

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 18/00929/PPP
APPLICANT : Mr and Mrs Eric Forster
AGENT : Ferguson Planning
DEVELOPMENT : Erection of dwellinghouse
LOCATION: Land North East Of Ladywood Lower Greenhill
Selkirk
Scottish Borders

TYPE : PPP Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
	Location Plan	Refused

NUMBER OF REPRESENTATIONS: 0
SUMMARY OF REPRESENTATIONS:

No representations.

Roads Planning Section: no objection in principle providing conditions are imposed, to address its stated concerns. The existing access to the field has satisfactory visibility north east, but has poor visibility south. Conditions are recommended to require the provision of a service lay-by; manage surface water drainage; the provision and retention of parking areas; and achievement of visibility plays. An informative with respect to working within the public road boundary is also noted.

Transport Scotland: does not propose to advise against.

Education and Lifelong Learning: no contributions sought for local education facilities.

PLANNING CONSIDERATIONS AND POLICIES:

LOCAL DEVELOPMENT PLAN - Adopted Scottish Borders Local Development Plan (2016)

PMD1: Sustainability
PMD2: Quality Standards
HD2: Housing in the Countryside
HD3: Protection of Residential Amenity
IS2: Developer Contributions
IS3: Developer Contributions Related to the Borders Railway
IS7: Parking Provision and Standards
IS9: Waste Water Treatment and Sustainable Urban Drainage

SUPPLEMENTARY PLANNING GUIDANCE

- Placemaking and Design (2010)
- Development Contributions (2016)
- New Housing in the Borders Countryside (2008)

Recommendation by - Stuart Herkes (Planning Officer) on 23rd August 2018

SITE DESCRIPTION, PROPOSED DEVELOPMENT AND PLANNING HISTORY

This application proposes planning permission in principle for a new house at Lower Greenhill. More specifically, the site is undulating agricultural land to the north, east and south of 'Ladywood'; to the north and east of 'Fauldsrig'; and north and west of 'Stainie Brae'; which are the three most northerly properties within the building group at Lower Greenhill. Part of the site; the area to the south of 'Ladywood'; lies adjacent to the public road, and includes an existing field access.

A supporting statement has been provided, which advises that 'Ladywood' is owned by the Applicant, and 'Fauldrig' by a relative. It considers that Lower Greenhill is a building group capable of augmentation by one new house, and considers that the proposal would be well-related to this building group in being contiguous to three existing properties and being on an equivalent level to these same properties, contained topographically within the same enclosing landform. With regard to amenity and accommodation within its landscape setting, it is pointed out that there are already established hedges and property boundaries to accommodate it, where it lies adjacent to existing properties. Further, the plot is sufficiently large to allow the distances of set back recommended by the Council's own Supplementary Planning Guidance to be adhered to. It is advised that the property would be served by an existing private water supply, and that private drainage arrangements can be accommodated on land to the northwest within the Applicant's ownership. It is advised that it is the Applicant's intention to propose a design in line with rural design principles, including the use of natural slate.

An indicative layout is described on the Proposal Drawing which describes a private driveway to the south of 'Ladywood' and north of 'Stainie Brae', winding around the southeast corner of 'Ladywood' to a garage at the back (eastern extremity) of the plot, with the house shown to the north of this.

No supporting business case has been provided in support of this planning application to demonstrate that the house is proposed to address a direct operational requirement of any agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside; nor that it would be accommodation for a worker who is both predominantly employed in such an enterprise and whose presence on-site is essential to the efficient operation of the same, or a person who was last employed in such an enterprise.

PLANNING POLICY CONTEXT

There is a building group at Lower Greenhill. In the most recent consideration of the extent and definition of this building group - within the Report of Handling on Planning Application 13/00393/PPP - the Planning Department advised that the building group extends from 'Fauldsrig' in the north, to Lower Greenhill Farm in the south. There are two residential properties within the aforementioned farm, the most southerly of which is 'New Greenhill'; and then three dwellings to the north, of which the aforementioned 'Fauldsrig' is the most northerly. As such, the building group so defined, encompasses five residential properties, which are, from north to south: 'Fauldsrig', 'Ladywood', 'Stainie Brae', 'Dryden' and 'New Greenhill'. I am content that this is still reasonably the current extent and definition of the building group.

