20m from the existing grain store and as such I believe that the concerns raised by Environmental Health should be directed at the owners of the grain store regarding the potential future use and not at this planning application. The planning officer appears to support this position when he refers to the Merlewood development (2002) and states that the *"intensive agricultural uses in the grain store would affect the occupants of this house"*. However he does go on to state that *"the 2002 application differs from the current proposal in a number of respects. In the 2002 case the applicant is understood to have been engaged in an agricultural business in the locality, and appears to have understood the local circumstances and potential nuisance impacts that could arise at the site. This in turn appears to have swayed the Committee to approve that application."* If this had been the case then surely there would have been an Agricultural Tie restriction or some form of condition placed on the approval. There was not, and Mr Davidson was and still is entitled to sell to anyone if he so wishes.

Setting aside the possible potential future use of the grain store I wish to reaffirm that this review should deal with the relevant planning policies and any material fact that is considered directly related to the application. I do not believe a "possible" future use falls within this category.

#### **Objectors V Supporters**

The summary report presented by the planning officer does not provide a fair or reasonable representation of the objectors/ supporters, and could in fact be regarded as selective.

With regards to the number of supporters and objectors (13 for and 6 against) surely the focus should be on the impact to the local area and as such should discount anyone who either supports or opposes the development, who lives at a distance greater than 0.5 mile from the development site as this will not / cannot be seen to impact on their daily lives.

As can be seen on the attached plan (appendix 2), there are 11 properties within a 0.5mile radius of the proposed development, who are the "locals" who would be directly impacted by this development. The statistics are as follows:

18% objectors

55 % supporters

27% passed no comment

These statistics show that the majority of the locals are a) interested in this application by the nature of the responses to the planning application, b) support this application and c) do not directly oppose the application.

This development is currently supported by the local population, the Community Council, the Roads department, Ecology, Built heritage and design and Archaeology with the only objectors within a 0.5 mile radius of this development being the MacLean family who claim that this development is a conflict of interest to their current future farm expansion plans.



All applications have to be considered on their own merits and considered in the context of the surroundings. Although the farmer says that they have "their plans" for the adjacent land, it will be difficult to take this into account, there is no getting away from the fact that they can continue to use their land for agricultural purposes and this may potentially cause conflict.

#### **Conflicts with a working farm**

The photos provided by the objectors do show machinery and bales up against the existing buildings, which is not something that should be dealt with through the planning system. Although, it could be argued that the placing of the bales is no different to a large vehicle parking next to buildings that are hard up against a street in a residential development.

The re-use of any listed building can only be an advantage when considered against any potential detrimental amenity issues and it is not uncommon for people who live in the countryside to be occasionally disturbed by farming related activities.

With regard to access to the development, I note that the farmer states that the new development would conflict with the operations of a working farm as the north yard is an integral part of the farming business. Careful consideration has gone into the design of this development and there will be no impact on the north yard as all means of egress are integral to this proposed development. Hutton Hall Barns currently manages to balance the conflict of a working farm and housing by the nature of their own steading split into two areas with their 2 farmhouses, the roadside cottages and numerous members of the public collecting eggs from the bothy situated on the roadside at the entrance to their farm steading – all of this in closer proximity to their own steading entrance than the proposed development would be to their north yard entrance

Other local planning history is also relevant to this point. In 1990 a proposed housing development on the east side of the steading range was refused planning permission and also dismissed on appeal to the Scottish Office. This was on the basis that as the owner of the roadside wall I was not prepared to allow access through to the proposed development. This meant the only access was through the yard and as such was considered unsuitable. The current proposal has no shared access through the yard with all access coming directly from the public road.

The inclusion of the new proposed access points to this development would divorce the site from the adjacent yard. In terms of parking it should be noted that the existing area proposed for car parking is already an area of hard standing so does not detract from the setting of the listed buildings. Design is subjective to a degree and the application is not dealing with new builds. Any potential issues relating to parking, turning circles etc... can be addressed during the detailed design stage. It would be wholly unreasonable to expect homeowners and visitors to reverse on to the public highway and as such the appropriate turning arrangement would be incorporated into the development.

#### **Drainage**

It should be recorded that I own the wood to the north of the grain store together with an access strip between the steading and Merlewood and, if required, a drainage system could be installed from the development that will not cross any of the farmer's land, this is shown on the attached sketch (appendix 3) detailing an indicative drainage route.

However, there are many various solutions to deal with this via either a self-contained sewage plant (SAF plant or similar) or via a septic tank with soak away into the current steading drainage system, issues such as private and legal access are not material planning considerations and the issue regarding the state of the current field drainage is irrelevant to this application.



### **Planning rules and governance**

Policy HD4 of the SBC local development plan identifies that there is a shortfall in housing and that the redevelopment of existing buildings would assist in meeting this shortfall.

The supporting text to the "LDP policy HDP Housing in the Countryside" states that the policy also aims to allow for the appropriate conversions, restorations and replacement in the countryside (para 1.1) part C of this policy sets out the criteria for assessing conversions – this proposal meets all these requirements.

Although there will be a number of downtakings / interventions to the current buildings the farm steading will continue to look, read and be understood as originally intended when constructed, especially when viewed from the public road.