No new dwellings have been approved since the start of the current Local Development Plan period. With the completion of 'Stainie Brae', it is accepted that there is potential in principle for the existing building group at Lower Greenhill to be augmented by up to two additional new-build properties during the current Local Development Plan period in accordance with the requirements of Section A of the Policy HD2 of the Approved Local Development Plan. However, and in accordance with the same Section (A) of the same policy, there is an ulterior requirement to consider the specific proposals, and consider whether or not what is specifically proposed here, would in fact be an acceptable addition to the building group.

Beyond the building group being capable of being augmented by up to two additional dwellings during the Local Development Plan period, Section A of Policy HD2 requires: (i) that the site should be well related to

that building group; (ii) that the cumulative impact of new development on the character of the building group, landscape and amenity of the surrounding area should not cause unacceptable adverse impacts; and (iii) that the proposal should be appropriate in scale, siting, design, access, and materials, and should be sympathetic to the character of the building group. It is a further requirement under Policy HD2 relating to all Sections of the same policy, including Section A, that there should be compliance with the Council's Supplementary Planning Guidance where it meets the terms of Policy HD2 and development must not negatively impact on landscape and existing communities, including any cumulative effects.

ASSESSMENT UNDER POLICY HD2

At present, the building group takes a relatively linear form; orientated north to south; in alignment with, and directly accessible from, the eastern side of the public road. As the Applicant notes, the Planning Authority has previously identified the latter as constituting the western extent of the group, with the northern and southern extremities being defined by the curtilages of 'Fauldsrig' and 'New Greenhill' respectively.

The current proposal proposes a new house to the east of the existing building group; specifically to the north and east of the three most northerly of the existing residential properties. It would not be within any alignment with these or any other properties within the building group, instead, it would be set back behind the line of existing dwellings, further to the east, and at notably greater distance from the public road than any existing dwellings. The only building within the building group which occupies any equivalent position is a single farm building at Lower Greenhill Farm, to the south. This farm building lies behind another farm building, and is moreover at a notably higher level in the landscape relative to the building group, which lies downslope and to the west of it. As such, this farm building - which is patently not a residential building or capable of conversion to any such use - reasonably lies out with the building group. The application site lies to the north and downslope of this farm building. Although it is notably lower in the landscape than the site of the aforementioned farm building, the application site would still occupy a notably recessed position relative to the public road in comparison to the remainder of the building group, essentially behind the existing building group, where there are currently no houses similarly or equivalently located. Any house so sited, would not be accommodated in any way that they could be directly accessed off the public road or face towards the public road in common with all other existing properties within the building group. Instead it would be accessed off its own private driveway. As such, the proposed houses would be accommodated in a 'backland' situation relative to the existing houses, and in circumstances where there are no equivalent existing or consented dwellings in any similar relationship or setting.

As noted above, the Applicant considers that the site inhabits the same enclosing land form as the building group. This however, relies on a somewhat tendentious assessment of what the enclosing land form actually is, and where that particularly stops and starts within the vicinity of the building group. There is a cincture of surrounding land of notably higher relief to the north and east, but this does not rise sharply outside of the application site; on the contrary, levels rise perceptibly across the site, towards these areas of higher relief. Furthermore, the application site itself is not itself at all level, and is in fact notably undulating, albeit that this occurs itself within a general rise in levels from west to east. There are also no existing shelter belts or other features that might properly and conclusively provide any sharp sense of enclosure, or definition, of the site and building group occurring within the same enclosure. On the contrary, the land climbs perceptibly from the building group - through the application site - to adjacent land and the aforementioned areas of relief, without the introduction of any pronounced break in levels or any screen of trees or other strong natural or landscape feature that might reasonably provide any containment. It is ultimately the lack of definition and any strong sense of visual containment that characterises the site and its general vicinity to the north and east. If anything, it is more reasonably characterised as a fairly unremarkable constituent of the wider setting of Lower Greenhill; part of the open and undulating upland landscape which prevails to the north and east of the building group.

The proposal would be a somewhat arbitrary 'backland' addition to the existing building group, with an elongated driveway contrived to accommodate a development within the open and undulating upland landscape setting behind Lower Greenhill. In allowing one such addition, there would be a risk that this might promote further applications for dwellings in similar backland situations to the proposed, and the position would certainly be less defensible in future, were one property to be allowed to inhabit this situation. There is no 'second line' of houses to the east of the building group at present, and no basis for accepting that the building group should be expanded in this direction and in such a 'backland' character. Lower Greenhill is a single linear building group based on a farmyard and adhering to the public road. The proposal would contradict this essential character of the existing building group.

It occurs that part of the site; specifically that area to the south of 'Ladywood' and west of 'Stainie Brae'; does fit well enough with the form of the building group in so far as it is an area of land which in common with these two neighbouring properties, would actually front, and be accessible from, the public road. However, this section of the site is a particularly constrained area of land spatially (the Applicant only proposes to run the driveway through it) and any housing development here would be liable to appear shoe-horned into this site, were any dwellinghouse to be sited in this particular area. Moreover, any house so sited, would be liable to have an unacceptably adverse impact upon the amenity of 'Stainie Brae', in that there is no existing opportunity to screen views to and from that dwellinghouse which lies to the immediate south and east. In short, it is not reasonably an opportunity to accommodate a new separate dwellinghouse.

I note the Applicant's reasonable assessment that the site as proposed, could accommodate a house without this being liable to have any unacceptable impacts upon the amenity of any surrounding residential properties (primarily due to the ability to achieve appropriate distances of set back from neighbouring dwellings) but this is not in itself a material consideration that outweighs, or should outweigh, the above noted concerns with respect to the proposal being an unsympathetic addition to the building group in its siting.

In summary, what is proposed is highly unsympathetic to the form and sense of place of the building group at Lower Greenhill. It would result in a form of development that would have a backland character of development; and in being accessed along a private driveway, it would be accommodated in an overly-contrived and arbitrary way in obvious contradiction to the established character and setting of the building group. As such, it would be highly detrimental to the visual amenities of the site, the building group and the surrounding area, and on this basis, the application should be refused.

OTHER CONCERNS

In the event that the application were supported, the detailed design and layout of the site, and the landscaping of the site could be regulated under standard PPP conditions, as the Applicant anticipates. Details with regard to the accommodation of the properties within this landscape setting would be needed; specifically details about existing and finished levels.

With respect to access, I note that the Roads Authorities do not have any objections in principle, and that the Roads Planning Section considers that its concerns might be regulated under planning conditions. The Applicant as the owner of 'Ladywood' would appear to have sufficient control over the proposed access and surrounding area, as to manage the achievement and maintenance of the requisite visibility splays.

The private water supply and drainage arrangements would be capable of being regulated under appropriately worded planning conditions imposed upon any Planning Permission in Principle that might be issued ulterior to this determination.

The required Waverley contribution would be capable of being applied and required by an appropriate legal agreement.

I would note that the Applicant has made comments pertaining to this current proposal in the context of representations made to another planning application, currently undetermined, which also proposes development to the east of the existing residential properties at Lower Greenhill (18/00832/PPP). However, while there are liable to be the same or similar issues within the consideration of that proposal, this other application requires to be determined on its own planning merits, and is not appropriately considered within this planning decision. The Applicant has been concerned particularly, to make comments on this other proposal within representations submitted to the public consultation on the other proposal but which seek to make a comparison between the two proposals, and advising how the current proposal is more respectful of the enclosing land form around the northeastern section of the building group. The other application must be determined on its own planning merits, and there is no requirement in the context of this or the other assessment to reach any conclusions as to which of the proposals is more appropriate or sensitive than the other. Ultimately this is not the determining factor in either case; and each must be determined on its own planning merits in absolute rather than in relative terms. As such, the comparison the Applicant wishes to make in that context, is fundamentally redundant.

The indicative layout is not necessarily included amongst the Proposal Drawings since it is not in line with what the Roads Department would seek, and in the event of approval, the exact layout of the site would be more reasonably considered in association with any detailed design proposed under an ulterior AMC application.

CONCLUSION

It is not considered that the proposal would be an acceptable addition to the building group in terms of its impacts upon the established character and setting of the building group, and on this basis, it is considered that the application is only appropriately refused.

REASON FOR DECISION :

The planning application should be refused for the following reason:

1) the proposed development is contrary to Adopted Local Plan Policy HD2 and the advice of Supplementary Planning Guidance - New Housing in the Borders Countryside (December 2008), in that: (i) the development is not sympathetic to the character of the building group and would not contribute positively to the sense of place of the existing building group; and (ii) the Applicant has not demonstrated that there is any operational need for new dwellinghouses to be located at the site as a direct operational requirement of any agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside.

Recommendation: Refused

- 1 The proposed development is contrary to Adopted Local Development Plan Policy HD2 and the advice of Supplementary Planning Guidance - New Housing in the Borders Countryside (December 2008), in that: (i) the development is not sympathetic to the character of the building group and would not contribute positively to the sense of place of the existing building group; and (ii) the Applicant has not demonstrated that there is any operational need for new dwellinghouses to be located at the site as a direct operational requirement of any agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside.

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