The proposed alterations do not in any way diminish the characteristics and integrity of the steading development. This is supported by the LDP policy EP7: Listed buildings. In my opinion this proposal complies with this policy.

The New Housing in the Countryside document referred to is non-statutory supplementary planning guidance. i.e. guidance and following the adoption of the Local Development Plan is now out of date. However, it still does contain matters against which the Council will need to assess the application.

There is much to consider in relation to this development, the need for housing , the preservation of a historic steading, the re-generation of a local community, and the balance of residential and agricultural development, the creation of much needed local employment during the development along with potential opportunities for apprenticeships for young adults.

The application is certainly not categorised as a major one (12 houses) as stated by some objectors. It is also important to keep in mind that an application would rarely be able to meet all the matters / criteria set out in planning policy and guidance. This is especially true when dealing with the conversion of existing buildings, however I feel that proposal meets all of these requirements.

J A Houston

Hutton Castle Barns, Hutton, Berwick-upon-Tweed, TD15 1TT

7<sup>th</sup> June 2018



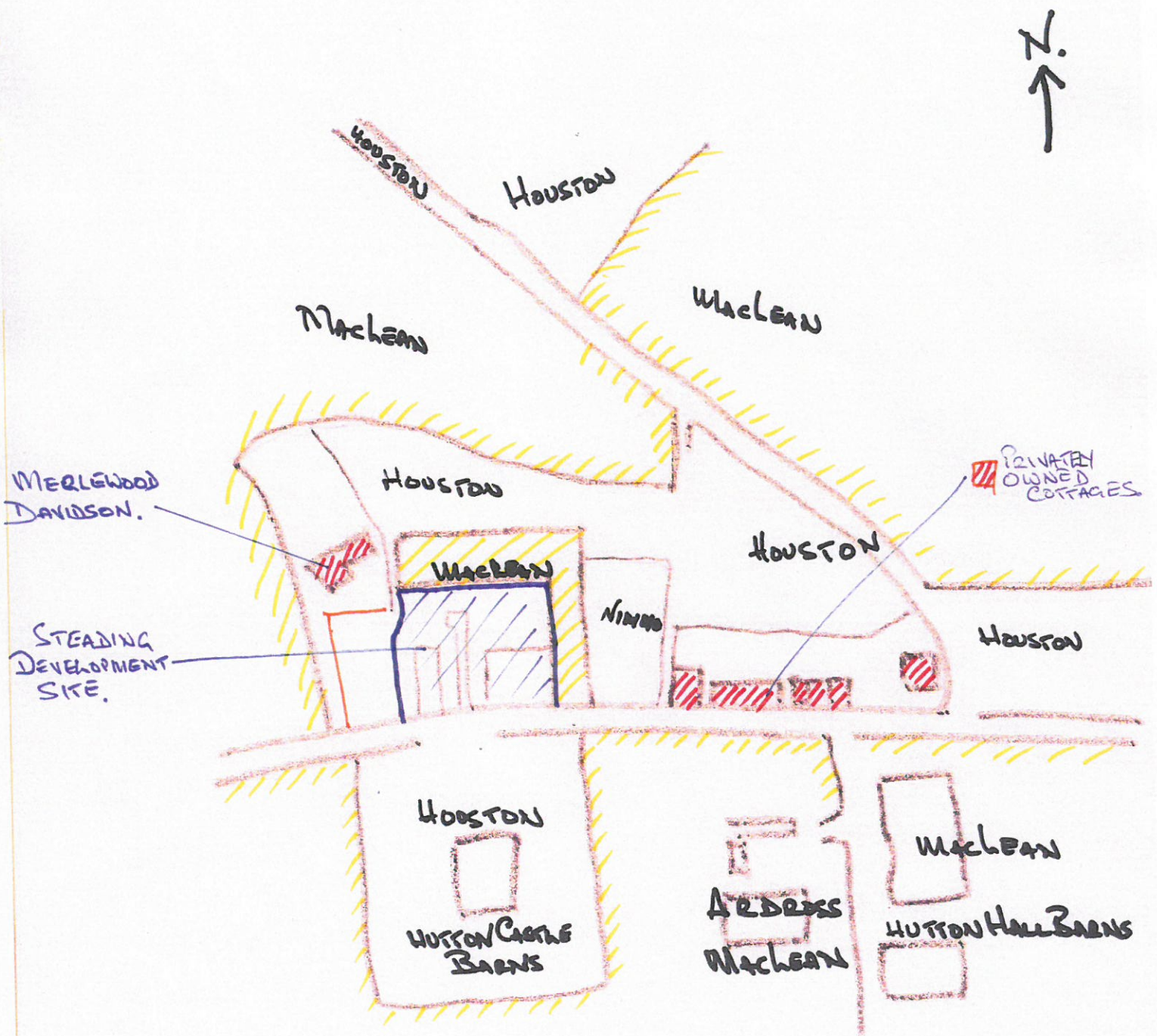
> World - United Kingdom

Feedback





# APPENDIX 2. SURROUNDING PROPERTIES.





# APPENDIX 3

## DRAINAGE ROUTE.



